

CHAPTER.....

AN ACT relating to domestic relations; creating summary procedures for the resolution of certain matters relating to annulment and child custody; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes parties to a divorce to use a summary procedure to dissolve the marriage when both parties desire the court to enter a decree of divorce and, among other conditions, have reached an agreement regarding or have waived their respective rights to: (1) a written notice of entry of the decree of divorce; (2) appeal; (3) request findings of fact and conclusions of law; and (4) move for a new trial. (NRS 125.181) Entry of the final judgment upon a joint petition for a summary proceeding for divorce constitutes a final adjudication of the rights and obligations of the parties with respect to the status of marriage and the property rights of the parties. (NRS 125.184) **Sections 5-8** of this bill create a summary procedure for an annulment similar to the summary procedure for divorce when certain factors are present and both spouses agree to the summary procedure. **Sections 16-19** of this bill create a summary procedure to determine child custody when the parents or legal guardians of a child have reached a detailed agreement on the custody, medical or other care, education, maintenance and support of the child and the court determines that using the summary procedure is in the best interest of the child.

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. Chapter 125 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8 of this act.

Secs. 2-4. (Deleted by amendment.)

Sec. 5. *A marriage may be dissolved by the summary procedure for annulment set forth in sections 5 to 8, inclusive, of this act, when all of the following conditions exist at the time the proceeding is commenced:*

1. Either party has met the jurisdictional requirements of NRS 125.360 or 125.370, as applicable.

2. If there are minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage or a spouse, to her knowledge, is pregnant:

(a) The parties have executed an agreement as to the medical and other care, support, education, maintenance and custody of any children; or



(b) A court of this State has made a child custody determination consistent with NRS 125A.305 or 125A.325.

3. The parties have executed an agreement settling all potential contested matters in the action.

4. The parties waive their respective rights to written notice of entry of the decree of annulment, to appeal, to request findings of fact and conclusions of law and to move for a new trial.

5. The parties desire that the court enter a decree of annulment.

Sec. 6. 1. A summary proceeding for an annulment may be commenced by filing in any district court a joint petition, signed under oath by both spouses, stating that as of the date of filing, every condition set forth in section 5 of this act has been met and specifying the:

(a) Facts which support the jurisdictional requirements of NRS 125.360 or 125.370, as applicable; and

(b) Grounds for the annulment.

2. The petition must also state:

(a) The date and the place of the marriage.

(b) The mailing address of both spouses.

(c) Whether there are minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage, and whether any spouse, to her knowledge, is pregnant.

(d) Whether either spouse elects to have his or her former name restored and, if so, the name to be restored.

3. An affidavit of corroboration of residency which complies with the provisions of subsections 1, 2 and 4 of NRS 125.123 must accompany the petition.

Sec. 7. 1. At any time before the entry of a final judgment, either party to the marriage may revoke the joint petition and thereby terminate the summary proceeding for an annulment.

2. The revocation may be effected by filing a notice of revocation with the clerk of the court in which the proceeding was commenced.

3. The revoking party shall send a copy of the notice of revocation to the other party by first-class mail, postage prepaid, at his or her last known address.

Sec. 8. 1. Entry of the final judgment upon a petition for a summary proceeding for an annulment constitutes a final adjudication of the rights and obligations of the parties with respect to the status of the marriage and the property rights of the parties and waives the respective rights of the parties to written



notice of entry of the judgment or decree, to appeal, to request findings of fact and conclusions of law and to move for a new trial.

2. A final judgment entered pursuant to this section does not prejudice or bar the right of either of the parties to institute an action to set aside the final judgement for fraud, duress, accident, mistake or other grounds recognized at law or in equity.

Sec. 9. NRS 125.090 is hereby amended to read as follows:

125.090 Except ~~[in a summary proceeding for divorce,]~~ *as otherwise provided in sections 2 to 8, inclusive, of this act and NRS 125.181 to 125.184, inclusive,* the proceedings, pleadings and practice must conform to the Nevada Rules of Civil Procedure as nearly as conveniently possible, but all preliminary and final orders may be in such form as best effects the object of this chapter, and produces substantial justice.

Secs. 10-12. (Deleted by amendment.)

Sec. 13. NRS 125.250 is hereby amended to read as follows:

125.250 In all cases commenced under NRS 125.190 to 125.280, inclusive, *and sections 2 to 8, inclusive, of this act,* the proceedings and practice must be the same, as nearly as may be, as those provided in actions for divorce. Suit may be brought in the county in which either party resides at the time the suit is commenced, or in the county in which the spouse may be found.

Sec. 14. Chapter 125C of NRS is hereby amended by adding thereto the provisions set forth as sections 15 to 19, inclusive, of this act.

Sec. 15. *Except as otherwise provided in sections 16 to 19, inclusive, of this act, the proceedings, pleadings and practice must conform to the Nevada Rules of Civil Procedure as nearly as conveniently as possible, but all preliminary and final orders may be in such form as best effects the object of this chapter and produces substantial justice.*

Sec. 16. *An action to determine custody of a child may be brought by the summary procedure set forth in sections 16 to 19, inclusive, of this act, when all of the following conditions exist at the time the proceeding is commenced:*

- 1. A court has jurisdiction pursuant to chapter 125A of NRS.*
- 2. The parties have executed an agreement as to the custody of the child, which must specify, without limitation, the custody, medical or other care, education, maintenance and support of the child.*
- 3. The use of the summary procedure set forth in sections 16 to 19, inclusive, of this act is in the best interest of the child.*



4. *The agreement of the parties defines the rights and duties of the parties with sufficient particularity to ensure that these rights and duties can be properly enforced and that the best interest of the child is achieved. 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 any other similar term which is susceptible to different interpretations by the parties.*

5. *The agreement is in accordance with the provisions of chapter 125A of NRS and NRS 125C.0045 and any other provision of law governing the custody of a child.*

6. *The parties waive their respective rights to written notice of the order determining custody of the child, to appeal, to request findings of facts and conclusions of law and to move for a new trial.*

7. *The parties desire that the court enter an order that determines the custody of the child.*

Sec. 17. 1. *A summary proceeding to determine the custody of a child may be commenced by filing in any district court a joint petition, signed under oath by both parties, stating that as of the date of filing, every condition set forth in section 16 of this act has been met.*

2. *The petition must also provide the information required pursuant to NRS 125A.385.*

3. *The agreement pursuant to section 16 of this act of which the parties wish the court to approve or make a part of the order must be included in the petition or identified and attached to the petition as an exhibit.*

Sec. 18. 1. *At any time before the entry of an order to determine the custody of a child, either party to a joint petition filed pursuant to section 17 of this act may revoke the joint petition and thereby terminate the summary proceeding to determine the custody of the child.*

2. *The revocation may be effected by filing a notice of revocation with the clerk of the court in which the proceeding was commenced.*

3. *The revoking party shall send a copy of the notice of revocation to the other party by first-class mail, postage prepaid, at his or her last known address.*

Sec. 19. 1. *Entry of an order upon a petition for a summary proceeding for a determination of the custody of a child constitutes an adjudication of the rights and obligations of the parties regarding the custody, care, education, maintenance and*



support of the child and the respective rights of the parties to written notice of entry of the order, to appeal, to request findings of facts and conclusions of law and to move for a new trial.

2. An order entered pursuant to this section does not prejudice or bar the rights of either party to petition a court to modify or vacate the order pursuant to NRS 125C.0045 or any other provision of law.

