

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Eighty-second Session
May 2, 2023**

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:32 p.m. on Tuesday, May 2, 2023, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Melanie Scheible, Chair
Senator Dallas Harris, Vice Chair
Senator James Ohrenschall
Senator Marilyn Dondero Loop
Senator Rochelle T. Nguyen
Senator Ira Hansen
Senator Lisa Krasner
Senator Jeff Stone

GUEST LEGISLATORS PRESENT:

Assemblywoman Lesley E. Cohen, Assembly District No. 29

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Karly O'Krent, Counsel
Blain Jensen, Committee Secretary

OTHERS PRESENT:

Jonathan Norman, Nevada Coalition of Legal Service Providers
Stephanie McDonald, Legal Aid Center of Southern Nevada

CHAIR SCHEIBLE:

I will open the hearing on Assembly Bill (A.B.) 227.

ASSEMBLY BILL 227 (1st Reprint): Revises provisions relating to domestic relations. (BDR 11-660)

ASSEMBLYWOMAN LESLEY E. COHEN (Assembly District No. 29):

Joining us is Stephanie McDonald, who recently joined the Legal Aid Center of Southern Nevada as the directing attorney in the Family Law Self-Help Center. In this position, she oversees operations, providing information forms and procedural guidance to self-represented litigants navigating Family Court. Ms. McDonald first worked for Legal Aid in 2010 as the bankruptcy facilitator and served as a law clerk in Family Court for District Judge Mathew Harter and District Judge Sandra Pomrenze.

Jonathan Norman is representing the Nevada Coalition of Legal Service Providers, which includes the Legal Aid Center of Southern Nevada. After finishing law school, Mr. Norman worked as a legal aid attorney on the Navajo Nation. In 2017, he moved to Las Vegas and took a position representing foster children with the Children's Attorneys Project at the Legal Aid Center of Southern Nevada and eventually became the lead attorney of its Education Advocacy Program, before moving into policy full-time.

Assembly Bill 227 is a domestic relations bill, providing a way for our constituents dealing with domestic relations issues to have a better, easier and less adversarial way to move their families through the court system.

JONATHAN NORMAN (Nevada Coalition of Legal Service Providers):

The Legal Aid Center of Southern Nevada is the biggest member in our coalition and operates the Family Law Self-Help Center. To give the Committee some context, Ms. McDonald and her team help about 80,000 people every year who come in with a variety of domestic issues from divorce to custody. People are more familiar with the Civil Law Self-Help Center where we handle evictions. The Family Law Self-Help Center is a separate self-help center that deals with Family Court issues. Assembly Bill 227 creates joint petitions for annulments and child custody. This is important because the Self-Help Center provides forms and helps people with the next steps to work on a collaborative joint petition. We do not need to artificially create an adversarial process where one person is being served a petition and having to respond.

STEPHANIE McDONALD (Legal Aid Center of Southern Nevada):

Family Court is a place where people come when family crises happen. It is estimated that roughly 70 percent of litigants in Family Court are handling their case on their own without the assistance of counsel because many simply cannot afford an attorney when crises strike. My team and I operate the Self-Help Center in Clark County at Family Court. We assist roughly 80,000 people per year, most of whom find the court process to be overwhelming and bewildering. Most of the cases coming into the Family Court involve divorce, child custody and annulments.

Although many litigants disagree about how to resolve these issues, many litigants already did the work to figure out mutually agreeable terms to finalize their issues. They just want the court to grant an order that formalizes their agreements. *Nevada Revised Statutes* (NRS) 125.181 provides a streamlined process for those who have already reached a full agreement on the terms of their divorce. Those parties can complete a joint petition by both spouses signing and submitting a jointly signed decree to the court to get their divorce quickly without a court hearing if all the agreements make sense to the reviewing judge. This process encourages cooperation, and it is hugely popular with spouses who want to fast-track a divorce.

Litigants who are similarly in agreement to a child custody matter or an annulment are often shocked to find out that they cannot use the joint petition process but must instead file a contested case regardless of their agreement. To get a court order for custody or annulment, one person must agree to be the plaintiff and file a series of forms to put a proposal together. The other person must agree to be the defendant and file a series of forms to respond to the plaintiff's proposal. Then, both people must complete and submit their final agreed upon decree to the court for review and approval. The number of steps required to accomplish a stipulated decree in the annulment and child custody arena are far greater than those required for a stipulated decree of divorce.

Assembly Bill 227 would make the same expedited divorce process available to those who agree to an annulment or are not married but want to formalize a child custody agreement. Sections 5 through 8 would make the joint petition process available to those in agreement to an annulment.

Sections 14 through 19 would make the joint petition process available to those for child custody. All the new proposed statutory language is based on NRS 125

language that lays out the divorce joint petition process. Ultimately, this bill would allow those already in agreement to get through their court case easier, reduce the amount of court resources required to file and finalize a case and help litigants maintain a cooperative spirit to resolve the issue rather than introduce adversarial concepts for those not at odds with each other.

SENATOR OHRENSCHALL:

I meet so many people trying to get help from the Self-Help Center who cannot otherwise afford an attorney. If this becomes law, do you expect less adversarial-type filings and hearings, saving judicial resources?

MS. McDONALD:

I imagine that A.B. 227 would. Several litigants are requesting this process. Unfortunately, the Self-Help Center has to steer them toward the adversarial route. They are able to complete their case without extra hearings and whatnot, but it significantly delays the process and introduces possible barriers that a joint petition process would avoid.

ASSEMBLYWOMAN COHEN:

This is for people; it is not just for the Self-Help Center and people representing themselves. Plenty of people want to hire counsel and go through the effort to make sure it is done the right way. They do not want to have things rejected, but they still do not want to be adversarial with the other parent of their child or soon-to-be-former spouse. People will come to attorneys, but this will cost them less money and time in the courts, benefitting everyone.

SENATOR STONE:

This is a great way to spare a family the grief and hostilities that sometimes are shown in a divorce proceeding. When couples come in wanting to dissolve their marriage, are there a lot of issues that A.B. 227 may address by splitting an estate, pension and social security? Before a judge says, okay, they have all their ducks in order, is there a checklist to make sure everything is done so the couple does not have to go back to court later and say, we forgot about that issue? How do we deal with that?

MS. McDONALD:

We do not necessarily have a checklist for people to walk through, but the Self-Help Center forms have a checklist to complete the process. Available to anybody, these include every variety of issue mandatory to come to an

agreement and finalize the case. If they run into some blocks where they are not quite sure how to resolve a particular issue, we have great resources to help them learn and understand the law about that issue so they can come to their own conclusions.

We have a wonderful partnership with the University of Nevada, Las Vegas, William S. Boyd School of Law and its community education classes that explain divorce, child custody, community property, separate property and child support concepts in detail to help people understand the law and come to their own sensible agreement. Once they have gone through that process of learning about it, the Self-Help Center has an Ask-a-Lawyer Program where volunteer pro bono attorneys will meet with litigants to answer any questions they may have. We certainly encourage people to do that if they have questions before they sign anything because undoing a mistake later is far more difficult than making sure it gets done right in the first instance.

SENATOR STONE:

What are the requirements as far as being a Nevada resident to utilize these services? Can somebody from out of state come get a divorce here versus living maybe part time in another state? How does that work?

ASSEMBLYWOMAN COHEN:

It is six weeks for jurisdiction to get a divorce.

SENATOR STONE:

What is the logical time frame for people who come to a consensus to move forward with the dissolution of marriage? Are we talking about in a month's time, somebody could have this all buttoned up and done?

ASSEMBLYWOMAN COHEN:

Remember, joint petition already allowed for divorce. Assembly Bill 227 is not about joint petition for divorce. But if you are asking about divorce, I tell clients if both people are in agreement, it can be as little as two weeks if everyone is thoroughly ready. Sometimes, people come in and say we are in agreement; we divided all the property and here is a list of pots, pans and couches. I will ask, "What about the PERS and the 401(k)?" and they respond, we did not talk about that. But if people are truly in agreement—whether a custody, divorce or annulment case, which are all different because courts have different standards of determining—and the judge is not backed up, it can be two weeks.

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SENATOR KRASNER:

People come to the Self-Help Center and say they are ready and in agreement; here are the pots, pans and sofas we want, but the 401(k)s and bank accounts are not included. What if one party does not even know about those bank accounts? Is it just too bad and somebody pulled the wool over somebody else's eyes, or is somebody overseeing any of this?

ASSEMBLYWOMAN COHEN:

That is not A.B. 227. Someone can continue to have an adversarial divorce if finding out later that things were hidden. There is a way to come back to court within a certain amount of time.

SENATOR KRASNER:

Nobody is overseeing this. If the parties agree, then that is what they agreed to. Is that correct?

ASSEMBLYWOMAN COHEN:

Right. Assembly Bill 227 is dealing with only custody and annulment cases, not pots and pans or 401(k) types of things. This is if unmarried parents of a child want to come to terms about how to share the child after they are no longer a couple. They know what they want to do or, with the help of the Family Mediation Center, decide how they want to divide up the time with their child. If a couple wants to do an annulment once they get married and realize they are related or someone was drunk, the divorce issue is not addressed in A.B. 227.

SENATOR KRASNER:

A divorce issue is in law but not in A.B. 227. This is a child custody and annulment fast track.

ASSEMBLYWOMAN COHEN:

Correct. Divorce is just an example we are using because we already have joint petition annulment in law.

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CHAIR SCHEIBLE:

I will close the hearing on A.B. 227 and adjourn the Senate Judiciary Committee at 1:52 p.m.

RESPECTFULLY SUBMITTED:

Blain Jensen,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster