

ASSEMBLY BILL NO. 100—ASSEMBLYMEN EISEN; AND CARLTON

FEBRUARY 13, 2013

Referred to Committee on Judiciary

SUMMARY—Designates five family court judges in counties with a population of 700,000 or more to hear only cases involving child abuse and neglect, adoptions of children in foster care and the termination of parental rights. (BDR 1-532)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 courts; designating five family court judges in certain counties to hear only cases involving child abuse and neglect, adoptions of children in foster care and the termination of parental rights by an agency which provides child welfare services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law establishes a family court division of the district court in each
2 judicial district that includes a county whose population is 100,000 or more
3 (currently the Second Judicial District, which includes Washoe County, and the
4 Eighth Judicial District, which includes Clark County). (NRS 3.0105) **Section 1** of
5 this bill requires the Eighth Judicial District to designate five family court judges to
6 hear only cases involving child abuse or neglect, the adoption of children who are
7 placed in foster care or the termination of parental rights by an agency which
8 provides child welfare services. **Section 2** of this bill limits the jurisdiction of these
9 five family court judges. **Sections 3 and 4** of this bill: (1) clarify that this bill does
10 not affect the current term of any district judge who is a judge of the family court;
11 and (2) provide that five of the district judges who are judges of the family court
12 who are selected at the general election held on November 4, 2014, and who take
13 office on January 5, 2015, must hear only cases involving child abuse or neglect,
14 the adoption of children who are placed in foster care or the termination of parental
15 rights by an agency which provides child welfare services.



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

Section 1. NRS 3.0185 is hereby amended to read as follows:

3.0185 1. For the Eighth Judicial District, in addition to the district judges established pursuant to NRS 3.018, there must be 20 district judges who are judges of the family court.

2. *Five of the district judges for the Eighth Judicial District who are judges of the family court must be designated to hear only cases brought pursuant to:*

(a) Chapter 432B of NRS.

(b) Chapter 127 of NRS, for the adoption of a child placed in foster care by an agency which provides child welfare services.

(c) Chapter 128 of NRS by an agency which provides child welfare services.

3. *As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.*

Sec. 2. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., *and except as otherwise provided in subsection 4*, in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 441A.510 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.



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2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

4. A family court for which a judge has been designated to hear only the cases set forth in subsection 2 of NRS 3.0185 has original, exclusive jurisdiction only in any proceeding brought pursuant to:

(a) Chapter 432B of NRS.

(b) Chapter 127 of NRS, for the adoption of a child placed in foster care by an agency which provides child welfare services.

(c) Chapter 128 of NRS by an agency which provides child welfare services.

5. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 3. 1. The amendatory provisions of this act do not affect the current term of office of any district judge who is a judge of the family court and whose term of office expires on January 5, 2015.

2. Five of the district judges who are judges of the family court who are selected at the general election held on November 4, 2014, and who take office on January 5, 2015, must hear cases only pursuant to subsection 2 of NRS 3.0185, as amended by section 1 of this act, and subsection 4 of NRS 3.223, as amended by section 2 of this act.

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on January 5, 2015.

