

SENATE BILL NO. 119—SENATORS PICKARD, HARDY, BUCK;  
GOICOECHEA, HAMMOND, KIECKHEFER, SEEVERS  
GANSERT AND SETTELMAYER

FEBRUARY 11, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to domestic relations.  
(BDR 11-163)

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

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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 domestic relations; creating summary procedures for the resolution of certain matters relating to permanent support and maintenance, divorce and child custody; revising provisions governing the issuance of certain orders during a suit for divorce; adding certain factors for determining child custody; revising provisions governing the relocation of a parent with his or her child; making certain terms consistent in provisions relating to child custody; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes parties to a divorce to use a summary procedure to  
2 dissolve the marriage when both parties desire the court to enter a decree of divorce  
3 and, among other conditions: (1) have waived spousal support; (2) have no  
4 community or joint property or liabilities; and (3) have no minor children from the  
5 marriage. (NRS 125.181) The summary procedure requires the parties to file a joint  
6 petition for divorce and waive certain procedural rights, including, without  
7 limitation, the right to appeal after a final judgment is entered except in certain  
8 limited circumstances. (NRS 125.182, 125.184) Existing law allows a person to  
9 seek permanent support and maintenance of himself or herself and his or her  
10 children in certain circumstances without applying for a divorce. (NRS 125.190)  
11 **Sections 2-4 and 10-12** of this bill create a summary procedure for permanent  
12 support and maintenance similar to the summary procedure for divorce when  
13 certain factors are present and both spouses agree to the summary procedure.  
14 **Sections 5-7** of this bill provide for an ex parte divorce by summary procedure  
15 when a judgment for permanent support and maintenance has been entered, among  
16 other conditions. **Section 7** of this bill authorizes either spouse to obtain a divorce



17 by such a procedure without providing prior notice to the other spouse or a hearing.  
18 When an ex parte divorce is granted, **section 7** makes any order for child custody  
19 that was part of the judgment for permanent support and maintenance continue  
20 in accordance with its terms and provides that any judgment for permanent support  
21 and maintenance for a spouse is deemed to be a judgment for alimony. **Sections 17-**  
22 **20** of this bill create a summary procedure to determine child custody when the  
23 parents or legal guardians of a child have reached a detailed agreement on the  
24 custody, control, care, education, maintenance and support of the child and  
25 the court determines that using the summary procedure is in the best interest of the  
26 child.

27 Existing law authorizes the court to issue certain orders for support and costs  
28 during the pendency of a suit for divorce after taking into consideration the  
29 financial situation of each of the parties. (NRS 125.040) **Section 8** of this bill  
30 instead authorizes the court to issue such orders which it deems necessary to  
31 maintain the status quo between each of the parties after taking into consideration  
32 certain information relating to the income and expenses of the parties.

33 Existing law makes the best interest of the child the sole consideration of the  
34 court in determining the physical custody of a minor child and sets out specific  
35 considerations for the court in determining the best interest of a child. (NRS  
36 125C.0035) **Section 21** of this bill adds to these considerations whether the parents  
37 have established an agreement concerning the division of rights and duties relating  
38 to the child and whether either parent is seeking joint custody primarily to avoid the  
39 payment of child support.

40 Existing law requires a custodial parent who wishes to relocate with his or her  
41 child to obtain the written consent of the noncustodial parent or petition the court  
42 for permission to relocate with the child. (NRS 125C.006) Existing law similarly  
43 requires a parent with joint custody who wishes to relocate with his or her child to  
44 obtain written consent of the other parent or petition the court for permission to  
45 relocate with the child. (NRS 125C.0065) **Sections 22 and 23** of this bill allow a  
46 parent who has relocated with the required consent from the other parent or  
47 permission from the court to subsequently relocate without obtaining additional  
48 consent or permission upon providing notice to the other parent at least 30 days  
49 before relocating. Under **sections 22 and 23**, however, such consent or permission  
50 is required if the noncustodial or non-relocating parent establishes that the  
51 subsequent relocation will prevent him or her from continuing to maintain contact  
52 with the child or to participate in certain major decisions concerning the child.  
53 **Section 29** of this bill makes a conforming change relating to such consent or  
54 permission.

55 Existing law and regulations permit the court to order a relocating parent to pay  
56 to the non-relocating parent the costs of transportation for the visitation of a child to  
57 the new location of the relocating parent. (NRS 125B.080; NAC 425.150) **Section**  
58 **14** of this bill prohibits the court from ordering such costs if: (1) the relocating  
59 parent is a member of a uniformed service; (2) the relocating parent was a member  
60 of the uniformed service when the child was born or adopted; (3) the non-relocating  
61 parent knew that the relocating parent was a member of the uniformed service when  
62 the child was born or adopted; and (4) the relocating parent was required to move  
63 because of a mandatory reassignment ordered by the uniformed service.

64 Existing law uses the terms "sole or joint custody," "primary physical custody"  
65 and other similar terms in provisions relating to child custody. (NRS 125C.003,  
66 125C.0035, 125C.0075, 125C.210, 125C.220-125C.240, 159A.049, 200.359,  
67 432B.153, 432B.159, 432B.4665) **Sections 21, 24-28 and 30-32** of this bill replace  
68 the term "sole" with "primary" for consistency.



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

1       **Section 1.** Chapter 125 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 7, inclusive, of this  
3 act.

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

10       2. *The petition must also state:*

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

12       (b) *The mailing address of both spouses.*

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

17       3. *If the parties have entered into an agreement pursuant to*  
18 *subsection 2 of NRS 125.190 of which the parties wish the court to*  
19 *approve or make a part of the judgment, the agreement must be*  
20 *identified and attached to the petition as an exhibit.*

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

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

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

31       **Sec. 4. 1.** *Entry of the final judgment upon a petition for a*  
32 *summary proceeding for permanent support and maintenance*  
33 *pursuant to section 2 of this act constitutes:*

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

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

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

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



1 (b) A waiver of the respective rights of the parties to written  
2 notice of entry of the judgment, to appeal, to request findings of  
3 fact and conclusions of law and to move for a new trial.

4 2. Upon entry of the final judgment, either party to the  
5 marriage may commence an ex parte action for divorce by the  
6 summary procedure set forth in sections 5, 6 and 7 of this act.

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

11 **Sec. 5.** An ex parte action for divorce may be determined by  
12 the summary procedure set forth in this section and sections 6 and  
13 7 of this act upon petition of either party filed pursuant to section  
14 6 of this act, when all of the following conditions exist at the time  
15 the proceeding is commenced:

16 1. The jurisdictional requirements of NRS 125.020 have been  
17 met.

18 2. The spouses have lived separate and apart for 1 year  
19 without cohabitation or they are incompatible.

20 3. A final judgment for permanent support and maintenance  
21 has been entered and has adjudicated the rights of the parties  
22 pursuant to NRS 125.190 to 125.280, inclusive, and sections 2 to 7,  
23 inclusive, of this act.

24 4. The moving party waives his or her respective rights to  
25 written notice of entry of the judgment or decree of divorce, to  
26 appeal, to request findings of fact and conclusions of law and  
27 to move for a new trial.

28 5. The moving party desires that the court enter a judgment  
29 or decree of divorce.

30 **Sec. 6. 1.** An ex parte summary proceeding for divorce may  
31 be commenced by filing in any district court a petition, signed  
32 under oath by the moving party, stating that as of the date of  
33 filing, every condition set forth in section 5 of this act has been  
34 met.

35 2. The petition must also state:

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

37 (b) The mailing address of both spouses.

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

42 (d) Whether a spouse elects to have his or her former name  
43 restored and, if so, the name to be restored, if the moving party is  
44 the spouse who elects to have his or her former name restored.



1       3. *The final judgment for permanent support and*  
2 *maintenance issued pursuant to NRS 125.190 to 125.280,*  
3 *inclusive, and sections 2 to 7, inclusive, of this act must be*  
4 *identified and attached to the petition as an exhibit.*

5       **Sec. 7. 1.** *Upon receipt of an ex parte petition for divorce*  
6 *pursuant to section 6 of this act, the court may enter a judgment or*  
7 *decree of divorce without providing prior notice to the nonmoving*  
8 *party or conducting a hearing.*

9       2. *Upon entry of a final judgment or decree for an ex parte*  
10 *petition for divorce, the marriage contract as to both parties is*  
11 *fully and completely dissolved with the effects and rights*  
12 *prescribed by NRS 125.130.*

13       3. *Any order concerning the custody, control and support of a*  
14 *minor child entered pursuant to NRS 125.210 or 125.230 or*  
15 *section 4 of this act continues in accordance with its terms.*

16       4. *A judgment for permanent support and maintenance*  
17 *entered pursuant to NRS 125.190 to 125.280, inclusive, and*  
18 *sections 2 to 7, inclusive, of this act shall be deemed a judgment*  
19 *for alimony with the effect prescribed by NRS 125.150 to 125.180,*  
20 *inclusive.*

21       5. *The nonmoving party to an ex parte petition for divorce*  
22 *must be provided with written notice of entry of the final judgment*  
23 *or decree of divorce and retains the right to appeal from such*  
24 *judgment or decree.*

25       6. *A final judgment or decree of divorce entered pursuant to*  
26 *this section does not prejudice or bar the rights of either of the*  
27 *parties to institute an action to set aside the final judgment or*  
28 *decree for fraud, duress, accident, mistake or other grounds*  
29 *recognized at law or in equity.*

30       **Sec. 8.** NRS 125.040 is hereby amended to read as follows:

31       125.040 1. In any suit for divorce the court may, in its  
32 discretion, upon application by either party and notice to the other  
33 party, require either party to pay moneys necessary to assist the  
34 other party in accomplishing one or more of the following:

- 35       (a) To provide temporary maintenance for the other party;  
36       (b) To provide temporary support for children of the parties; or  
37       (c) To enable the other party to carry on or defend such suit.

38       2. The court may make any order affecting property of the  
39 parties, or either of them, which it may deem necessary ~~for~~  
40 ~~desirable~~ *to maintain the status quo between each of the parties* to  
41 accomplish the purposes of this section. Such orders shall be made  
42 by the court only after taking into consideration the ~~financial~~  
43 ~~situation~~ *following information, including, without limitation:*

- 44       (a) *The actual or imputed income of each of the parties;*  
45       (b) *The total household income of the parties; and*



1 (c) *The actual, reasonable and necessary expenses* of each of  
2 the parties.

3 3. The court may make orders pursuant to this section  
4 concurrently with orders pursuant to NRS 125C.0055.

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

6 125.090 Except ~~in a summary proceeding for divorce,~~ *as*  
7 *otherwise provided in sections 2 to 7, inclusive, of this act and*  
8 *NRS 125.181 to 125.184, inclusive,* the proceedings, pleadings and  
9 practice must conform to the Nevada Rules of Civil Procedure as  
10 nearly as conveniently possible, but all preliminary and final orders  
11 may be in such form as best effects the object of this chapter, and  
12 produces substantial justice.

13 **Sec. 10.** NRS 125.190 is hereby amended to read as follows:

14 125.190 1. When a person has any cause of action for divorce  
15 or when a person has been deserted and the desertion has continued  
16 for 90 days, the person may, without applying for a divorce,  
17 maintain in the district court an action against his or her spouse for  
18 permanent support and maintenance of himself or herself and their  
19 children.

