

SENATE BILL NO. 409—SENATOR OHRENSCHALL

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to domestic relations. (BDR 11-1015)

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; authorizing hearings and trials relating to domestic relations to be conducted in private; establishing various provisions concerning records of actions relating to domestic relations; repealing certain provisions relating to an action for divorce; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes either party in an action for divorce to demand that the
2 trial be conducted in private. Upon such a demand, existing law requires all
3 persons, except for officers of the court, parties, counsel and staff, witnesses,
4 parents, guardians and siblings of the parties, to be excluded from trial. (NRS
5 125.080) **Section 4** of this bill repeals such provisions, and **section 2** of this bill
6 reenacts similar provisions applicable to the entire title of NRS governing domestic
7 relations. Additionally, **section 2** authorizes the court to permit persons who would
8 generally be excluded from a private hearing or trial to remain present for some or
9 all of the hearing or trial under certain circumstances.

10 Existing law: (1) requires certain papers and pleadings in an action for divorce
11 to be open to public inspection; and (2) provides that either party to the divorce
12 may petition the court for the sealing of papers, records, proceedings and evidence
13 that are not otherwise required to be open to public inspection. (NRS 125.110)
14 **Section 4** repeals such provisions, and **section 3** of this bill establishes provisions
15 relating to records in any action brought pursuant to the title of NRS governing
16 domestic relations. Specifically, **section 3** requires the following records in any
17 action brought pursuant to the title of NRS governing domestic relations to be open
18 to public inspection: (1) the summons and proof of its service; (2) if the summons
19 was served by publication, the affidavit for publication; (3) pleadings; and (4)
20 orders of the court. **Section 3** also: (1) requires that records with personal
21 information be sealed by the court; (2) authorizes a party to demand that certain



22 records be sealed or redacted by the court or clerk under certain circumstances; and  
23 (3) establishes procedures relating to the unsealing of such records.

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

1     **Section 1.** Title 11 of NRS is hereby amended by adding  
2 thereto a new chapter to consist of the provisions set forth as  
3 sections 2 and 3 of this act.

4     **Sec. 2. 1.** *Notwithstanding any other provision of law, the*  
5 *court shall, upon demand of a party, direct that the hearing or*  
6 *trial in any action brought pursuant to this title be private.*

7     **2.** *Except as otherwise provided in subsections 3 and 4, upon*  
8 *the demand of a party pursuant to subsection 1, all persons must*  
9 *be excluded from the court or chambers during the hearing or*  
10 *trial, except:*

11     **(a)** *The officers of the court;*

12     **(b)** *The parties;*

13     **(c)** *The counsel for the parties and their staff;*

14     **(d)** *The witnesses for the parties, including, without limitation,*  
15 *expert witnesses;*

16     **(e)** *The parents or guardians of the parties; and*

17     **(f)** *The siblings of the parties.*

18     **3.** *The court may, upon oral or written motion of either party*  
19 *or on its own motion, exclude the parents, guardians or siblings of*  
20 *a party, or witnesses for a party, from the court or chambers*  
21 *during the hearing or trial. If good cause is shown for the*  
22 *exclusion of any such person, the court shall exclude the person.*

23     **4.** *If the court determines that the interests of justice or the*  
24 *best interest of the child, as applicable, would be served, the court*  
25 *may permit a person to remain, observe and hear relevant portions*  
26 *of the proceedings.*

27     **Sec. 3. 1.** *Notwithstanding any other provision of law and*  
28 *except as otherwise provided in subsections 2 and 4, the following*  
29 *records in any action brought pursuant to this title must be open to*  
30 *public inspection in the office of the county clerk:*

31     **(a)** *The summons and proof of its service;*

32     **(b)** *If the summons was served by publication, the affidavit for*  
33 *publication;*

34     **(c)** *Any pleading; and*

35     **(d)** *Any order issued by the court, including, without*  
36 *limitation, orders relating to the judgment, the default of a party*  
37 *or authorization of service of process by publication.*



1       2. *The court may, upon the motion of a party, issue an order*  
2 *sealing or redacting any record described in subsection 1, except*  
3 *for the summons or a final judgment of the court.*

4       3. *Any record not described in subsection 1 must, upon the*  
5 *written request of any party to the action, filed with the clerk, be*  
6 *sealed and shall not be open to inspection except to the parties or*  
7 *their attorneys, or when required as evidence in another action or*  
8 *proceeding.*

9       4. *Any record of an action brought pursuant to this title*  
10 *which contains the personal information of a party or a minor*  
11 *child must be sealed by the court and shall not be open to*  
12 *inspection except to the parties or their attorneys, or when*  
13 *required as evidence in another action or proceeding.*

14       5. *Any record sealed pursuant to this section may be unsealed*  
15 *upon:*

16       (a) *The motion of the court;*

17       (b) *The motion of a party and good cause shown; or*

18       (c) *The stipulation of all the parties to the action.*

19       6. *A motion filed by a party pursuant to subsection 5 must be*  
20 *served upon on all of the parties to the action.*

21       7. *As used in this section, "record" includes, without*  
22 *limitation, papers, evidence, exhibits and transcripts, regardless of*  
23 *medium.*

24       **Sec. 4.** NRS 125.080 and 125.110 are hereby repealed.

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## TEXT OF REPEALED SECTIONS

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### **125.080 Trial of divorce action may be private.**

1. In any action for divorce, the court shall, upon demand of either party, direct that the trial and issue or issues of fact joined therein be private.

2. Except as otherwise provided in subsection 3, upon such demand of either party, all persons must be excluded from the court or chambers wherein the action is tried, except:

(a) The officers of the court;

(b) The parties;

(c) The counsel for the parties;

(d) The witnesses for the parties;

(e) The parents or guardians of the parties; and

(f) The siblings of the parties.

3. The court may, upon oral or written motion of either party, order a hearing to determine whether to exclude the parents,



guardians or siblings of either party, or witnesses for either party, from the court or chambers wherein the action is tried. If good cause is shown for the exclusion of any such person, the court shall exclude any such person from the court or chambers wherein the action is tried.

**125.110 What pleadings and papers open to public inspection; written request of party for sealing.**

1. In any action for divorce, the following papers and pleadings in the action shall be open to public inspection in the clerk's office:

(a) In case the complaint is not answered by the defendant, the summons, with the affidavit or proof of service; the complaint with memorandum endorsed thereon that the default of the defendant in not answering was entered, and the judgment; and in case where service is made by publication, the affidavit for publication of summons and the order directing the publication of summons.

(b) In all other cases, the pleadings, the finding of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, and the judgment.

2. All other papers, records, proceedings and evidence, including exhibits and transcript of the testimony, shall, upon the written request of either party to the action, filed with the clerk, be sealed and shall not be open to inspection except to the parties or their attorneys, or when required as evidence in another action or proceeding.

