

Amendment No. 251

Assembly Amendment to Assembly Bill No. 358

(BDR 11-171)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: No 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.

SRT/BFG



Date: 4/15/2013

A.B. No. 358—Enacts the Uniform Deployed Parents Custody and Visitation Act.
(BDR 11-171)



ASSEMBLY BILL NO. 358—ASSEMBLYMAN OHRENSCHALL

MARCH 18, 2013

Referred to Committee on Judiciary

SUMMARY—Enacts the Uniform Deployed Parents Custody and Visitation Act.
(BDR 11-171)

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; enacting the Uniform Deployed Parents Custody and Visitation Act; repealing provisions governing custody and visitation orders concerning children of members of the military; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains provisions governing the custody and visitation of a child when a parent or legal guardian of the child receives military deployment orders. (NRS 125C.100-125C.185) This bill repeals those provisions and enacts the Uniform Deployed Parents Custody and Visitation Act adopted by the Uniform Law Commission.

Section 23 of this bill sets forth the circumstances under which a court of this State has jurisdiction to issue orders concerning the custodial responsibility of a child when a parent or other custodian of the child has received military deployment orders. **Section 24** of this bill provides for notice of a pending deployment to the other parent and the provision of a plan for fulfilling the custodial responsibility of each parent during the deployment. **Section 25** of this bill requires a person to whom custodial responsibility for a child has been assigned or granted during a deployment to notify the deploying parent of a change of his or her mailing address. **Section 26** of this bill governs the manner in which a court considers the past or possible future deployment of a parent in a proceeding for custodial responsibility of the child.

Sections 27-31 of this bill provide procedures for out-of-court resolution of issues relating to the custodial responsibility of a child which arise upon the deployment of a service member. **Section 27** provides for a temporary agreement granting custodial responsibility during deployment. **Section 29** authorizes the modification of a temporary agreement regarding custodial responsibility. **Section 30** provides for a grant of custodial responsibility to a nonparent of the child under certain circumstances.

Sections 32-41 of this bill provide for a judicial resolution of issues that arise when the parents of a child do not reach an agreement concerning the custody or visitation of a child during the deployment of one parent. **Section 33** requires an expedited hearing if a motion to grant custodial responsibility is filed before a deploying parent deploys. **Section 34** authorizes a party or witness who is not reasonably available to appear personally in court to provide testimony and present evidence by electronic means, unless the court finds good cause to require a personal appearance. **Section 35** establishes certain rules that apply in a proceeding to grant custodial responsibility during the deployment of a parent. ~~1, and section 1~~ **Section 36** authorizes the court to grant caretaking authority of a child to a nonparent under certain circumstances. ~~1, and requires the court to consider certain factors in determining~~

whether to grant caretaking authority. Section 38 provides that a grant by a court of custodial responsibility or caretaking authority is temporary.

Sections 42-45 of this bill set forth the procedures governing the termination of a temporary custody arrangement following the return from deployment of a deployed parent. Section 42 provides the procedure for terminating a temporary custody arrangement established by an agreement of the parties. Section 43 establishes a consent procedure for terminating a temporary custody arrangement established by court order. Under section 45, if no agreement to terminate a temporary custody arrangement established by court order is reached between the parents, the order terminates 60 days after the date on which the deploying parent gives notice of having returned from deployment to the other parent or to any nonparent granted custodial responsibility. Section 45.5 of this bill authorizes an expedited hearing concerning custody or visitation under certain circumstances following the deploying parent's return from deployment.

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

Section 1. NRS 125.510 is hereby amended to read as follows:

125.510 1. In determining the custody of a minor child in an action brought pursuant to this chapter, the court may, except as otherwise provided in this section ~~+, NRS 125C.100 to 125C.185, inclusive, +~~, *sections 2 to 48, inclusive, of this act* and chapter 130 of NRS:

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of any of the children of the marriage, make such an order for the custody, care, education, maintenance and support of the minor children as appears in their best interest; and

(b) At any time modify or vacate its order, even if the divorce was obtained by default without an appearance in the action by one of the parties.

➤ The party seeking such an order shall submit to the jurisdiction of the court for the purposes of this subsection. The court may make such an order upon the application of one of the parties or the legal guardian of the minor.

2. Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.

3. Any order for custody of a minor child or children of a marriage entered by a court of another state may, subject to the provisions of ~~NRS 125C.100 to 125C.185, inclusive, +~~ *sections 2 to 48, inclusive, of this act* and to the jurisdictional requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.

4. A party may proceed pursuant to this section without counsel.

5. Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.

6. All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS and ~~NRS 125C.100 to 125C.185, inclusive, +~~ *sections 2 to 48, inclusive, of this act*, and must contain the following language:

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

7. In addition to the language required pursuant to subsection 6, all orders authorized by this section must specify that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

8. If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

9. Except where a contract providing otherwise has been executed pursuant to NRS 123.080, the obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases:

(a) Upon the death of the person to whom the order was directed; or

(b) When the child reaches 18 years of age if the child is no longer enrolled in high school, otherwise, when the child reaches 19 years of age.

10. As used in this section, a parent has "significant commitments in a foreign country" if the parent:

(a) Is a citizen of a foreign country;

(b) Possesses a passport in his or her name from a foreign country;

(c) Became a citizen of the United States after marrying the other parent of the child; or

(d) Frequently travels to a foreign country.

Sec. 2. Chapter 125C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 48, inclusive, of this act.

Sec. 3. *Sections 3 to 48, inclusive, of this act may be cited as the Uniform Deployed Parents Custody and Visitation Act.*

Sec. 4. *As used in sections 3 to 48, inclusive, of this act unless the context otherwise requires, the words and terms defined in sections 5 to 22, inclusive, of this act have the meanings ascribed to them in those sections.*

1 Sec. 5. *“Adult” means a person who is at least 18 years of age or an*
2 *emancipated minor.*

3 Sec. 6. *“Caretaking authority” means the right to live with and care for a*
4 *child on a day-to-day basis, including physical custody, parenting time, right to*
5 *access and visitation.*

6 Sec. 7. *“Child” means:*

7 1. *An unemancipated minor who has not attained 18 years of age; or*
8 2. *An adult son or daughter by birth or adoption, or under the laws of this*
9 *State other than sections 3 to 48, inclusive, of this act, who is the subject of an*
10 *existing court order concerning custodial responsibility.*

11 Sec. 8. *“Close and substantial relationship” means a relationship in which*
12 *a significant bond exists between a child and a nonparent.*

13 Sec. 9. *“Court” means an entity authorized under the laws of this State*
14 *other than sections 3 to 48, inclusive, of this act to establish, enforce or modify a*
15 *decision regarding custodial responsibility.*

16 Sec. 10. *“Custodial responsibility” is a comprehensive term that includes*
17 *any and all powers and duties relating to caretaking authority and decision-*
18 *making authority for a child. The term includes custody, physical custody, legal*
19 *custody, parenting time, right to access, visitation and the authority to designate*
20 *limited contact with a child.*

21 Sec. 11. *“Decision-making authority” means the power to make important*
22 *decisions regarding a child, including decisions regarding the child’s education,*
23 *religious training, health care, extracurricular activities and travel. The term*
24 *does not include day-to-day decisions that necessarily accompany a grant of*
25 *caretaking authority.*

26 Sec. 12. *“Deploying parent” means a service member, who is deployed or*
27 *has been notified of impending deployment, and is:*

28 1. *A parent of a child under the laws of this State other than sections 3 to*
29 *48, inclusive, of this act; or*

30 2. *A person other than a parent who has custodial responsibility of a child*
31 *under the laws of this State other than sections 3 to 48, inclusive, of this act.*

32 Sec. 13. *“Deployment” means the movement or mobilization of a service*
33 *member to a location for more than 90 days but less than 18 months pursuant to*
34 *an official order that:*

35 1. *Is designated as unaccompanied;*

36 2. *Does not authorize dependent travel; or*

37 3. *Otherwise does not permit the movement of family members to that*
38 *location.*

