



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1987 | Issue 1

Article 64

1-1-1987

Domestic Relations; nonparental visitation rights

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; nonparental visitation rights*, 1987
U. PAC. L. REV. (2019).

Available at: <https://scholarlycommons.pacific.edu/nlr/vol1987/iss1/64>

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.

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.

of the child.⁸ With the enactment of Chapter 532, the court now must consider: (1) The love, affection, and emotional ties between the child and the party seeking visitation; (2) the capacity and disposition of the party seeking visitation to give the child love, affection, guidance and to cooperate in providing health care and other material needs; (3) the prior relationship between the child and the party seeking visitation; (4) the moral fitness of the party seeking visitation; (5) the mental and physical health of the party seeking visitation; (6) the reasonable preference of the child if the child is sufficiently mature to express a preference; (7) the willingness and ability of the party seeking visitation to facilitate and encourage a close relationship between the child and the parents; (8) the medical and health needs as affected by visitation; and (9) any other factor considered relevant by the court to a particular dispute.⁹ With the enactment of Chapter 532, if the parental rights of either or both natural parents are relinquished or terminated, and if the child is in the custody of a public or private agency, the court may grant to the grandparents, parents, and other children a reasonable right to visit the child.¹⁰

Existing law provides that if a child is in protective custody and the court finds that the child may be harmed if released, or if a parent or other person responsible for the child's welfare is not available to care for the child, the court must issue an order keeping the child in protective custody.¹¹ Chapter 532 provides that when the child is in protective custody, the court may place the child in the temporary custody of a grandparent,¹² or grant the grandparent a reasonable right to visit the child.¹³ Chapter 532 adds that in determining whether to place a child in the custody of a grandparent or any other relative, the court may consider, any factors including

8. 1987 Nev. Stat. ch. 532, sec. 2, at ___ (enacting NEV. REV. STAT. § 123.123 1).

9. *Id.*

10. 1987 Nev. Stat. ch. 532, sec. 2, at ___ (amending NEV. REV. STAT. § 123.123 2).

11. NEV. REV. STAT. § 432B.480 2 (amended by 1987 Nev. Stat. ch. 532, sec. 3, at ___). A child taken into protective custody must be given a hearing within 72 hours to determine whether the child should remain in protective custody. *Id.* § 432B.470. *See id.* § 432B.390 (placement of child in protective custody). *See also id.* § 432B.330 (circumstances under which a child may need protective custody).

12. In order to grant the grandparent temporary custody with or without supervision, the court must find an established meaningful relationship between the grandparent and child. *Id.* § 432B.480 3(a) (amended by 1987 Nev. Stat. ch. 532, sec. 3, at ___).

13. *Id.* § 432B.480 3 (amended by 1987 Nev. Stat. ch. 532, sec. 3, at ___) (if placements or visits would be in the best interest of the child).

whether the child has previously resided with the relative for three or more years.¹⁴

JTM

14. 1987 Nev. Stat. ch. 532, sec. 4, at ___ (amending NEV. REV. STAT. § 432B.550) (before the incident which brings the child to the attention of the court).

Domestic Relations; emancipation of minors

NEV. REV. STAT. § 129.____ (new); §§ 12.080, 41.200, 129.010, 201.015 (amended).

AB 599 (Humke); 1987 STAT. Ch 552

Chapter 552 entitles minors¹ to petition² the court³ for a decree of emancipation.⁴ If emancipation is granted,⁵ the minor is considered an adult⁶ and the support obligations otherwise owed by a parent or

1. 1987 Nev. Stat. ch. 552, sec. 2, at ___ (enacting NEV. REV. STAT. § 129.____) (minors 16 years of age or older who are either married or living separately from parents or guardian).

2. *Id.* sec. 3, at ___ (enacting NEV. REV. STAT. § 129.____) (the petition is to contain information pertinent to the grant of declaration of emancipation). *See id.* sec. 5, at ___ (enacting NEV. REV. STAT. § 129.____) (the court will issue notice of the petition to the parents, guardian, or legal custodian of the minor, and the district attorney of the county in which the petition is to be heard).

3. *Id.* sec. 2, at ___ (enacting NEV. REV. STAT. § 129.____) (the juvenile division of the County District Court).

4. *Id.* sec. 8, at ___ (enacting NEV. REV. STAT. § 129.____) (judicial emancipation is in addition to other methods of emancipation provided by statute or common law). Common types of emancipation include marriage and enlistment in the military. Katz, Schroeder, and Sidman, *Emancipating Our Children—Coming of Legal Age in America*, 7 FAM. L. Q. 211, 217 (1973). A decree emancipates the minor for all purposes and removes the disability of minority with regard to contractual obligations, litigation and settlement of controversies, acquisition of property interests, consent to medical care, enrollment in any school or college, and the establishment of a residence. 1987 Nev. Stat. ch. 552, sec. 7, at ___ (enacting NEV. REV. STAT. § 129.____).

5. The court has discretion to decide whether the petition for emancipation should be granted. 1987 Nev. