Domestic Relations; Child Custody

University of the Pacific, McGeorge School of Law

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Domestic Relations

Domestic Relations; separate maintenance actions

N.R.S. §§125.190, 125.200, 125.210, 125.220, 125.240, 125.250, 125.280 (amended).
SB 246 (Committee on Judiciary); STATS 1981, Ch 87

Prior to the enactment of Chapter 87, only a wife could bring an action for separate maintenance against a husband. Chapter 87 revises the Nevada law of separate maintenance by providing that either spouse may commence these actions. Chapter 87 also makes concomitant changes in specific provisions of the law of separate maintenance. These provisions relate to support payments pending the separate maintenance action, assignment of the defendant spouse’s property to the complaining spouse, filing of a notice of a lis pendens against the defendant spouse’s real property, enforcement of the final judgment, procedure and venue of the action, and issuance of orders directing entry of judgment when the defendant spouse is in default of a prior order to pay money.

1. See NEVADA COMPILED LAWS 1929, §9468 (amending N.R.S. §125.190).
2. Compare N.R.S. §125.190 with NEVADA COMPILED LAWS 1929, §9468 (the action under prior law and under Chapter 87 can be brought without seeking a divorce when the complaining spouse, formerly the wife, had been deserted by the defendant spouse, formerly the husband, for 90 days, or had a cause of action for divorce against the defendant spouse).
6. See id. §125.220.
7. See id. §125.240.
8. See id. §125.250.
9. See id. §125.280.

Domestic Relations; child custody

N.R.S. §§125.--- 125.--- (new); §125.140 (amended).
SB 188 (Committee on Judiciary); STATS 1981, Ch 148

In an attempt to further the state policy of promoting frequent as-
Domestic Relations

associations and a continuing relationship between minor children and their parents after separation or the dissolution of the marriage and to encourage both parents to share in the responsibilities of bringing up the child. Chapter 148 establishes a priority system for granting custody of children. Specifically, custody should be granted first to the parents jointly, second, to either parent, third, to persons in whose home the child has been living and who have provided a stable and wholesome environment, or finally, to any other suitable person capable of providing proper care and guidance. This priority system, however, is subject to the best interest of the child as the sole consideration of the court in determining custody.

Chapter 148 specifically authorizes the court to award joint custody to the parents if joint custody is in the best interest of the child. If the parents have agreed to joint custody or agree in open court during a custody hearing, there is a presumption that joint custody is in the best interest of the child. The court may order an investigation to aid in the determination of whether joint custody should be awarded. If the court does not award joint custody after either parent has petitioned for it, the reasons for the denial must be stated in the decision.

Under the provisions of Chapter 148, an order for joint custody is subject to modification or termination by the court on its own motion or upon a petition by one or both parents if modification or termination is necessary to preserve the best interest of the child. If either parent is opposed to the modification or termination, the court must state the reasons for issuing the order in its decision. In a related change, Chapter 148 permits a Nevada court to modify an order for custody entered by the court of another state to award joint custody if all ju-
Domestic Relations; child support—assignment of wages and assessment of fees