39 Sec. 14. *“Family member” includes a sibling, aunt, uncle, cousin,*
40 *stepparent or grandparent of a child, and a person recognized to be in a familial*
41 *relationship with a child under the laws of this State other than sections 3 to 48,*
42 *inclusive, of this act.*

43 Sec. 15. *“Limited contact” means the opportunity for a nonparent to visit*
44 *with a child for a limited period of time. The term includes authority to take the*
45 *child to a place other than the residence of the child.*

46 Sec. 16. *“Nonparent” means a person other than a deploying parent or*
47 *other parent.*

48 Sec. 17. *“Other parent” means a person who, in common with a deploying*
49 *parent, is:*

50 1. *The parent of a child under the laws of this State other than sections 3 to*
51 *48, inclusive, of this act; or*

52 2. *A person other than a parent with custodial responsibility of a child*
53 *under the laws of this State other than sections 3 to 48, inclusive, of this act.*

1 Sec. 18. *“Record” means information that is inscribed on a tangible*
2 *medium or that is stored in an electronic or other medium and is retrievable in*
3 *perceivable form.*

4 Sec. 19. *“Return from deployment” means the conclusion of a service*
5 *member’s deployment as specified in uniformed service orders.*

6 Sec. 20. *“Service member” means a member of a uniformed service.*

7 Sec. 21. *“State” means a state of the United States, the District of*
8 *Columbia, Puerto Rico and the United States Virgin Islands, or any territory or*
9 *insular possession subject to the jurisdiction of the United States.*

10 Sec. 22. *“Uniformed service” means:*

11 1. *Active and reserve components of the Army, Navy, Air Force, Marine*
12 *Corps or Coast Guard of the United States;*

13 2. *The Merchant Marine, the Commissioned Corps of the Public Health*
14 *Service or the Commissioned Corps of the National Oceanic and Atmospheric*
15 *Administration of the United States; or*

16 3. *The National Guard.*

17 Sec. 23. 1. *A court may issue an order regarding custodial responsibility*
18 *under sections 3 to 48, inclusive, of this act only if the court has jurisdiction*
19 *pursuant to chapter 125A of NRS. If the court has issued a temporary order*
20 *regarding custodial responsibility pursuant to sections 32 to 41, inclusive, of this*
21 *act, the residence of the deploying parent is not changed by reason of the*
22 *deployment for the purposes of chapter 125A of NRS during the deployment.*

23 2. *If a court has issued a permanent order regarding custodial*
24 *responsibility before notice of deployment and the parents modify that order*
25 *temporarily by agreement pursuant to sections 27 to 31, inclusive, of this act, the*
26 *residence of the deploying parent is not changed by reason of the deployment for*
27 *the purposes of chapter 125A of NRS.*

28 3. *If a court in another state has issued a temporary order regarding*
29 *custodial responsibility as a result of impending or current deployment, the*
30 *residence of the deploying parent is not changed by reason of the deployment for*
31 *the purposes of chapter 125A of NRS.*

32 4. *This section does not prohibit the exercise of temporary emergency*
33 *jurisdiction by a court under chapter 125A of NRS.*

34 Sec. 24. 1. *Except as otherwise provided in subsection 4, and subject to*
35 *subsection 3, a deploying parent shall notify in a record the other parent of a*
36 *pending deployment not later than 7 days after receiving notice of deployment*
37 *unless reasonably prevented from doing so by the circumstances of service. If the*
38 *circumstances of service prevent such notification within 7 days, such*
39 *notification must be made as soon as reasonably possible thereafter.*

40 2. *Except as otherwise provided in subsection 4, and subject to subsection 3,*
41 *each parent shall in a record provide the other parent with a plan for fulfilling*
42 *that parent’s share of custodial responsibility during deployment as soon as*
43 *reasonably possible after receiving notice of deployment under subsection 1.*

