Senate Bill No. 275–Senator Cannizzaro

CHAPTER.....

AN ACT relating to domestic relations; prohibiting a court with jurisdiction over a child custody proceeding from taking certain actions for the sole purpose of improving a deficient relationship between a child and a parent of the child under certain circumstances; prohibiting any such court from ordering a child to receive reunification treatment under certain circumstances; requiring any such court to consider certain evidence in making certain findings relating to allegations of domestic violence or child abuse; requiring the Administrative Office of the Courts to provide ongoing training regarding domestic violence, child abuse and best practices in family court in the regular education provided by the Office to judges; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that it is the policy of this State to: (1) ensure that minor children have a continuing relationship with both parents after the parents have ended their relationship; (2) encourage such parents to share the rights and responsibilities of child rearing; and (3) establish that such parents have an equivalent duty to provide their minor children with necessary maintenance, healthcare, education and support. (NRS 125C.001) **Section 5** of this bill: (1) defines the term "reunification treatment" to mean a treatment or therapy aimed at reuniting or reestablishing a relationship between a child and an estranged or rejected parent or other family member of the child; and (2) prohibits a court from issuing an order requiring a child to receive reunification treatment under certain circumstances. **Section 5** also prohibits a court from removing a child from a parent or litigant or restricting contact between a child and a parent or litigant for the sole purpose of improving a deficient relationship between the child and the other parent of the child under certain circumstances.

Section 6 of this bill provides that in a child custody proceeding in which a parent is alleged to have committed domestic violence or child abuse, expert evidence relating to the alleged domestic violence or child abuse may only be admitted by a professional who possesses certain expertise and clinical experience. **Section 6** also: (1) requires the court in any such proceeding to consider evidence of past domestic violence or child abuse under certain circumstances; and (2) prohibits the court in any such proceeding from issuing an order to remediate the resistance of a child to have contact with a parent alleged to have committed domestic violence or child abuse under certain circumstances.

Existing law requires each judge of the family court to attend a course designed for the training of new judges within 12 months after taking office. (NRS 3.028) **Section 7** of this bill requires the Administrative Office of the Courts to: (1) include ongoing training regarding domestic violence, child abuse and best practices in family court in the regular education provided by the Office to judges; and (2) to the extent of available funding, offer such training to certain other persons. Under **section 7**, this training must comply with certain provisions of federal law.

Sections 3 and 4 of this bill define certain terms for the purposes of **sections 2-7** of this bill.

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 125C of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***1. "Child custody proceeding" means a proceeding in which legal custody, physical custody or visitation with respect to a child is at issue.***

2. The term includes a proceeding for divorce, separation, paternity, child support, termination of parental rights and protection from domestic violence in which the issue may appear.

3. The term does not include a delinquency proceeding conducted pursuant to title 5 of NRS, a proceeding to terminate parental rights pursuant to chapter 128 of NRS or a proceeding held pursuant to chapter 432B of NRS.

Sec. 4. ***"Domestic violence" means an act described in NRS 33.018.***

Sec. 5. ***1. During a child custody proceeding, the court shall not:***

(a) For the sole purpose of improving a deficient relationship between a child and the other parent of the child, remove the child from a parent or litigant or restrict contact between the child and a parent or litigant who:

(1) Is capable of meeting the needs of the child;

(2) Is protective of the child;

(3) Does not physically or sexually abuse the child or neglect the child; and

(4) Is a person with whom the child is bonded or to whom the child is attached; or

(b) Issue an order requiring a child to receive reunification treatment unless:

(1) The court makes specific findings, based on the papers, pleadings and arguments presented, that generally accepted and scientifically valid proof demonstrates that the treatment is:

(I) Safe, effective and of therapeutic value; and

(II) Will not harm a child; and

(2) The reunification treatment is not predicated on isolating a child from a parent who meets the requirements set forth in subparagraphs (1) to (4), inclusive, of paragraph (a) or otherwise prohibiting contact between a child and any such parent.

2. As used in this section, "reunification treatment" means a treatment or therapy aimed at reuniting or reestablishing a relationship between a child and an estranged or rejected parent or other family member of the child.

Sec. 6. ***1. Notwithstanding any other provision of law, in a child custody proceeding in which a parent is alleged to have committed domestic violence or child abuse:***

(a) Expert evidence relating to alleged domestic violence or child abuse may only be admitted by a professional who possesses demonstrated expertise and substantial clinical experience that are not primarily of a forensic nature;

(b) The court shall, in making any finding relating to an allegation of domestic violence or child abuse, consider all relevant and admissible evidence of past domestic violence or child abuse committed by the parent who is the subject of the allegation, including, without limitation, any evidence which indicates that the parent has been:

(1) Arrested for or convicted of domestic violence or child abuse; or

(2) A party against whom an order for protection, restraining order or injunction in the nature of an order for protection is issued; and

(c) The court shall not issue an order to remediate the resistance of a child to have contact with a parent alleged to have committed domestic violence or child abuse unless the order:

(1) Primarily addresses the behavior of the parent with whom the child resists contact; and

(2) Requires the parent with whom the child resists contact to take action to remediate the resistance of the child as a condition precedent to requiring the other parent of the child to take any action to improve the relationship of the child with the parent with whom the child resists contact.

2. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection if it grants relief that might be given in a temporary or extended order for protection.

3. As used in this section:

(a) "Child abuse" means:

(1) Physical or mental injury of a nonaccidental nature to a child under the age of 18 years; or

(2) Sexual abuse or sexual exploitation of a child under the age of 18 years.

(b) "Clinical experience" means experience working with and on behalf of victims of domestic violence or child abuse.

(c) "Forensic" means provided pursuant to a court order for the purpose of litigation. The term includes, without limitation, the evaluation of a parent or child involved in a child custody proceeding.

(d) "Order for protection" means:

(1) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive;

(2) A temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591; or

(3) A temporary or extended order for protection against sexual assault issued pursuant to NRS 200.378.

(e) "Sexual abuse" has the meaning ascribed to it in NRS 432B.100.

(f) "Sexual exploitation" has the meaning ascribed to it in NRS 432B.110.

Sec. 7. *1. The Administrative Office of the Courts shall:*

(a) Include ongoing training regarding domestic violence, child abuse and best practices in family court in the regular education provided by the Office to judges; and

(b) To the extent that money is available for this purpose, offer such training to:

(1) Other officers of the Judicial Department of the State Government who preside over judicial proceedings involving matters within the jurisdiction of the family court, including, without limitation, magistrates and special masters; and

(2) Court staff who regularly and routinely interact with persons who are involved in child custody proceedings and exercise discretion or judgment in those interactions.

2. The training provided pursuant to subsection 1 must comply with the applicable requirements of the Violence Against Women Act Reauthorization Act of 2022, Pub. L. No. 117-103, 34 U.S.C. §§ 12291 et seq.

Sec. 8. This act becomes effective on July 1, 2025.

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