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

26 (a) *There are no minor children of the relationship of the*  
27 *parties born before or during the marriage or adopted by the*  
28 *parties during the marriage and the spouse, to the knowledge of*  
29 *the spouse, is not pregnant, or the parties have executed an*  
30 *agreement as to the custody of any such children setting forth the*  
31 *amount and manner of their support;*

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

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

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



1 (e) *The parties desire that the court enter a judgment for*  
2 *permanent support and maintenance of one of the parties and*  
3 *their children, if any.*

4 **Sec. 11.** NRS 125.210 is hereby amended to read as follows:

5 125.210 1. Except as otherwise provided in subsection 2, in  
6 any action brought pursuant to NRS 125.190, the court may ~~[-]~~  
7 *make a preliminary or final judgment on any claim that may be*  
8 *raised during an action for divorce, including, without limitation:*

9 (a) ~~Assign and decree to either spouse the possession of any~~  
10 ~~real or personal property of the other spouse;]~~ *The custody, control*  
11 *and support of any minor children of the relationship of the*  
12 *parties born before or during the marriage or adopted by the*  
13 *parties during the marriage;*

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

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

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

22 ~~—(d) Determine the]~~

23 (e) *The time and manner in which the payments for spousal*  
24 *support must be made [-]; and*

25 (f) *Attorney’s fees and costs.*

26 2. The court may not:

27 (a) ~~Assign and decree to either spouse the possession of any~~  
28 ~~real or personal property of the other spouse;]~~ *Order the division of*  
29 *community property and the assumption of liabilities of the*  
30 *community; or*

31 (b) Order ~~for decree]~~ the ~~[payment of a fixed sum of money for~~  
32 ~~the support of the other spouse,]~~ *amount and manner of spousal*  
33 *support,*

34 *↪ if it is contrary to a premarital agreement between the spouses*  
35 *which is enforceable pursuant to chapter 123A of NRS.*

36 3. Unless the action is contrary to a premarital agreement  
37 between the parties which is enforceable pursuant to chapter 123A  
38 of NRS, in determining whether to award money for ~~the support of~~  
39 ~~a spouse]~~ *spousal support* or the amount of any award of money for  
40 ~~the support of a spouse,]~~ *spousal support,* the court shall not attach,  
41 levy or seize by or under any legal or equitable process, either  
42 before or after receipt by a veteran, any federal disability benefits  
43 awarded to a veteran for a service-connected disability pursuant to  
44 38 U.S.C. §§ 1101 to 1151, inclusive.



1 4. Except as otherwise provided in chapter 130 of NRS, the  
2 court may change, modify or revoke its orders and decrees from  
3 time to time.

4 5. No order or decree is effective beyond the joint lives of the  
5 spouses.

6 **Sec. 12.** NRS 125.230 is hereby amended to read as follows:

7 125.230 1. The court in such actions may make such  
8 preliminary and final orders as it may deem proper for the custody,  
9 control and support of any minor child or children of the parties ~~§~~  
10 *pursuant to chapter 125C of NRS.*

11 2. A court that enters an order pursuant to subsection 1, *NRS*  
12 *125.210 or section 4 of this act* for the support of any minor child or  
13 children shall ensure that the social security numbers of the parties  
14 are provided to the Division of Welfare and Supportive Services of  
15 the Department of Health and Human Services.

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

17 125.250 In all cases commenced under NRS 125.190 to  
18 125.280, inclusive, *and sections 2 to 7, inclusive, of this act*, the  
19 proceedings and practice must be the same, as nearly as may be, as  
20 those provided in actions for divorce. Suit may be brought in the  
21 county in which either party resides at the time the suit is  
22 commenced, or in the county in which the spouse may be found.

23 **Sec. 14.** NRS 125B.080 is hereby amended to read as follows:

24 125B.080 1. A court of this State shall apply the guidelines  
25 established by the Administrator of the Division of Welfare and  
26 Supportive Services of the Department of Health and Human  
27 Services pursuant to NRS 425.620 to:

28 ~~§~~ (a) Determine the required support in any case involving the  
29 support of children; or

30 ~~§~~ (b) Change the amount of the required support of children.

31 2. *A parent who knows at the time of the birth or adoption of*  
32 *a child that the other parent is a member of a uniformed service*  
33 *assumes the risk that the other parent may be required to relocate.*  
34 *A court of this State shall not order or modify an order of support*  
35 *to require a relocating parent to compensate the non-relocating*  
36 *parent for the transportation costs of the visitation of the child to*  
37 *the new location of the relocating parent if:*

38 (a) *The relocating parent is a member of a uniformed service.*

39 (b) *The relocating parent was a member of the uniformed*  
40 *service at the time the child was born or adopted.*

41 (c) *The non-relocating parent knew that the relocating parent*  
42 *was a member of the uniformed service at the time the child was*  
43 *born or adopted.*

44 (d) *The relocating parent was required to move because of a*  
45 *mandatory reassignment ordered by the uniformed service. For*





1 *the purposes of this paragraph, a reassignment ordered as the*  
2 *result of a request for reassignment by the relocating parent shall*  
3 *not be deemed a mandatory reassignment. The fact that the*  
4 *relocating parent indicated a preference for a certain location for*  
5 *possible reassignment by the uniformed service shall not be*  
6 *deemed a request for reassignment.*

7 3. *As used in this section, “uniformed service” has the*  
8 *meaning ascribed to it in NRS 125C.0639.*

9 **Sec. 15.** Chapter 125C of NRS is hereby amended by adding  
10 thereto the provisions set forth as sections 16 to 20, inclusive, of this  
11 act.

12 **Sec. 16.** *Except as otherwise provided in sections 17 to 20,*  
13 *inclusive, of this act, the proceedings, pleadings and practice must*  
14 *conform to the Nevada Rules of Civil Procedure as nearly as*  
15 *conveniently possible, but all preliminary and final orders may be*  
16 *in such form as best effects the object of this chapter and produces*  
17 *substantial justice.*

18 **Sec. 17.** *An action to determine custody of a child may be*  
19 *brought by the summary procedure set forth in sections 17 to 20,*  
20 *inclusive, of this act, when all of the following conditions exist at*  
21 *the time the proceeding is commenced:*

22 1. *A court has jurisdiction pursuant to NRS 125A.305 to*  
23 *125A.395, inclusive.*

24 2. *The parties have executed an agreement as to the custody*  
25 *of the child, which must specify, without limitation, the custody,*  
26 *control, care, education, maintenance and support of the child.*

27 3. *The use of the summary procedure set forth in sections 17*  
28 *to 20, inclusive, of this act is in the best interest of the child.*

29 4. *The agreement of the parties defines the rights and duties*  
30 *of the parties with sufficient particularity to ensure that these*  
31 *rights and duties can be properly enforced and that the best*  
32 *interest of the child is achieved. As used in this subsection,*  
33 *“sufficient particularity” means a statement of the rights in*  
34 *absolute terms and not by the use of the term “reasonable” or any*  
35 *other similar term which is susceptible to different interpretations*  
36 *by the parties.*

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

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

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



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

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

8     *3. The agreement executed pursuant to section 17 of this act*  
9 *of which the parties wish the court to approve or make a part of*  
10 *the order must be identified and attached to the petition as an*  
11 *exhibit.*

12     **Sec. 19.** *1. At any time before the entry of an order to*  
13 *determine the custody of a child, either party to a joint petition*  
14 *filed pursuant to section 18 of this act may revoke the joint petition*  
15 *and thereby terminate the summary proceeding to determine the*  
16 *custody of the child.*

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

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

23     **Sec. 20.** *1. Entry of an order upon a petition for a summary*  
24 *proceeding for a determination of the custody of a child*  
25 *constitutes an adjudication of the rights and obligations of the*  
26 *parties regarding the custody, control, care, education,*  
27 *maintenance and support of the child and the respective rights of*  
28 *the parties to written notice of entry of the order, to appeal, to*  
29 *request findings of fact and conclusions of law and to move for a*  
30 *new trial.*

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

35     **Sec. 21.** NRS 125C.0035 is hereby amended to read as  
36 follows:

37     125C.0035 *1. In any action for determining physical custody*  
38 *of a minor child, the sole consideration of the court is the best*  
39 *interest of the child. If it appears to the court that joint physical*  
40 *custody would be in the best interest of the child, the court may*  
41 *grant physical custody to the parties jointly.*

42     *2. Preference must not be given to either parent for the sole*  
43 *reason that the parent is the mother or the father of the child.*



1 3. The court shall award physical custody in the following  
2 order of preference unless in a particular case the best interest of the  
3 child requires otherwise:

4 (a) To both parents jointly pursuant to NRS 125C.0025 or to  
5 either parent pursuant to NRS 125C.003. If the court does not enter  
6 an order awarding joint physical custody of a child after either  
7 parent has applied for joint physical custody, the court shall state in  
8 its decision the reason for its denial of the parent's application.

9 (b) To a person or persons in whose home the child has been  
10 living and where the child has had a wholesome and stable  
11 environment.

12 (c) To any person related within the fifth degree of  
13 consanguinity to the child whom the court finds suitable and able to  
14 provide proper care and guidance for the child, regardless of  
15 whether the relative resides within this State.

16 (d) To any other person or persons whom the court finds  
17 suitable and able to provide proper care and guidance for the child.

18 4. In determining the best interest of the child, the court shall  
19 consider and set forth its specific findings concerning, among other  
20 things:

21 (a) The wishes of the child if the child is of sufficient age and  
22 capacity to form an intelligent preference as to his or her physical  
23 custody.

24 (b) Any nomination of a guardian for the child by a parent.

25 (c) Which parent is more likely to allow the child to have  
26 frequent associations and a continuing relationship with the  
27 noncustodial parent.

28 (d) The level of conflict between the parents.

29 (e) The ability of the parents to cooperate to meet the needs of  
30 the child.

31 (f) The mental and physical health of the parents.

32 (g) The physical, developmental and emotional needs of the  
33 child.

34 (h) The nature of the relationship of the child with each parent.

35 (i) *Whether the parents have established an agreement*  
36 *concerning a division of rights and duties relating to the child.*

37 (j) *Whether either parent is seeking joint physical custody*  
38 *primarily to avoid the payment of child support.*

39 (k) The ability of the child to maintain a relationship with any  
40 sibling.

41 ~~(l)~~ (l) Any history of parental abuse or neglect of the child or a  
42 sibling of the child.

43 ~~(m)~~ (m) Whether either parent or any other person seeking  
44 physical custody has engaged in an act of domestic violence against



1 the child, a parent of the child or any other person residing with the  
2 child.

3 ~~(n)~~ (n) Whether either parent or any other person seeking  
4 physical custody has committed any act of abduction against the  
5 child or any other child.

6 5. Except as otherwise provided in subsection 6 or NRS  
7 125C.210, a determination by the court after an evidentiary hearing  
8 and finding by clear and convincing evidence that either parent or  
9 any other person seeking physical custody has engaged in one or  
10 more acts of domestic violence against the child, a parent of the  
11 child or any other person residing with the child creates a rebuttable  
12 presumption that ~~sole~~ *primary* or joint physical custody of the  
13 child by the perpetrator of the domestic violence is not in the best  
14 interest of the child. Upon making such a determination, the court  
15 shall set forth:

16 (a) Findings of fact that support the determination that one or  
17 more acts of domestic violence occurred; and

18 (b) Findings that the custody or visitation arrangement ordered  
19 by the court adequately protects the child and the parent or other  
20 victim of domestic violence who resided with the child.

21 6. If after an evidentiary hearing held pursuant to subsection 5  
22 the court determines that each party has engaged in acts of domestic  
23 violence, it shall, if possible, then determine which person was the  
24 primary physical aggressor. In determining which party was the  
25 primary physical aggressor for the purposes of this section, the court  
26 shall consider:

27 (a) All prior acts of domestic violence involving either party;

28 (b) The relative severity of the injuries, if any, inflicted upon the  
29 persons involved in those prior acts of domestic violence;

30 (c) The likelihood of future injury;

31 (d) Whether, during the prior acts, one of the parties acted in  
32 self-defense; and

33 (e) Any other factors which the court deems relevant to the  
34 determination.

35 ↪ In such a case, if it is not possible for the court to determine  
36 which party is the primary physical aggressor, the presumption  
37 created pursuant to subsection 5 applies to both parties. If it is  
38 possible for the court to determine which party is the primary  
39 physical aggressor, the presumption created pursuant to subsection 5  
40 applies only to the party determined by the court to be the primary  
41 physical aggressor.

42 7. A determination by the court after an evidentiary hearing  
43 and finding by clear and convincing evidence that either parent or  
44 any other person seeking physical custody has committed any act of  
45 abduction against the child or any other child creates a rebuttable



1 presumption that ~~sole~~ *primary* or joint physical custody or  
2 unsupervised visitation of the child by the perpetrator of the  
3 abduction is not in the best interest of the child. If the parent or other  
4 person seeking physical custody does not rebut the presumption, the  
5 court shall not enter an order for ~~sole~~ *primary* or joint physical  
6 custody or unsupervised visitation of the child by the perpetrator  
7 and the court shall set forth:

8 (a) Findings of fact that support the determination that one or  
9 more acts of abduction occurred; and

10 (b) Findings that the custody or visitation arrangement ordered  
11 by the court adequately protects the child and the parent or other  
12 person from whom the child was abducted.

13 8. For the purposes of subsection 7, any of the following acts  
14 constitute conclusive evidence that an act of abduction occurred:

15 (a) A conviction of the defendant of any violation of NRS  
16 200.310 to 200.340, inclusive, or 200.359 or a law of any other  
17 jurisdiction that prohibits the same or similar conduct;

18 (b) A plea of guilty or nolo contendere by the defendant to any  
19 violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law  
20 of any other jurisdiction that prohibits the same or similar conduct;  
21 or

22 (c) An admission by the defendant to the court of the facts  
23 contained in the charging document alleging a violation of NRS  
24 200.310 to 200.340, inclusive, or 200.359 or a law of any other  
25 jurisdiction that prohibits the same or similar conduct.

26 9. If, after a court enters a final order concerning physical  
27 custody of the child, a magistrate determines there is probable cause  
28 to believe that an act of abduction has been committed against the  
29 child or any other child and that a person who has been awarded  
30 ~~sole~~ *primary* or joint physical custody or unsupervised visitation  
31 of the child has committed the act, the court shall, upon a motion to  
32 modify the order concerning physical custody, reconsider the  
33 previous order concerning physical custody pursuant to subsections  
34 7 and 8.

35 10. As used in this section:

36 (a) "Abduction" means the commission of an act described in  
37 NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other  
38 jurisdiction that prohibits the same or similar conduct.

39 (b) "Domestic violence" means the commission of any act  
40 described in NRS 33.018.

41 **Sec. 22.** NRS 125C.006 is hereby amended to read as follows:

42 125C.006 1. If primary physical custody has been established  
43 pursuant to an order, judgment or decree of a court and the custodial  
44 parent intends to relocate his or her residence to a place outside of  
45 this State or to a place within this State that is at such a distance that



1 would substantially impair the ability of the other parent to maintain  
2 a meaningful relationship with the child, and the custodial parent  
3 desires to take the child with him or her, the custodial parent shall,  
4 before relocating:

5 (a) Attempt to obtain the written consent of the noncustodial  
6 parent to relocate with the child; and

7 (b) If the noncustodial parent refuses to give that consent,  
8 petition the court for permission to relocate with the child.

9 2. The court may award reasonable attorney's fees and costs to  
10 the custodial parent if the court finds that the noncustodial parent  
11 refused to consent to the custodial parent's relocation with the child:

12 (a) Without having reasonable grounds for such refusal; or

13 (b) For the purpose of harassing the custodial parent.

14 3. ~~1A~~ *Except as otherwise provided in subsection 4, a* parent  
15 who relocates with a child pursuant to this section without the  
16 written consent of the noncustodial parent or the permission of the  
17 court is subject to the provisions of NRS 200.359.

18 *4. Except as otherwise provided in this subsection, a parent*  
19 *who has relocated with a child in compliance with the provisions*  
20 *of this section may subsequently relocate with the child without*  
21 *obtaining additional written consent from the noncustodial parent*  
22 *or permission from the court after providing written notice to the*  
23 *noncustodial parent at least 30 days before relocating with the*  
24 *child. Additional written consent from the noncustodial parent or*  
25 *permission from the court in the manner set forth in this section is*  
26 *required to be obtained by the relocating parent before any*  
27 *subsequent relocation with the child if the noncustodial parent*  
28 *establishes that the subsequent relocation would deprive the*  
29 *noncustodial parent from continuing to:*

30 (a) *Maintain regular contact with the child; or*

31 (b) *Participate in major decisions relating to the child,*  
32 *including, without limitation, decisions relating to the health,*  
33 *education and religious training of the child.*

34 **Sec. 23.** NRS 125C.0065 is hereby amended to read as  
35 follows:

36 125C.0065 1. If joint physical custody has been established  
37 pursuant to an order, judgment or decree of a court and one parent  
38 intends to relocate his or her residence to a place outside of this  
39 State or to a place within this State that is at such a distance that  
40 would substantially impair the ability of the other parent to maintain  
41 a meaningful relationship with the child, and the relocating parent  
42 desires to take the child with him or her, the relocating parent shall,  
43 before relocating:

44 (a) Attempt to obtain the written consent of the non-relocating  
45 parent to relocate with the child; and



1 (b) If the non-relocating parent refuses to give that consent,  
2 petition the court for primary physical custody for the purpose of  
3 relocating.

4 2. The court may award reasonable attorney's fees and costs to  
5 the relocating parent if the court finds that the non-relocating parent  
6 refused to consent to the relocating parent's relocation with the  
7 child:

8 (a) Without having reasonable grounds for such refusal; or

9 (b) For the purpose of harassing the relocating parent.

10 3. ~~1A~~ *Except as otherwise provided in subsection 4, a* parent  
11 who relocates with a child pursuant to this section before the court  
12 enters an order granting the parent primary physical custody of the  
13 child and permission to relocate with the child is subject to the  
14 provisions of NRS 200.359.

15 *4. Except as otherwise provided in this subsection, a parent*  
16 *who has relocated with a child in compliance with the provisions*  
17 *of this section may subsequently relocate with the child without*  
18 *obtaining additional written consent from the non-relocating*  
19 *parent or permission from the court after providing written notice*  
20 *to the non-relocating parent at least 30 days before relocating with*  
21 *the child. Additional written consent from the non-relocating*  
22 *parent or permission from the court in the manner set forth in this*  
23 *section is required to be obtained by the relocating parent before*  
24 *any subsequent relocation with the child if the non-relocating*  
25 *parent establishes that the subsequent relocation would deprive*  
26 *the non-relocating parent from continuing to:*

27 (a) *Maintain regular contact with the child; or*

28 (b) *Participate in major decisions relating to the child,*  
29 *including, without limitation, decisions related to the health,*  
30 *education and religious training of the child.*

31 **Sec. 24.** NRS 125C.210 is hereby amended to read as follows:

32 125C.210 1. Except as otherwise provided in subsection 2, if  
33 a child is conceived as the result of a sexual assault and the person  
34 convicted of the sexual assault is the natural father of the child, the  
35 person has no right to custody of or visitation with the child unless  
36 the natural mother or legal guardian consents thereto and it is in the  
37 best interest of the child.

38 2. The provisions of subsection 1 do not apply if the person  
39 convicted of the sexual assault is the spouse of the victim at the time  
40 of the sexual assault. If the persons later divorce, the conviction of  
41 sexual assault creates a rebuttable presumption that ~~sole~~ *primary*  
42 or joint custody of the child by the perpetrator of the sexual assault  
43 is not in the best interest of the child. The court shall set forth  
44 findings that any custody or visitation arrangement ordered by the



1 court adequately protects the child and the victim of the sexual  
2 assault.

3 **Sec. 25.** NRS 125C.220 is hereby amended to read as follows:

4 125C.220 1. The conviction of the parent of a child for  
5 murder of the first degree of the other parent of the child creates a  
6 rebuttable presumption that ~~[sole]~~ *primary* or joint custody of the  
7 child by the convicted parent is not in the best interest of the child.  
8 The rebuttable presumption may be overcome only if:

9 (a) The court determines that:

10 (1) There is no other suitable guardian for the child;

11 (2) The convicted parent is a suitable guardian for the child;

12 and

13 (3) The health, safety and welfare of the child are not at risk;

14 or

15 (b) The child is of suitable age to signify his or her assent and  
16 assents to the order of the court awarding ~~[sole]~~ *primary* or joint  
17 custody of the child to the convicted parent.

18 2. The conviction of the parent of a child for murder of the first  
19 degree of the other parent of the child creates a rebuttable  
20 presumption that rights to visitation with the child are not in the best  
21 interest of the child and must not be granted if custody is not granted  
22 pursuant to subsection 1. The rebuttable presumption may be  
23 overcome only if:

24 (a) The court determines that:

25 (1) The health, safety and welfare of the child are not at risk;

26 and

27 (2) It will be beneficial for the child to have visitations with  
28 the convicted parent; or

29 (b) The child is of suitable age to signify his or her assent and  
30 assents to the order of the court awarding rights to visitation with  
31 the child to the convicted parent.

32 3. Until the court makes a determination pursuant to this  
33 section, no person may bring the child into the presence of the  
34 convicted parent without the consent of the legal guardian or  
35 custodian of the child.

36 **Sec. 26.** NRS 125C.230 is hereby amended to read as follows:

37 125C.230 1. Except as otherwise provided in NRS 125C.210  
38 and 125C.220, a determination by the court after an evidentiary  
39 hearing and finding by clear and convincing evidence that either  
40 parent or any other person seeking custody of a child has engaged in  
41 one or more acts of domestic violence against the child, a parent of  
42 the child or any other person residing with the child creates a  
43 rebuttable presumption that ~~[sole]~~ *primary* or joint custody of the  
44 child by the perpetrator of the domestic violence is not in the best





1 interest of the child. Upon making such a determination, the court  
2 shall set forth:

3 (a) Findings of fact that support the determination that one or  
4 more acts of domestic violence occurred; and

5 (b) Findings that the custody or visitation arrangement ordered  
6 by the court adequately protects the child and the parent or other  
7 victim of domestic violence who resided with the child.

8 2. If after an evidentiary hearing held pursuant to subsection 1  
9 the court determines that more than one party has engaged in acts of  
10 domestic violence, it shall, if possible, determine which person was  
11 the primary physical aggressor. In determining which party was the  
12 primary physical aggressor for the purposes of this section, the court  
13 shall consider:

14 (a) All prior acts of domestic violence involving any of the  
15 parties;

16 (b) The relative severity of the injuries, if any, inflicted upon the  
17 persons involved in those prior acts of domestic violence;

18 (c) The likelihood of future injury;

19 (d) Whether, during the prior acts, one of the parties acted in  
20 self-defense; and

21 (e) Any other factors that the court deems relevant to the  
22 determination.

23 ↪ In such a case, if it is not possible for the court to determine  
24 which party is the primary physical aggressor, the presumption  
25 created pursuant to subsection 1 applies to each of the parties. If it is  
26 possible for the court to determine which party is the primary  
27 physical aggressor, the presumption created pursuant to subsection 1  
28 applies only to the party determined by the court to be the primary  
29 physical aggressor.

30 3. As used in this section, "domestic violence" means the  
31 commission of any act described in NRS 33.018.

32 **Sec. 27.** NRS 125C.240 is hereby amended to read as follows:

33 125C.240 1. A determination by the court after an  
34 evidentiary hearing and finding by clear and convincing evidence  
35 that either parent or any other person seeking custody of a child has  
36 committed any act of abduction against the child or any other child  
37 creates a rebuttable presumption that ~~sole~~ *primary* or joint custody  
38 or unsupervised visitation of the child by the perpetrator of the  
39 abduction is not in the best interest of the child. If the parent or other  
40 person seeking custody does not rebut the presumption, the court  
41 shall not enter an order for ~~sole~~ *primary* or joint custody or  
42 unsupervised visitation of the child by the perpetrator and the court  
43 shall set forth:

44 (a) Findings of fact that support the determination that one or  
45 more acts of abduction occurred; and



1 (b) Findings that the custody or visitation arrangement ordered  
2 by the court adequately protects the child and the parent or other  
3 person from whom the child was abducted.

4 2. For purposes of subsection 1, any of the following acts  
5 constitute conclusive evidence that an act of abduction occurred:

6 (a) A conviction of the defendant of any violation of NRS  
7 200.310 to 200.340, inclusive, or 200.359 or a law of any other  
8 jurisdiction that prohibits the same or similar conduct;

9 (b) A plea of guilty or nolo contendere by the defendant to any  
10 violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law  
11 of any other jurisdiction that prohibits the same or similar conduct;  
12 or

13 (c) An admission by the defendant to the court of the facts  
14 contained in the charging document alleging a violation of NRS  
15 200.310 to 200.340, inclusive, or 200.359 or a law of any other  
16 jurisdiction that prohibits the same or similar conduct.

17 3. If, after a court enters a final order concerning custody of the  
18 child, a magistrate determines there is probable cause to believe that  
19 an act of abduction has been committed against the child or any  
20 other child and that a person who has been awarded ~~sole~~ *primary*  
21 or joint custody or unsupervised visitation of the child has  
22 committed the act, the court shall, upon a motion to modify the  
23 order concerning custody, reconsider the previous order concerning  
24 custody pursuant to subsections 1 and 2.

25 4. As used in this section, "abduction" means the commission  
26 of an act described in NRS 200.310 to 200.340, inclusive, or  
27 200.359 or a law of any other jurisdiction that prohibits the same or  
28 similar conduct.

29 **Sec. 28.** NRS 159A.049 is hereby amended to read as follows:

30 159A.049 The court may, without issuing a citation, appoint a  
31 guardian for the proposed protected minor if the petitioner is a  
32 parent who has ~~sole~~ legal and *primary* physical custody of the  
33 proposed protected minor as evidenced by a valid court order or  
34 birth certificate and who is seeking the appointment of a guardian  
35 for the minor child of the parent. If the proposed protected minor is  
36 a minor who is 14 years of age or older:

37 1. The petition must be accompanied by the written consent of  
38 the minor to the appointment of the guardian; or

39 2. The minor must consent to the appointment of the guardian  
40 in open court.

41 **Sec. 29.** NRS 200.359 is hereby amended to read as follows:

42 200.359 1. A person having a limited right of custody to a  
43 child by operation of law or pursuant to an order, judgment or  
44 decree of any court, including a judgment or decree which grants



1 another person rights to custody or visitation of the child, or any  
2 parent having no right of custody to the child, who:

3 (a) In violation of an order, judgment or decree of any court  
4 willfully detains, conceals or removes the child from a parent,  
5 guardian or other person having lawful custody or a right of  
6 visitation of the child; or

7 (b) In the case of an order, judgment or decree of any court that  
8 does not specify when the right to physical custody or visitation is to  
9 be exercised, removes the child from the jurisdiction of the court  
10 without the consent of either the court or all persons who have the  
11 right to custody or visitation,

12 ➤ is guilty of a category D felony and shall be punished as provided  
13 in NRS 193.130.

14 2. Except as otherwise provided in this subsection, a parent  
15 who has joint legal and physical custody of a child pursuant to NRS  
16 125C.0015 shall not willfully conceal or remove the child from the  
17 custody of the other parent with the specific intent to frustrate the  
18 efforts of the other parent to establish or maintain a meaningful  
19 relationship with the child. A person who violates this subsection  
20 shall be punished as provided in subsection 1 unless the person  
21 demonstrates to the satisfaction of the court that he or she violated  
22 this subsection to protect the child or himself or herself from an act  
23 that constitutes domestic violence pursuant to NRS 33.018.

24 3. If the mother of a child has primary physical custody  
25 pursuant to subsection 2 of NRS 125C.003, the father of the child  
26 shall not willfully conceal or remove the child from the physical  
27 custody of the mother. If the father of a child has primary physical  
28 custody pursuant to subsection 2 of NRS 125C.003, the mother of  
29 the child shall not willfully conceal or remove the child from the  
30 physical custody of the father. A person who violates this subsection  
31 shall be punished as provided in subsection 1.

32 4. ~~4A~~ *Except as otherwise provided in subsection 4 of NRS*  
33 *125C.0065, a* parent who has joint physical custody of a child  
34 pursuant to an order, judgment or decree of a court shall not relocate  
35 with the child pursuant to NRS 125C.0065 without the written  
36 consent of the non-relocating parent or before the court enters an  
37 order granting the parent primary physical custody of the child and  
38 permission to relocate with the child, as applicable. A person who  
39 violates this subsection shall be punished as provided in  
40 subsection 1.

41 5. ~~4A~~ *Except as otherwise provided in subsection 4 of NRS*  
42 *125C.006, a* parent who has primary physical custody of a child  
43 pursuant to an order, judgment or decree of a court shall not relocate  
44 with the child pursuant to NRS 125C.006 without the written  
45 consent of the non-relocating parent or the permission of the court.



1 A person who violates this subsection shall be punished as provided  
2 in subsection 1.

3 6. Before an arrest warrant may be issued for a violation of this  
4 section, the court must find that:

5 (a) This is the home state of the child, as defined in NRS  
6 125A.085; and

7 (b) There is cause to believe that the entry of a court order in a  
8 civil proceeding brought pursuant to chapter 125, 125A or 125C of  
9 NRS will not be effective to enforce the rights of the parties and  
10 would not be in the best interests of the child.

11 7. Upon conviction for a violation of this section, the court  
12 shall order the defendant to pay restitution for any expenses incurred  
13 in locating or recovering the child.

14 8. The prosecuting attorney may recommend to the judge that  
15 the defendant be sentenced as for a misdemeanor and the judge may  
16 impose such a sentence if the judge finds that:

17 (a) The defendant has no prior conviction for this offense and  
18 the child has suffered no substantial harm as a result of the offense;  
19 or

20 (b) The interests of justice require that the defendant be  
21 punished as for a misdemeanor.

22 9. A person who aids or abets any other person to violate this  
23 section shall be punished as provided in subsection 1.

24 10. In addition to the exemption set forth in subsection 11,  
25 subsections 4 and 5 do not apply to a person who demonstrates a  
26 compelling excuse, to the satisfaction of the court, for relocating  
27 with a child in violation of NRS 125C.006 or 125C.0065.

28 11. This section does not apply to a person who detains,  
29 conceals, removes or relocates with a child to protect the child from  
30 the imminent danger of abuse or neglect or to protect himself or  
31 herself from imminent physical harm, and reported the detention,  
32 concealment, removal or relocation to a law enforcement agency or  
33 an agency which provides child welfare services within 24 hours  
34 after detaining, concealing, removing or relocating with the child, or  
35 as soon as the circumstances allowed. As used in this subsection:

36 (a) "Abuse or neglect" has the meaning ascribed to it in  
37 paragraph (a) of subsection 4 of NRS 200.508.

38 (b) "Agency which provides child welfare services" has the  
39 meaning ascribed to it in NRS 432B.030.

40 **Sec. 30.** NRS 432B.153 is hereby amended to read as follows:

41 432B.153 1. The conviction of the parent of a child for  
42 murder of the first degree of the other parent of the child creates a  
43 rebuttable presumption that ~~[sole]~~ *primary* or joint custody of the  
44 child by the convicted parent is not in the best interest of the child.

45 The rebuttable presumption may be overcome only if:



1 (a) The court determines that:

2 (1) There is no other suitable guardian for the child;

3 (2) The convicted parent is a suitable guardian for the child;

4 and

5 (3) The health, safety and welfare of the child are not at risk;

6 or

7 (b) The child is of suitable age to signify his or her assent and  
8 assents to the order of the court awarding ~~sole~~ *primary* or joint  
9 custody of the child to the convicted parent.

10 2. The conviction of the parent of a child for murder of the first  
11 degree of the other parent of the child creates a rebuttable  
12 presumption that rights to visitation with the child are not in the best  
13 interest of the child and must not be granted if custody is not granted  
14 pursuant to subsection 1. The rebuttable presumption may be  
15 overcome only if:

16 (a) The court determines that:

17 (1) The health, safety and welfare of the child are not at risk;

18 and

19 (2) It will be beneficial for the child to have visitations with  
20 the convicted parent; or

21 (b) The child is of suitable age to signify his or her assent and  
22 assents to the order of the court awarding rights to visitation with  
23 the child to the convicted parent.

24 3. Until the court makes a determination pursuant to this  
25 section, no person may bring the child into the presence of the  
26 convicted parent without the consent of the legal guardian or  
27 custodian of the child.

28 **Sec. 31.** NRS 432B.159 is hereby amended to read as follows:

29 432B.159 1. A determination by the court after an  
30 evidentiary hearing and finding by clear and convincing evidence  
31 that either parent or any other person seeking custody of a child has  
32 committed any act of abduction against the child or any other child  
33 creates a rebuttable presumption that ~~sole~~ *primary* or joint custody  
34 or unsupervised visitation of the child by the perpetrator of the  
35 abduction is not in the best interest of the child. If the parent or other  
36 person seeking custody does not rebut the presumption, the court  
37 shall not enter an order for ~~sole~~ *primary* or joint custody or  
38 unsupervised visitation of the child by the perpetrator and the court  
39 shall set forth:

40 (a) Findings of fact that support the determination that one or  
41 more acts of abduction occurred; and

42 (b) Findings that the custody or visitation arrangement ordered  
43 by the court adequately protects the child and the parent or other  
44 person from whom the child was abducted.



1 2. For purposes of subsection 1, any of the following acts  
2 constitute conclusive evidence that an act of abduction occurred:

3 (a) A conviction of the defendant of any violation of NRS  
4 200.310 to 200.340, inclusive, or 200.359 or a law of any other  
5 jurisdiction that prohibits the same or similar conduct;

6 (b) A plea of guilty or nolo contendere by the defendant to any  
7 violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law  
8 of any other jurisdiction that prohibits the same or similar conduct;  
9 or

10 (c) An admission by the defendant to the court of the facts  
11 contained in the charging document alleging a violation of NRS  
12 200.310 to 200.340, inclusive, or 200.359 or a law of any other  
13 jurisdiction that prohibits the same or similar conduct.

14 3. If, after a court enters a final order concerning custody of the  
15 child, a magistrate determines there is probable cause to believe that  
16 an act of abduction has been committed against the child or any  
17 other child and that a person who has been awarded ~~[sole]~~ *primary*  
18 or joint custody or unsupervised visitation of the child has  
19 committed the act, the court shall, upon a motion to modify the  
20 order concerning custody, reconsider the previous order concerning  
21 custody pursuant to subsections 1 and 2.

22 4. A court, agency, institution or other person who places a  
23 child in protective custody shall not release a child to the custody of  
24 a person who a court has determined pursuant to this section has  
25 engaged in one or more acts of abduction against the child or any  
26 other child, unless a court determines that it is in the best interest of  
27 the child for the perpetrator of the abduction to have custody of the  
28 child.

29 5. As used in this section, "abduction" means the commission  
30 of an act described in NRS 200.310 to 200.340, inclusive, or  
31 200.359 or a law of any other jurisdiction that prohibits the same or  
32 similar conduct.

33 **Sec. 32.** NRS 432B.4665 is hereby amended to read as  
34 follows:

35 432B.4665 1. The court may, upon the filing of a petition  
36 pursuant to NRS 432B.466, appoint a person as a guardian for a  
37 child if:

38 (a) The court finds:

39 (1) That the proposed guardian is suitable and is not  
40 disqualified from guardianship pursuant to NRS 159A.061;

41 (2) That the child has been in the custody of the proposed  
42 guardian for 6 months or more pursuant to a determination by a  
43 court that the child was in need of protection, unless the court  
44 waives this requirement for good cause shown;



1 (3) That the proposed guardian has complied with the  
2 requirements of chapter 159A of NRS; and

3 (4) That the burden of proof set forth in chapter 159A of  
4 NRS for the appointment of a guardian for a child has been  
5 satisfied;

6 (b) The child consents to the guardianship, if the child is 14  
7 years of age or older; and

8 (c) The court determines that the requirements for filing a  
9 petition pursuant to NRS 432B.466 have been satisfied.

10 2. A guardianship established pursuant to this section:

11 (a) Provides the guardian with the powers and duties provided in  
12 NRS 159A.079, and subjects the guardian to the limitations set forth  
13 in NRS 159A.0805;

14 (b) Is subject to the provisions of NRS 159A.065 to 159A.076,  
15 inclusive, and 159A.185 to 159A.199, inclusive;

16 (c) Provides the guardian with ~~sole~~ legal and *primary* physical  
17 custody of the child;

18 (d) Does not result in the termination of parental rights of a  
19 parent of the child; and

20 (e) Does not affect any rights of the child to inheritance, a  
21 succession or any services or benefits provided by the Federal  
22 Government, this state or an agency or political subdivision of this  
23 state.