44 3. *If an existing court order prohibits disclosure of the address or contact*
45 *information of the other parent, a notification of deployment under subsection 1,*
46 *or notification of a plan for custodial responsibility during deployment under*
47 *subsection 2, may be made only to the issuing court. If the address of the other*
48 *parent is available to the issuing court, the court shall forward the notification to*
49 *the other parent. The court shall keep confidential the address or contact*
50 *information of the other parent.*

51 4. *Notice in a record is not required if the parents are living in the same*
52 *residence and there is actual notice of the deployment or plan.*

1 5. *In a proceeding regarding custodial responsibility between parents, a*
2 *court may consider the reasonableness of a parent's efforts to comply with this*
3 *section.*

4 Sec. 25. 1. *Except as otherwise provided in subsection 2, a person to*
5 *whom custodial responsibility has been assigned or granted during deployment*
6 *pursuant to sections 27 to 41, inclusive, of this act shall notify the deploying*
7 *parent and any other person with custodial responsibility of any change of*
8 *mailing address or residence until the assignment or grant is terminated. The*
9 *person shall provide the notice to any court that has issued an existing custody or*
10 *child support order concerning the child.*

11 2. *If an existing court order prohibits disclosure of the address or contact*
12 *information of a person to whom custodial responsibility has been assigned or*
13 *granted, a notification of change of mailing address or residence under*
14 *subsection 1 may be made only to the court that issued the order. The court shall*
15 *keep confidential the mailing address or residence of the person to whom*
16 *custodial responsibility has been assigned or granted.*

17 Sec. 26. *In a proceeding for custodial responsibility of a child of a service*
18 *member, a court may not consider a parent's past deployment or possible future*
19 *deployment in itself in determining the best interest of the child, but may consider*
20 *any significant impact on the best interest of the child of the parent's past or*
21 *possible future deployment.*

22 Sec. 27. 1. *The parents of a child may enter into a temporary agreement*
23 *granting custodial responsibility during deployment.*

24 2. *An agreement under subsection 1 must be:*

25 (a) *In writing; and*

26 (b) *Signed by both parents and any nonparent to whom custodial*
27 *responsibility is granted.*

28 3. *An agreement under subsection 1 may:*

29 (a) *Identify to the extent feasible the destination, duration and conditions of*
30 *the deployment that is the basis for the agreement;*

31 (b) *Specify the allocation of caretaking authority among the deploying*
32 *parent, the other parent and any nonparent, if applicable;*

33 (c) *Specify any decision-making authority that accompanies a grant of*
34 *caretaking authority;*

35 (d) *Specify any grant of limited contact to a nonparent;*

36 (e) *If the agreement shares custodial responsibility between the other parent*
37 *and a nonparent, or between two nonparents, provide a process to resolve any*
38 *dispute that may arise;*

39 (f) *Specify the frequency, duration and means, including electronic means,*
40 *by which the deploying parent will have contact with the child, any role to be*
41 *played by the other parent in facilitating the contact and allocation of any costs of*
42 *communications;*

43 (g) *Specify the contact between the deploying parent and child during the*
44 *time the deploying parent is on leave or is otherwise available;*

45 (h) *Acknowledge that any party's existing child support obligation cannot be*
46 *modified by the agreement and that changing the terms of the obligation during*
47 *deployment requires modification in the appropriate court;*

48 (i) *Provide that the agreement terminates following the deploying parent's*
49 *return from deployment according to the procedures under sections 42 to 45,*
50 *inclusive, of this act; and*

51 (j) *If the agreement must be filed pursuant to section 31 of this act, specify*
52 *which parent shall file the agreement.*

1 **Sec. 28.** *1. An agreement under sections 27 to 31, inclusive, of this act is*
2 *temporary and terminates pursuant to sections 42 to 45, inclusive, of this act*
3 *following the return from deployment of the deployed parent, unless the*
4 *agreement has been terminated before that time by court order or modification of*
5 *the agreement under section 29 of this act. The agreement derives from the*
6 *parents' custodial responsibility and does not create an independent, continuing*
7 *right to caretaking authority, decision-making authority or limited contact in a*
8 *person to whom custodial responsibility is given.*

9 *2. A nonparent given caretaking authority, decision-making authority or*
10 *limited contact by an agreement under sections 27 to 31, inclusive, of this act has*
11 *standing to enforce the agreement until it has been terminated pursuant to an*
12 *agreement of the parents under section 29 of this act, under sections 42 to 45,*
13 *inclusive, of this act or by court order.*

14 **Sec. 29.** *1. The parents may modify an agreement regarding custodial*
15 *responsibility made pursuant to sections 27 to 31, inclusive, of this act by mutual*
16 *consent.*

17 *2. If an agreement is modified under subsection 1 before deployment of a*
18 *deploying parent, the modification must be in writing and signed by both parents*
19 *and any nonparent who will exercise custodial responsibility under the modified*
20 *agreement.*

21 *3. If an agreement is modified under subsection 1 during deployment of a*
22 *deploying parent, the modification must be agreed to in a record by both parents*
23 *and any nonparent who will exercise custodial responsibility under the modified*
24 *agreement.*

25 **Sec. 30.** *If no other parent possesses custodial responsibility under the laws*
26 *of this State other than sections 3 to 48, inclusive, of this act, or if an existing*
27 *court order prohibits contact between the child and the other parent, a deploying*
28 *parent, by power of attorney, may delegate all or part of custodial responsibility to*
29 *an adult nonparent for the period of deployment. The power of attorney is*
30 *revocable by the deploying parent through a revocation of the power of attorney*
31 *signed by the deploying parent.*

32 **Sec. 31.** *An agreement or power of attorney made under sections 27 to 30,*
33 *inclusive, of this act must be filed within a reasonable period of time with any*
34 *court that has entered an existing order on custodial responsibility or child*
35 *support concerning the child. The case number and heading of the existing case*
36 *concerning custodial responsibility or child support must be provided to the court*
37 *with the agreement or power of attorney.*

38 **Sec. 32.** *1. After a deploying parent receives notice of deployment and*
39 *during the deployment, a court may issue a temporary order granting custodial*
40 *responsibility unless prohibited by the Servicemembers Civil Relief Act, 50 U.S.C.*
41 *Appx. §§ 521-522. A court may not issue a permanent order granting custodial*
42 *responsibility without the consent of the deploying parent.*

43 *2. At any time after a deploying parent receives notice of deployment, either*
44 *parent may file a motion regarding custodial responsibility of a child during*
45 *deployment. The motion must be filed in an existing proceeding for custodial*
46 *responsibility of the child with jurisdiction under section 23 of this act or, if there*
47 *is no existing proceeding in a court with jurisdiction under section 23 of this act,*
48 *in a new action for granting custodial responsibility during deployment.*

49 **Sec. 33.** *If a motion to grant custodial responsibility is filed before a*
50 *deploying parent deploys, the court shall conduct an expedited hearing.*

51 **Sec. 34.** *In a proceeding brought under sections 32 to 41, inclusive, of this*
52 *act, a party or witness who is not reasonably available to appear personally may*

1 *appear and provide testimony and present evidence by electronic means unless*
2 *the court finds good cause to require a personal appearance.*

3 **Sec. 35.** *In a proceeding for a grant of custodial responsibility pursuant to*
4 *sections 32 to 41, inclusive, of this act, the following rules apply:*

5 1. *A prior judicial order designating custodial responsibility of a child in the*
6 *event of deployment is binding on the court unless the circumstances meet the*
7 *requirements of the laws of this State other than sections 3 to 48, inclusive, of this*
8 *act for modifying a judicial order regarding custodial responsibility.*

9 2. *The court shall enforce a prior written agreement between the parents for*
10 *designating custodial responsibility of a child in the event of deployment,*
11 *including a prior written agreement executed under sections 27 to 31, inclusive,*
12 *of this act, unless the court finds the agreement contrary to the best interest of the*
13 *child.*

14 **Sec. 36.** 1. *On the motion of a deploying parent and in accordance with*
15 *the laws of this State other than sections 3 to 48, inclusive, of this act, a court*
16 *may grant caretaking authority of a child to a nonparent who is an adult family*
17 *member of the child or an adult with whom the child has a close and substantial*
18 *relationship if it is in the best interest of the child.*

19 2. *In determining whether to grant caretaking authority of a child to a*
20 *nonparent pursuant to subsection 1, the court shall consider the following*
21 *factors:*

22 *(a) The love, affection and other emotional ties existing between the*
23 *nonparent and the child.*

24 *(b) The capacity and disposition of the nonparent to:*

25 *(1) Give the child love, affection and guidance and serve as a role model*
26 *to the child;*

27 *(2) Provide the child with food, clothing and other material needs; and*

28 *(3) Provide the child with health care or alternative health care which is*
29 *recognized and authorized pursuant to the laws of this State.*

30 *(c) The prior relationship between the nonparent and the child, including,*
31 *without limitation, whether the child has previously resided with the nonparent*
32 *and whether the child was previously included in holidays or family gatherings*
33 *with the nonparent.*

34 *(d) The moral fitness of the nonparent.*

35 *(e) The mental and physical health of the nonparent.*

36 *(f) The reasonable preference of the child if the child has a preference and if*
37 *the court determines that the child is of sufficient maturity to express a*
38 *preference.*

39 *(g) The willingness and ability of the nonparent to facilitate and encourage a*
40 *close and substantial relationship between the child and his or her deploying*
41 *parent, other parent and family members.*

42 *(h) The medical and other health needs of the child which are affected by the*
43 *grant of caretaking authority.*

44 *(i) The support provided by the nonparent, including, without limitation,*
45 *whether the nonparent has contributed to the financial support of the child.*

46 *(j) Any objection by the other parent to the grant of caretaking authority to a*
47 *nonparent. In the case of an objection by the other parent, there is a rebuttable*
48 *presumption that the grant of caretaking authority to a nonparent is not in the*
49 *best interest of the child. To rebut this presumption, the deploying parent must*
50 *prove by clear and convincing evidence that the grant of caretaking authority to*
51 *the nonparent is in the best interest of the child.*

1 3. Unless the grant of caretaking authority to a nonparent under subsection
2 I is agreed to by the other parent, the grant is limited to an amount of time not
3 greater than:

4 (a) The time granted to the deploying parent in an existing permanent
5 custody order, except that the court may add unusual travel time necessary to
6 transport the child; or

7 (b) In the absence of an existing permanent custody order, the amount of
8 time that the deploying parent habitually cared for the child before being notified
9 of deployment, except that the court may add unusual travel time necessary to
10 transport the child.

11 ~~3.4~~ 4. A court may grant part of the deploying parent's decision-making
12 authority for a child to a nonparent who is an adult family member of the child or
13 an adult with whom the child has a close and substantial relationship if the
14 deploying parent is unable to exercise that authority. When a court grants the
15 authority to a nonparent, the court shall specify the decision-making powers that
16 will and will not be granted, including applicable health, educational and
17 religious decisions.

18 Sec. 37. On the motion of a deploying parent and in accordance with the
19 laws of this State other than sections 3 to 48, inclusive, of this act, a court shall
20 grant limited contact with a child to a nonparent who is either a family member
21 of the child or a person with whom the child has a close and substantial
22 relationship, unless the court finds that the contact would be contrary to the best
23 interest of the child.

24 Sec. 38. 1. A grant made pursuant to sections 32 to 41, inclusive, of this
25 act is temporary and terminates pursuant to sections 42 to 45, inclusive, of this
26 act following the return from deployment of the deployed parent, unless the grant
27 has been terminated before that time by court order. The grant does not create an
28 independent, continuing right to caretaking authority, decision-making authority
29 or limited contact in a person to whom it is granted.

30 2. A nonparent granted caretaking authority, decision-making authority or
31 limited contact under sections 32 to 41, inclusive, of this act has standing to
32 enforce the grant until it is terminated under sections 42 to 45, inclusive, of this
33 act or by court order.

34 Sec. 39. 1. An order granting custodial responsibility under sections 32 to
35 41, inclusive, of this act must:

36 (a) Designate the order as temporary; and

37 (b) Identify to the extent feasible the destination, duration and conditions of
38 the deployment.

