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Domestic Relations; sexual assault

University of the Pacific, McGeorge School of Law

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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

SSS

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

of sexual assault.¹ Chapter 507 provides that marriage is not a defense to a charge of sexual assault if the assault was committed by force or threat of force.²

SKP

1. 1977 Nev. Stat. ch. 507, secs. 2, 3, at 1626. Marriage was not an affirmative defense where there was: (1) Non-ordinary intercourse with the spouse; (2) the spouse was an accomplice or an accessory; or (3) at the time of the sexual assault a separation motion had been filed and the spouses were not living together. *Id.* (definition of sexual assault).

2. 1987 Nev. Stat. ch. 507, sec. 1, at ___ (amending NEV. REV. STAT. § 200.373).

Domestic Relations; dissolution of marriage

NEV. REV. STAT. § 125.127 (repealed); §§ 125.123, 125.181, 125.182, 125.184 (amended).

SB 524 (Committee on Judiciary); 1987 STAT. Ch 520

Existing law permits a dissolution of marriage¹ by a summary procedure.² Chapter 520 extends existing law to permit a summary divorce when a child custody³ or spousal support agreement has been executed.⁴ Chapter 520 requires that facts supporting the jurisdictional requirements,⁵ the grounds for divorce, presence of minor children,⁶ an affidavit of corroboration of residency,⁷ and any marital settlement agreement,⁸ be attached to the petition.⁹

1. See NEV. REV. STAT. § 122.010 (what constitutes marriage); *id.* § 125.010 (causes for divorce).

2. NEV. REV. STAT. § 125.181 (amended by 1987 Nev. Stat. ch. 520, sec. 2, at ___) (either party must meet jurisdictional requirements; parties must have lived apart for one year or be incompatible; a community property agreement must be executed; parties waive right to appeal or move for a new trial; both parties must desire a divorce).

3. See NEV. REV. STAT. § 125.450 (a court cannot grant a divorce without first providing for care of children).

4. 1987 Nev. Stat. ch. 520, sec. 2, at ___ (amending NEV. REV. STAT. § 125.181). The agreements must state the amount and manner of support. *Id.*

5. NEV. REV. STAT. § 125.020 (jurisdictional requirements specified).

6. 1987 Nev. Stat. ch. 520, sec. 3, at ___ (amending NEV. REV. STAT. § 125.182) (includes children born before or during the marriage, adopted during the marriage, or conceived).

7. *Id.* at ___ (the affidavit must comply with the provisions of an application for decree of divorce by default). See *id.* § 125.123 (affidavit requirements).

8. See NEV. REV. STAT. § 123.270 (a marital settlement agreement must be in writing).

9. 1987 Nev. Stat. ch. 520, sec. 3, at ___ (amending NEV. REV. STAT. § 125.182) (the petition must also state the date and place of marriage).