

Amendment No. 317

Assembly Amendment to Assembly Bill No. 227	(BDR 11-660)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

MR/BAW



Date: 4/20/2023

A.B. No. 227—Revises provisions relating to domestic relations. (BDR 11-660)



ASSEMBLY BILL NO. 227—ASSEMBLYWOMAN COHEN

MARCH 1, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to domestic relations. (BDR 11-660)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

AN ACT relating to domestic relations; creating summary procedures for the resolution of certain matters relating to ~~permanent support and maintenance, divorce,~~ 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 ~~[(1)]~~ have waived ~~spousal support; (2) have no community or joint property or liabilities; and (3) have no minor children from the marriage;~~ **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) ~~[(The summary procedure requires the parties to file a joint petition for divorce and waive certain procedural rights, including, without limitation, the right to appeal after a)]~~ **Entry of the final judgment [is entered except in certain limited circumstances.] 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 ~~125.182,~~ 125.184) ~~[(Existing law also allows a person to seek permanent support and maintenance for himself or herself and any children in certain circumstances without applying for a divorce. (NRS 125.190) Sections 2-4, 10 and 12 of this bill create a summary procedure for permanent support and maintenance similar to the summary procedure for divorce when certain factors are present and both spouses agree to the summary procedure.) 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.]~~

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.

Sec. 2. ~~1. A summary proceeding for permanent support and maintenance pursuant to subsection 2 of NRS 125.190 may be commenced by filing in the district court a joint petition, signed under oath by both spouses, stating that as of the date of filing, every condition set forth in subsection 2 of NRS 125.190 has been met.~~

~~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.~~

~~3. If the parties have entered into an agreement pursuant to subsection 2 of NRS 125.190 of which the parties wish the court to approve or make a part of the judgment, the agreement must be identified and attached to the petition as an exhibit.~~ (Deleted by amendment.)

Sec. 3. ~~1. At any time before the entry of a final judgment, either party to the marriage may revoke the joint petition filed pursuant to section 2 of this act and thereby terminate the summary proceeding for permanent support and maintenance.~~

~~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.~~

(Deleted by amendment.)

Sec. 4. ~~1. Entry of the final judgement upon a petition for a summary proceeding for permanent support and maintenance pursuant to section 2 of this act constitutes:~~

~~(a) A final adjudication of the rights and obligations of the parties with respect to:~~

~~(1) The custody and support of the minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage, if any;~~

~~(2) The division of community property and the assumption of liabilities of the community, if any; and~~

~~(3) The amount and manner of spousal support, if any.~~

~~(b) A waiver of the respective rights of the parties to written notice of entry of the judgment, 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 rights of either of the parties to institute an action to set aside the final judgment for fraud, duress, accident, mistake or other grounds recognized at law or in equity.~~ (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. ~~[There]~~ If there are ~~[no]~~ minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage ~~[and no]~~ or a spouse, to her knowledge, is pregnant ~~[or the]~~ :

(a) The parties have executed an agreement as to the ~~medical and other care, support, education, maintenance and~~ custody of any children ~~[and setting forth the amount and manner of their support]~~ ; or

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

3. ~~[There is no community or joint property or the parties have executed an agreement setting forth the division of community property and the assumption of liabilities of the community, if any, and have executed any deeds, certificates of title, bills of sale or other evidence of transfer necessary to effectuate the agreement.]~~ The parties have executed an agreement settling all potential contested matters in the action.

4. ~~[The parties waive any rights to spousal support or the parties have executed an agreement setting forth the amount and manner of spousal support.]~~

5. 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.

~~6.]~~ 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.

Sec. 10. ~~[NRS 125.190 is hereby amended to read as follows:~~

~~125.190 1. When a person has any cause of action for divorce or when a person has been deserted and the desertion has continued for 90 days, the person may, without applying for a divorce, maintain in the district court an action against his or her spouse for permanent support and maintenance of himself or herself and their children;~~

~~2. If a person has a cause of action for permanent support and maintenance pursuant to subsection 1 and both the spouses agree, an action by the summary procedure may be commenced in the manner set forth in sections 2, 3 and 4 of this act when all of the following conditions exist at the time the proceeding is commenced:~~

~~(a) There are no minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage and no spouse, to her knowledge, is pregnant, or the parties have executed an agreement as to the custody of any such children setting forth the amount and manner of their support;~~

~~(b) There is no community or joint property or the parties have executed an agreement setting forth the division of community property and the assumption of liabilities of the community, and have, before the proceeding is commenced, executed any deeds, certificates of title, bills of sale or other evidence of transfer necessary to effectuate the agreement;~~

