

Amendment No. 60

Assembly Amendment to Assembly Bill No. 147

(BDR 11-116)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold underlining*** is newly added transitory language.

KEL/BAW



Date: 3/31/2011

A.B. No. 147—Revises provisions relating to the termination of parental rights.
(BDR 11-116)



ASSEMBLY BILL NO. 147—ASSEMBLYMEN MASTROLUCA, OHRENSCHALL; BENITEZ-THOMPSON, DONDERO LOOP, FLORES AND FRIERSON

FEBRUARY 14, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the termination of parental rights.
(BDR 11-116)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to domestic relations; providing that the termination of parental rights does not terminate the right of a child to inherit from his or her parent or parents ~~+~~ except under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, upon finding grounds for the termination of parental rights, a court is required to make a written order judicially: (1) depriving the parent or parents of the custody and control of the child; (2) terminating the parental rights of the parent or parents with respect to the child; and (3) placing the custody and control of the child in some person or agency qualified by the laws of this State to provide services and care to children, or to receive any children for placement. (NRS 128.110) **Section 2** of this bill provides that the termination of parental rights does not terminate the right of the child to inherit from his or her parent or parents ~~+~~ except that the right to inherit terminates if the child is adopted. **Section 1** of this bill makes a corresponding technical change by amending the definition of “parent and child relationship” to delete the reference to the right of inheritance and clarify that the termination of parental rights, which severs the “parent and child relationship,” does not thereby terminate the right of the child to inherit from his or her parent or parents.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 128.015 is hereby amended to read as follows:
128.015 1. “Parent and child relationship” includes all rights, privileges and obligations existing between parent and child. ~~+~~ ~~including rights of inheritance.~~
2. As used in this section, “parent” includes an adoptive parent.
Sec. 2. NRS 128.110 is hereby amended to read as follows:
128.110 1. Whenever the procedure described in this chapter has been followed, and upon finding grounds for the termination of parental rights pursuant to NRS 128.105 at a hearing upon the petition, the court shall make a written order, signed by the judge presiding in the court, judicially depriving the parent or parents

1 of the custody and control of, and terminating the parental rights of the parent or
2 parents with respect to the child, and declaring the child to be free from such
3 custody or control, and placing the custody and control of the child in some person
4 or agency qualified by the laws of this State to provide services and care to
5 children, or to receive any children for placement. *The termination of parental*
6 *rights pursuant to this section does not terminate the right of the child to inherit*
7 *from his or her parent or parents ~~or~~, except that the right to inherit terminates if*
8 *the child is adopted as provided in NRS 127.160.*

9 2. If the child is placed in the custody and control of a person or agency
10 qualified by the laws of this State to receive children for placement, the person or
11 agency, in seeking to place the child:

12 (a) May give preference to the placement of the child with any person related
13 within the fifth degree of consanguinity to the child whom the person or agency
14 finds suitable and able to provide proper care and guidance for the child, regardless
15 of whether the relative resides within this State.

16 (b) Shall, if practicable, give preference to the placement of the child together
17 with his or her siblings.

18 ➤ Any search for a relative with whom to place a child pursuant to this subsection
19 must be completed within 1 year after the initial placement of the child outside of
20 his or her home.