

ASSEMBLY BILL NO. 146—ASSEMBLYMEMBER GALLANT

PREFILED JANUARY 29, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the fundamental rights of parents. (BDR 11-150)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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

AN ACT relating to parentage; providing that the right of a parent to nurture, educate and control the parent’s child is a fundamental right and cannot be abridged on account of disability; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law recognizes that the liberty interest of a parent in the care, custody
2 and management of the parent’s child is a fundamental right, but also provides that
3 this fundamental right must not be construed to: (1) authorize a parent to engage in
4 unlawful conduct or to abuse or neglect a child in violation of the laws of this State;
5 or (2) prohibit courts, law enforcement officers or employees of an agency which
6 provides child welfare services from acting in their official capacity within the
7 scope of their authority. (NRS 126.036) This bill: (1) additionally provides that the
8 liberty interest of a parent to nurture, educate and control the parent’s child is a
9 fundamental right; and (2) provides that this fundamental right must not be limited
10 or abridged on account of *bolded* disability.

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

1 **Section 1.** NRS 126.036 is hereby amended to read as follows:
2 126.036 1. The liberty interest of a parent in the *nurture,*
3 *education,* care, custody, *control* and management of the parent’s
4 child is a fundamental right ~~is~~ *recognized by the Nevada*
5 *Constitution and the United States Constitution.*
6 2. Nothing in this section shall be construed to:



1 (a) Authorize a parent to engage in any unlawful conduct or to
2 abuse or neglect a child in violation of the laws of this State.

3 (b) Prohibit courts, law enforcement officers or employees of an
4 agency which provides child welfare services from acting in their
5 official capacity within the scope of their authority.

6 *(c) Limit or abridge parental rights on account of disability.*

7 3. Except as otherwise provided by specific statute, the
8 provisions of this section apply to any statute, local ordinance or
9 regulation and the implementation of such statute, local ordinance
10 or regulation regardless of whether such statute, local ordinance or
11 regulation was adopted or effective before, on or after October 1,
12 2013.

13 4. As used in this section ~~["agency"]~~:

14 (a) "Agency which provides child welfare services" has the
15 meaning ascribed to it in NRS 432B.030.

16 (b) "Disability" means, with respect to a person:

17 (1) *A physical or mental impairment that substantially*
18 *limits one or more of the major life activities of the person;*

19 (2) *A record of such an impairment; or*

20 (3) *Being regarded as having such an impairment.*