~~(c) The parties waive any right to spousal support or the parties have executed an agreement setting forth the amount and manner of spousal support;~~

~~(d) The parties waive their respective rights to written notice of entry of the judgment for permanent support and maintenance, to appeal, to request findings of fact and conclusions of law and to move for a new trial; and~~

~~(e) The parties desire that the court enter a judgment for permanent support and maintenance of one of the parties and their children, if any.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 125.210 is hereby amended to read as follows:~~

~~125.210 1. Except as otherwise provided in subsection 2, in any action brought pursuant to NRS 125.190, the court may [:] make a preliminary or final order on any claim that may be raised during an action for divorce, including, without limitation:~~

~~(a) [Assign and decree to either spouse the possession of any real or personal property of the other spouse;] The custody and support of any minor children of the relationship of the parties born before or during the marriage or adopted by the parties during the marriage;~~

~~(b) [Order or decree the payment of a fixed sum of money for the support of the other spouse and their children;] The division of community property and the assumption of liabilities of the community;~~

~~(c) [Provide that] The amount and manner of spousal support;~~

~~(d) That the payment of [that] money for spousal support be secured upon real estate or other security, or [make] any other suitable provision; and~~

~~1. (d) Determine the]~~
~~2. (e) The time and manner in which the payments for spousal support must be~~
~~3. made [.] ; and~~
~~4. (f) Attorney's fees and costs.~~
~~5. 2. The court may not:~~
~~6. (a) [Assign and decree to either spouse the possession of any real or personal~~
~~7. property of the other spouse; or] Order the division of community property and the~~
~~8. assumption of liabilities of the community; or~~
~~9. (b) Order [or decree] the [payment of a fixed sum of money for the support of~~
~~10. the other spouse.] amount and manner of spousal support,~~
~~11. if it is contrary to a premarital agreement between the spouses which is~~
~~12. enforceable pursuant to chapter 123A of NRS.~~
~~13. 2. Unless the action is contrary to a premarital agreement between the parties~~
~~14. which is enforceable pursuant to chapter 123A of NRS, in determining whether to~~
~~15. award money for [the support of a spouse] spousal support or the amount of any~~
~~16. award of money for [the support of a spouse.] spousal support, the court shall not~~
~~17. attach, levy or seize by or under any legal or equitable process, either before or~~
~~18. after receipt by a veteran, any federal disability benefits awarded to a veteran for a~~
~~19. service-connected disability pursuant to 38 U.S.C. §§ 1101 to 1151, inclusive.~~
~~20. 4. Except as otherwise provided in chapter 130 of NRS, the court may~~
~~21. change, modify or revoke its orders and decrees from time to time.~~
~~22. 5. No order or decree is effective beyond the joint lives of the spouses.]~~
~~23. (Deleted by amendment.)~~

Sec. 12. ~~[NRS 125.230 is hereby amended to read as follows:~~

~~125.230 1. The court in such actions may make such preliminary and final~~
~~26. orders as it may deem proper for the custody, control and support of any minor~~
~~27. child or children of the parties [.] pursuant to chapter 125C of NRS.~~

~~28. 2. A court that enters an order pursuant to subsection 1, NRS 125.210 or~~
~~29. section 4 of this act for the support of any minor child or children shall ensure that~~
~~30. the social security numbers of the parties are provided to the Division of Welfare~~
~~31. and Supportive Services of the Department of Health and Human Services.]~~
~~32. (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, ~~[125A.305 to~~
~~125A.305, inclusive.]~~

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.

1 3. The use of the summary procedure set forth in sections 16 to 19,
2 inclusive, of this act is in the best interest of the child.

3 4. The agreement of the parties defines the rights and duties of the parties
4 with sufficient particularity to ensure that these rights and duties can be properly
5 enforced and that the best interest of the child is achieved. As used in this
6 subsection, "sufficient particularity" means a statement of the rights in absolute
7 terms and not by the use of the term "reasonable" or any other similar term
8 which is susceptible to different interpretations by the parties.

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

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

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

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

21 2. The petition must also provide the information required pursuant to NRS
22 125A.385.

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

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

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

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

34 Sec. 19. 1. Entry of an order upon a petition for a summary proceeding
35 for a determination of the custody of a child constitutes an adjudication of the
36 rights and obligations of the parties regarding the custody, care, education,
37 maintenance and support of the child and the respective rights of the parties to
38 written notice of entry of the order, to appeal, to request findings of facts and
39 conclusions of law and to move for a new trial.

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