39 2. If applicable, a temporary order for custodial responsibility must:

40 (a) Specify the allocation of caretaking authority, decision-making authority
41 or limited contact among the deploying parent, the other parent and any
42 nonparent;

43 (b) If the order divides caretaking or decision-making authority between
44 persons, or grants caretaking authority to one person and limited contact to
45 another, provide a process to resolve any significant dispute that may arise;

46 (c) Provide for liberal communication between the deploying parent and the
47 child during deployment, including through electronic means, unless contrary to
48 the best interest of the child, and allocate any costs of communications;

49 (d) Provide for liberal contact between the deploying parent and the child
50 during the time the deploying parent is on leave or is otherwise available, unless
51 contrary to the best interest of the child;

52 (e) Provide for reasonable contact between the deploying parent and the
53 child following return from deployment until the temporary order is terminated,

1 which may include more time than the deploying parent spent with the child
2 before entry of the temporary order; and

3 (f) Provide that the order will terminate following return from deployment
4 according to the procedures under sections 42 to 45, inclusive, of this act.

5 Sec. 40. If a court has issued an order ~~providing for grant of~~ granting
6 caretaking authority under sections 32 to 41, inclusive, of this act or an
7 agreement granting caretaking authority has been executed under sections 27 to
8 31, inclusive, of this act the court may enter a temporary order for child support
9 consistent with the laws of this State other than sections 3 to 48, inclusive, of this
10 act if the court has jurisdiction under NRS 130.0902 to 130.802, inclusive.

11 Sec. 41. 1. Except for an order in accordance with section 35 of this act
12 or as otherwise provided in subsection 2, and consistent with the Servicemembers
13 Civil Relief Act, 50 U.S.C. Appx. §§ 521-522, on the motion of a deploying or
14 other parent or any nonparent to whom caretaking authority, decision-making
15 authority or limited contact has been granted, the court may modify or terminate
16 a grant of caretaking authority, decision-making authority or limited contact
17 made pursuant to sections 3 to 48, inclusive, of this act if the modification or
18 termination is consistent with sections 32 to 41, inclusive, of this act and the court
19 finds it is in the best interest of the child. Any modification must be temporary
20 and terminates following the conclusion of deployment of the deployed parent
21 according to the procedures under sections 42 to 45, inclusive, of this act unless
22 the grant has been terminated before that time by court order.

23 2. On the motion of a deploying parent, the court shall terminate a grant of
24 limited contact.

25 Sec. 42. 1. At any time following return from deployment, a temporary
26 agreement granting custodial responsibility under sections 27 to 31, inclusive, of
27 this act may be terminated by an agreement to terminate signed by the deploying
28 parent and the other parent.

29 2. The temporary agreement granting custodial responsibility terminates:

30 (a) If the agreement to terminate specifies a date for termination, on that
31 date; or

32 (b) If the agreement to terminate does not specify a date, on the date the
33 agreement to terminate is signed by both parents.

34 3. In the absence of an agreement to terminate, the temporary agreement
35 granting custodial responsibility terminates 60 days ~~from~~ after the date of the
36 deploying parent's giving notice to the other parent of having returned from
37 deployment.

38 4. If the temporary agreement granting custodial responsibility was filed
39 with a court pursuant to section 31 of this act, an agreement to terminate the
40 temporary agreement must also be filed with that court within a reasonable
41 period of time after the signing of the agreement. The case number and heading
42 of the existing custodial responsibility or child support case must be provided to
43 the court with the agreement to terminate.

44 Sec. 43. At any time following return from deployment, the deploying
45 parent and the other parent may file with the court an agreement to terminate a
46 temporary order for custodial responsibility issued under sections 32 to 41,
47 inclusive, of this act. After an agreement has been filed, the court shall issue an
48 order terminating the temporary order on the date specified in the agreement. If
49 no date is specified, the court shall issue the order immediately.

