



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1987 | Issue 1

Article 63

1-1-1987

Domestic Relations; dissolution of marriage

University of the Pacific, McGeorge School of Law

Follow this and additional works at: <https://scholarlycommons.pacific.edu/nlr>



Part of the [Legislation Commons](#)

Recommended Citation

University of the Pacific, McGeorge School of Law, *Domestic Relations; dissolution of marriage*, 1987 U. PAC. L. REV. (2019).

Available at: <https://scholarlycommons.pacific.edu/nlr/vol1987/iss1/63>

This Legislative Review is brought to you for free and open access by the Journals and Law Reviews at Scholarly Commons. It has been accepted for inclusion in Pacific Law Journal Review of Selected Nevada Legislative by an authorized editor of Scholarly Commons. For more information, please contact mgibney@pacific.edu.

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 § 125.127 (repealed); §§ 125.123, 125.181, 125.182, 125.184 (amended).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

Under existing law, an application for a divorce decree by default may be made by affidavit.¹⁰ Chapter 520 requires that any marital settlement agreement be identified and attached to the affidavit.¹¹ Chapter 520 further requires that any affidavit in support of the application provide factual support for each allegation.¹² Chapter 520 abolishes the court's ability to grant a decree of divorce based on written stipulation of the parties.¹³

JMA

-
10. NEV. REV. STAT. § 125.123 (amended by 1987 Nev. Stat. ch. 520, sec. 1, at ____).
 11. 1987 Nev. Stat. ch. 520, sec. 1, at ____ (amending NEV. REV. STAT. § 125.123).
 12. *Id.*
 13. 1987 Nev. Stat. ch. 520, sec. 5, at ____ (repealing NEV. REV. STAT. § 125.127).

Domestic Relations; nonparental visitation rights

NEV. REV. STAT. § 123.____ (new); §§ 123.123, 432B.480, 432B.550, 432B.560 (amended).

AB 708 (Humke and Gaston); 1987 STAT. Ch 532

Prior law provides that when a parent of an unmarried minor¹ is deceased, divorced, or separated² from the parent who has custody of the child, or their parental rights have been relinquished or terminated,³ the district court may grant visitation rights⁴ to the grandparents, parents, and other children if in the best interest⁵ of the child.⁶ In determining whether to grant visitation rights, under prior law the court had to consider the amount of previous personal contact between the party seeking visitation rights and the child.⁷ Chapter 532 limits the visitation rights to children of either parent

-
1. NEV. REV. STAT. § 129.010 (definition of majority).
 2. *Id.* § 123.123 5 (definition of separation).
 3. See generally *id.* § 128.105 (grounds for terminating parental rights).
 4. Visitation rights may be granted in a divorce decree, in an order of separate maintenance, or when a petition is filed by an eligible person after a divorce, separation, death of parent, or upon the relinquishment or termination of parental rights. *Id.* § 123.123 3.
 5. See generally Commonwealth ex rel. Williams v. Miller, 254 Pa. Super. 227, 385 A.2d 992, 994 (1978); Commonwealth ex rel. Miller v. Miller, 329 Pa. Super. 248, 478 A.2d 451, 454 (1984) (several factors to consider in determining a child's best interest involving visitation).
 6. NEV. REV. STAT. § 123.123 (amended by 1987 Nev. Stat. ch. 532, sec. 2, at ____).
 7. 1979 Nev. Stat. ch. 224, sec. 1, at 326.