

SENATE BILL NO. 314—SENATOR DENIS

MARCH 18, 2013

Referred to Committee on Judiciary

SUMMARY—Provides that the right of parents to make choices regarding the care, custody and management of their children is a fundamental right. (BDR 11-880)

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 parentage; providing that the right of a parent to make decisions regarding the care, custody and management of his or her child is a fundamental right; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill provides that the liberty interest of a parent in the care, custody and
2 management of his or her child is a fundamental right. This bill also provides that
3 this fundamental right does not: (1) authorize a parent to engage in unlawful
4 conduct or to abuse or neglect a child; or (2) prohibit courts, law enforcement
5 officers or agencies which provide child welfare services from acting within their
6 official capacity.

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

1 **Section 1.** Chapter 126 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 *1. The liberty interest of a parent in the care, custody and*
4 *management of the parent's child is a fundamental right.*
5 *2. Nothing in this section shall be construed to:*
6 *(a) Authorize a parent to engage in any unlawful conduct or to*
7 *abuse or neglect a child in violation of the laws of this State.*
8 *(b) Prohibit courts, law enforcement officers or employees of*
9 *an agency which provides child welfare services from acting in*
10 *their official capacity within the scope of their authority.*



1 3. *Except as otherwise provided by specific statute, the*
2 *provisions of this section apply to any statute, local ordinance or*
3 *regulation and the implementation of such statute, local ordinance*
4 *or regulation regardless of whether such statute, local ordinance*
5 *or regulation was adopted or effective before, on or after*
6 *October 1, 2013.*

7 4. *As used in this section, “agency which provides child*
8 *welfare services” has the meaning ascribed to it in NRS 432B.030.*