50 Sec. 44. Following return from deployment of a deploying parent until a
51 temporary agreement or order for custodial responsibility established under
52 sections 27 to 41, inclusive, of this act is terminated, the court shall enter a
53 temporary order granting the deploying parent reasonable contact with the child

1 *unless it is contrary to the best interest of the child, even if the time exceeds the*
2 *time the deploying parent spent with the child before deployment.*

3 **Sec. 45. 1.** *A temporary order for custodial responsibility issued under*
4 *sections 32 to 41, inclusive, of this act shall terminate, if no agreement between*
5 *the parties to terminate a temporary order for custodial responsibility has been*
6 *filed, 60 days ~~from~~ after the date of the deploying parent's giving notice of*
7 *having returned from deployment to the other parent and any nonparent granted*
8 *custodial responsibility.*

9 **2.** *Any proceedings seeking to prevent termination of a temporary order for*
10 *custodial responsibility are governed by the laws of this State other than sections*
11 *3 to 48, inclusive, of this act.*

12 **Sec. 45.5.** *The court may, upon a motion alleging immediate danger of*
13 *irreparable harm to the child, hold an expedited hearing concerning custody or*
14 *visitation following the deploying parent's return from deployment.*

15 **Sec. 46.** *In addition to other relief provided by the laws of this State other*
16 *than sections 3 to 48, inclusive, of this act, if a court finds that a party to a*
17 *proceeding under sections 3 to 48, inclusive, of this act has acted in bad faith or*
18 *intentionally failed to comply with sections 3 to 48, inclusive, of this act or a court*
19 *order issued under sections 3 to 48, inclusive, of this act, the court may assess*
20 *reasonable attorney's fees and costs of the opposing party and order other*
21 *appropriate relief.*

22 **Sec. 47.** *In applying and construing this uniform act, consideration must*
23 *be given to the need to promote uniformity of the law with respect to its subject*
24 *matter among states that enact it.*

25 **Sec. 48.** *This act modifies, limits and supersedes the federal Electronic*
26 *Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but*
27 *does not modify, limit or supersede § 101(c) of that act, 15 U.S.C. § 7001(c), or*
28 *authorize electronic delivery of any of the notices described in § 103(b) of that*
29 *act, 15 U.S.C. § 7003(b).*

30 **Sec. 49.** *NRS 125C.100, 125C.105, 125C.110, 125C.115, 125C.120,*
31 *125C.125, 125C.130, 125C.135, 125C.140, 125C.145, 125C.150, 125C.155,*
32 *125C.160, 125C.165, 125C.170, 125C.175, 125C.180 and 125C.185 are hereby*
33 *repealed.*

34 **Sec. 50.** *This act does not affect the validity of a temporary court order*
35 *concerning custodial responsibility during deployment that was entered before*
36 *January 1, 2014.*

37 **Sec. 51.** *This act becomes effective on January 1, 2014.*

LEADLINES OF REPEALED SECTIONS

125C.100 Definitions.
125C.105 "Custody or visitation order" defined.
125C.110 "Deployment" defined.
125C.115 "Member of the military" defined.
125C.120 "Parent" defined.
125C.125 "Parent who received orders for deployment" defined.
125C.130 "Temporary duty" defined.
125C.135 Provisions not applicable to order for protection against domestic violence.

125C.140 Jurisdiction retained during deployment of parent; deployment not basis to assert inconvenient forum.

125C.145 Court to hold expedited hearing or allow alternative means of presenting testimony and evidence in certain circumstances.

125C.150 Deployment does not warrant permanent modification of order.

125C.155 Expedited hearing to issue temporary order.

125C.160 Temporary modification of order to accommodate deployment of parent; requirements of temporary order.

125C.165 Expiration of temporary order upon completion of parent's deployment; exception.

125C.170 Delegation of visitation rights to family member of parent to be deployed; termination of such rights; effect on ability of family member to seek separate visitation order.

125C.175 Limitation on issuance of final order modifying terms of existing order when parent receives mandatory order for deployment.

125C.180 Costs and attorney's fees.

125C.185 Requirement for parents to cooperate and provide information to each other.