



# Pacific Law Journal Review of Selected Nevada Legislative

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Volume 1983 | Issue 1

Article 11

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1-1-1983

## Civil Procedure; Judgments in Favor of Minors

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### Recommended Citation

University of the Pacific, McGeorge School of Law, *Civil Procedure; Judgments in Favor of Minors*, 1983 U. PAC. L. REV. (2019).

Available at: <https://scholarlycommons.pacific.edu/nlr/vol1983/iss1/11>

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proof of the non-revocation or non-termination of the power at that time.<sup>9</sup> Additionally, Chapter 12 provides that if the power of attorney necessitates execution and delivery of a recordable instrument, the authenticated affidavit will also be recordable.<sup>10</sup> Finally, the provisions of Chapter 12 will not alter or affect a provision for revocation or termination contained in the power of attorney.<sup>11</sup>

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9. *Id.*

10. *Id.*; see, e.g., NEV. REV. STAT. §111.330 (power of attorney to convey real property must be recorded).

11. 1983 Nev. Stat. c. 12, §3(3), at 17.

### **Civil Procedure; judgments in favor of minors**

NEV. REV. STAT. §17.025 (amended).

SB 20 (Committee on Judiciary); 1983 STAT. Ch 11

Chapter 11 increases the discretionary power of the court to direct the disposition of a money judgment in favor of a minor,<sup>1</sup> and eliminates the dollar amount of the judgment as being determinative of the court's course of action.<sup>2</sup> Under prior law, when either a money judgment or a court arranged settlement<sup>3</sup> was entered in favor of a minor who lacked an appointed guardian,<sup>4</sup> the amount of the judgment determined its disposition.<sup>5</sup> If the judgment was for an amount less than \$2,500, the court had the discretion to pay the judgment to the child's parents or to the parent having custody of the child.<sup>6</sup> If the judgment exceeded \$2,500, the court was compelled to pay the judgment to a court appointed guardian for the minor.<sup>7</sup>

With the enactment of Chapter 11, the court can direct payment of a judgment<sup>8</sup> entered in favor of a minor to either parent,<sup>9</sup> the custodial

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1. NEV. REV. STAT. §159.023 (definition of a minor).

2. Compare *id.* §17.025 (amended by 1983 Nev. Stat. c. 11, §1, at 15) with 1979 Nev. Stat. c. 277, §1, at 392 (enacting NEV. REV. STAT. §17.025).

3. See NEV. REV. STAT. §41.200 (procedure for compromising claims of minors).

4. *Id.* §159.017 (definition of a guardian).

5. 1979 Nev. Stat. c. 277, §1, at 392 (enacting NEV. REV. STAT. §17.025).

6. *Id.*

7. *Id.*

8. Compare NEV. REV. STAT. §17.025 (amended by 1983 NEV. STAT. c. 11, §1, at 15) with 1979 Nev. Stat. c. 277, §1, at 392 (enacting NEV. REV. STAT. §17.025) (reference to a judgment for a minor without an appointed guardian and court approved settlement have been deleted by Chapter 11.). NEV. REV. STAT. §17.025 (as amended by 1983 Nev. Stat. c. 11, §1, at 15), can be read as applying to any judgment for a sum of money entered in favor of a minor. Compare NEV. REV. STAT. §17.025 (amended by 1983 Nev. Stat. c. 11, §1, at 15) with 1979 Nev. Stat. c. 277, §1, at 392 (enacting Nev. Rev. Stat. § 17.025).

9. NEV. REV. STAT. §17.025(1) (amended by 1983 Nev. Stat. c. 11, §1, at 15).

parent,<sup>10</sup> the parent with whom the child is living if no custody award has been made,<sup>11</sup> a general guardian<sup>12</sup> or the guardian of the minor's estate, if one has been appointed.<sup>13</sup> In addition, Chapter 11 permits the court to appoint a guardian or guardian ad litem<sup>14</sup> if the court determines this to be in the minor's best interest.<sup>15</sup> Under existing law guardians must file or execute a bond before entering upon their duties.<sup>16</sup> Chapter 11, however, allows the court to waive the bond requirement before the money judgment is distributed to the guardian.<sup>17</sup>

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10. *Id.*

11. *Id.*

12. *Baker v. Baker*, 59 Nev. 163, 169, 87 P.2d 800, 802 (1939) (definition of general guardian).

13. NEV. REV. STAT. §17.025(1) (amended by 1983 Nev. Stat. c. 11, §1, at 15); *see id.* §§159.035-.075 (appointment and qualifications of guardians).

14. *In re Walker*, 74 Nev. 230, 235, 327 P.2d 344, 346 (1958) (definition of guardian ad litem).

15. NEV. REV. STAT. §17.025(2) (amended by 1983 Nev. Stat. c. 11, §1, at 16).

16. *Id.* §159.065(1).

17. *Id.* §17.025(1), (2) (amended by 1983 Nev. Stat. c. 11, §1, at 15).

## Civil Procedure; discovery in arbitration

NEV. REV. STAT. §38.— (new).

SB 400 (Committee on Judiciary); 1983 STAT. Ch 280

Under existing law, parties may stipulate in a written agreement<sup>1</sup> that future controversies<sup>2</sup> will be determined by an arbitrator.<sup>3</sup> Parties to an arbitration<sup>4</sup> have the right to be heard, to present evidence that is material to the controversy, and to cross-examine witnesses.<sup>5</sup> An arbitrator may hear and determine the controversy based upon the evidence produced notwithstanding the failure of a party to appear.<sup>6</sup> With the enactment of Chapter 280, arbitrators may also provide for discovery pursuant to the Nevada Rules of Civil Procedure.<sup>7</sup>

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1. NEV. REV. STAT. §38.025(6) (definition of written agreement).

2. *Id.* §38.025(2) (definition of controversy).

3. *Id.* §38.035.

4. *Id.* §38.025(5)(definition of party to arbitration).

5. *Id.* §38.075(2).

6. *Id.* §38.075(1); *see also id.* §38.095. Arbitrators may also administer oaths, permit depositions to be taken, and issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence. *Id.*

7. 1983 Nev. Stat. c. 280, §1, at 675.