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Domestic Relations; division of community property

University of the Pacific, McGeorge School of Law

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Domestic Relations

filed in the county where the child is found, the county where the acts complained of occurred, or in the county where the child resides.⁴ Furthermore, the father, mother, or nearest known relative of the minor person must be personally served with a notice⁵ reciting the substance of the petition and requiring that the person appear before the court.⁶ With the enactment of Chapter 57, the minor's legal guardian⁷ or custodian⁸ must also be personally served if the guardian or custodian resides in Nevada and if their place of residence is known to the petitioner.⁹

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4. *Id.* § 128.030. The state welfare administrator of the welfare division of the Department of Human Resources, a probation officer, or any other person, including the mother of an unborn child, may file a petition with the clerk of the court. *Id.* § 128.040. The probation officer of that county or agency or a person designated by the court must make investigations as directed by the court. *Id.* A petition must be verified and must set forth the following: (a) The facts that bring the child within the purview of this chapter; (b) the name, age, and residence of the child; (c) the names and residences of the parents; (d) the name and residence of the person or persons having physical custody or control of the child; (e) the name and residence of the legal guardian, if there is one; and (f) the name and residence of the child's nearest known relative residing within the State, if no parent or guardian can be found. *Id.* § 128.050 2. If the petitioner is the mother of an unborn child, the petition must also state the name and residence of the father. *Id.* § 128.050 4.

5. *See id.* § 128.080 (amended by 1987 Nev. Stat. ch. 57, sec. 3, at ___) (form of notice).

6. *Id.* § 128.060 2 (amended by 1987 Nev. Stat. ch. 57, sec. 1, at___). If the parents do not live within the state or if their place of residence is unknown to the petitioner, then the nearest known relative of the person residing in the state must be personally served. *Id.*

7. *See id.* § 159.017 (definition of guardian).

8. *See id.* § 167.020 7 (definition of custodian).

9. 1987 Nev. Stat. ch. 57, sec. 1, at ___ (amending NEV. REV. STAT. § 128.060 2).

Domestic Relations; division of community property

NEV. REV. STAT. § 123.____ (new); § 123.220 (amended).

AB 456 (Kissam); 1987 STAT. Ch 434

Existing law provides for the division of community property¹ by

1. NEV. REV. STAT. § 123.220 (amended by 1987 Nev. Stat. ch. 434, sec. 2, at ___) (definition of community property).

contract² or by judicial proceeding.³ Chapter 434 permits a spouse⁴ to petition the court for an order to equally divide the community property when one spouse has been admitted to a skilled nursing⁵ or intermediate care facility.⁶ Chapter 434, however, requires the petitioning spouse to show that the division is in the best interest of both spouses.⁷ Chapter 434 also provides that once the decree is entered, the separate property of each spouse is free from liability for the costs of supporting the other spouse.⁸

Under existing law, community property is defined as all property other than separate property⁹ acquired after marriage by either husband or wife, or both.¹⁰ Under Chapter 434, community property excludes any property divided pursuant to Chapter 434.¹¹

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2. *Id.* § 123.080 (husband and wife may not alter their legal relations with each other by contract except as to property, immediate separation, spousal or child support).

3. *Id.* See *id.* §§ 125.150 (disposition of community property in proceeding for dissolution of marriage), 125.200 (spouse may maintain an action for permanent support and maintenance of that spouse and children, without applying for divorce, when a cause of action for divorce exists).

4. 1987 Nev. Stat. ch. 434, sec. 1, at ___ (enacting NEV. REV. STAT. § 123.____) (either spouse or a spouse's guardian may petition the court).

5. NEV. REV. STAT. § 449.0039 (definition of facility for skilled nursing).

6. 1987 Nev. Stat. ch. 434, sec. 1, at ___ (enacting NEV. REV. STAT. § 123.____). See NEV. REV. STAT. § 449.0038 (definition of facility for intermediate care).

7. 1987 Nev. Stat. ch. 434, sec. 1, at ___ (enacting NEV. REV. STAT. § 123.____) (the court must not divide any community asset the basis of which is income from joint property). See *id.* sec. 3, at ___ (Chapter 434 applies to all community property acquired before, on, or after the effective date of Chapter 434).

8. 1987 Nev. Stat. ch. 434, sec. 1, at ___ (enacting NEV. REV. STAT. § 123.____) (includes medical costs, necessities of life and other costs).

9. NEV. REV. STAT. § 123.130 (definition of separate property). See also NEV. CONST. art. IV, § 31 (rights of husband and wife).

10. NEV. REV. STAT. § 123.220 (definition of community property excludes earnings deemed a gift and property deemed separate property by written agreement between spouses or by judicial decree).

11. *Id.* § 123.220 4 (amended by 1987 Nev. Stat. ch. 434, sec. 2, at ___).

Domestic Relations; sexual assault

NEV. REV. STAT. § 203.373 (amended).

AB 636 (Committee on Judiciary); 1987 STAT. Ch 507

Under prior law, marriage was an affirmative defense to the crime