

Assembly Bill No. 151–Assemblymen Araujo, Benitez-Thompson;
Bustamante Adams, Flores and Neal

Joint Sponsor: Senator Denis

CHAPTER.....

AN ACT relating to the adoption of children; revising provisions restricting adoptions based on the ages of a child and a prospective adoptive parent; revising provisions relating to the adoption of a child by married persons; revising provisions concerning orders and decrees of adoption; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the adoption of children. (NRS 127.010-127.186) Under existing law, certain restrictions relating to the respective ages of a child and a prospective adoptive parent for adoption purposes are imposed. (NRS 127.020) **Section 1** of this bill provides that a court may disregard those age restrictions if the prospective adoptive parent is a certain family member of the child and it is in the best interest of the child and in the interest of the public.

Existing law prohibits the grant of a petition for leave to adopt a child by a married person if the person's spouse does not consent to and join in the petition. (NRS 127.030) **Section 2** of this bill provides that a married person must obtain from his or her spouse consent to an adoption, but a spouse who consents will not have any parental rights or responsibilities or be named as an adoptive parent in an order or decree of adoption except under certain circumstances.

Under existing law, a court is required to grant a petition for the adoption of a child if the court finds that it is in the best interest of the child. However, an order or decree of adoption may not be made until after the child has lived for 6 months in the home of the petitioners. (NRS 127.150) **Section 3** of this bill provides that the 6-month requirement does not apply if one of the petitioners is the stepparent of the child or is related to the child within the third degree of consanguinity.

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

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

Section 1. NRS 127.020 is hereby amended to read as follows:
127.020 ~~1A~~

1. Except as otherwise provided in subsection 2:

(a) A minor child may be adopted by an adult person in the cases and subject to the rules prescribed in this chapter. ~~The~~

(b) A person adopting a child must be at least 10 years older than the person adopted, and the consent of the child, if over the age of 14 years, is necessary to its adoption.



2. *A court may approve the adoption of a child without regard to the age of the child and the ages of the prospective adoptive parents if:*

(a) The child is being adopted by a stepparent, sister, brother, aunt, uncle or first cousin and, if the prospective adoptive parent is married, also by the spouse of the prospective adoptive parent; and

(b) The court is satisfied that it is in the best interest of the child and in the interest of the public.

Sec. 2. NRS 127.030 is hereby amended to read as follows:

127.030 *1. Any adult person or any two persons married to each other may petition the district court of any county in this state for leave to adopt a child. ~~[The petition by a person having a husband or wife shall not be granted unless the husband or wife consents thereto and joins therein.]~~*

2. Except as otherwise provided in subsection 5, a married person not lawfully separated from his or her spouse may not adopt a child without the consent of his or her spouse, if such spouse is capable of giving such consent.

3. If a spouse consents to an adoption as described in subsection 2, such consent does not establish any parental rights or responsibilities on the part of the spouse unless he or she:

(a) Has, in a writing filed with the court, specifically consented to:

(1) Adopting the child; and

(2) Establishing parental rights and responsibilities; and

(b) Is named as an adoptive parent in the order or decree of adoption.

4. The court shall not name a spouse who consents to an adoption as described in subsection 2 as an adoptive parent in an order or decree of adoption unless:

(a) The spouse has filed a writing with the court as described in paragraph (a) of subsection 3; and

(b) The home of the spouse is suitable for the child as determined by an investigation conducted pursuant to NRS 127.120 or 127.2805.

5. The court may dispense with the requirement for the consent of a spouse who cannot be located after a diligent search or who is determined by the court to lack the capacity to consent. A spouse for whom the requirement was dispensed pursuant to this subsection must not be named as an adoptive parent in an order or decree of adoption.



Sec. 3. NRS 127.150 is hereby amended to read as follows:

127.150 1. If the court finds that the best interests of the child warrant the granting of the petition, an order or decree of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. When determining whether the best interests of the child warrant the granting of a petition that is filed by a foster parent, the court shall give strong consideration to the emotional bond between the child and the foster parent. A copy of the order or decree must be sent to the nearest office of the agency which provides child welfare services by the petitioners within 7 days after the order or decree is issued. In the decree the court may change the name of the child, if desired. ~~Not~~

2. *Except as otherwise provided in this subsection, an* order or decree of adoption may *not* be made until after the child has lived for 6 months in the home of the petitioners.

~~12-1~~ *This subsection does not apply if one of the petitioners is the stepparent of the child or is related to the child within the third degree of consanguinity.*

3. If the court is not satisfied that the proposed adoption is in the best interests of the child, the court shall deny the petition and may order the child returned to the custody of the person or agency legally vested with custody.

~~13-1~~ 4. After a petition for adoption has been granted, there is a presumption that remaining in the home of the adopting parent is in the child's best interest.

