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Domestic Relations; Domestic Violence

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rights) with DeWeese v. Crawford, 520 S.W. 2d 522, 526 (Tex. Civ.App. 1975) (adoptive parent's rights prevail over natural parent's; rights terminate).

19. Ch. 224 §1 ¶3 (adding to NRS Ch. 123).

20. Compare DeWeese v. Crawford, 520 S.W. 2d at 526 with NRS 127.160. See generally, Note, Visitation Rights of a Grandparent Over the Objection of A Parent: The Best Interests of The Child, 15 J. FAM. L. 51 (1976-1977).

SEE GENERALLY:

1) Annot., 90 A.L.R. 3d 222 (1979).

DOMESTIC RELATIONS; DOMESTIC VIOLENCE

Adds to NRS Chapter 33

Amends NRS 171.124

AB 479 (Wagner); STATS 1979, Ch 488

AB 480 (Wagner); STATS 1979, Ch 452

Chapter 452 authorizes peace officers to arrest a person who has physically abused his or her spouse. Chapter 488 provides for temporary restraining orders in a domestic violence situation.

Chapter 452 provides that a peace officer may arrest a person with or without a warrant when there is probable cause to believe that he has committed battery upon his spouse, and there is evidence of bodily harm to that spouse.¹

Chapter 488 permits courts to grant, with or without notice to the adverse party, a temporary restraining order upon the affidavit of an applicant who is a relative or co-resident of the adverse party.² It must be satisfactorily shown that the adverse party has physically injured the applicant or the minor child of one of the parties by an act of physical violence or that there exists a threat of imminent physical injury if the adverse party is not restrained.³ The order may be granted without regard to whether an action for divorce, annulment, or separate maintenance has been filed regarding the applicant and the adverse party.⁴

The restraining order may enjoin the adverse party from threatening or physically injuring the applicant or minor child.⁵ If necessary to the physical

wellbeing of the applicant or child, the order may also exclude the adverse party from the applicant's residence for up to thirty days.⁶

If the temporary restraining order is granted with notice to the adverse party, it will expire as the court directs, not exceeding thirty days.⁷ If the order is granted without notice, it will expire within fifteen days, unless extended by court order for good cause or unless the adverse party consents to its extension.⁸ The adverse party may seek dissolution or modification of the order upon two days notice to the party who secured the order.⁹

A copy of the temporary restraining order is to be sent to the local law enforcement agency which has jurisdiction over the residence of the applicant or minor child.¹⁰ Any person who violates a temporary restraining order under this section is guilty of a misdemeanor.¹¹

Rosalie Lazzarotto

FOOTNOTES

1. 1979 Nev. Stats. ch. 452 §1 (adding NRS 171.124(f)).
2. 1979 Nev. Stats. ch. 488 (hereinafter "Ch. 488") §1 ¶1 (adding to NRS Ch. 33).
3. Id.
4. Id. §1 ¶8 (adding to NRS Ch. 33).
5. Id. §1 ¶4(a) (adding to NRS Ch. 33).
6. Id. §1 ¶4 (b) (adding to NRS Ch. 33).
7. Id. §1 ¶5 (adding to NRS Ch. 33).
8. Id.
9. Id. §1 ¶6 (adding to NRS Ch. 33).
10. Id. §1 ¶7 (adding to NRS Ch. 33).
11. Id. §1 ¶9 (adding to NRS Ch. 33).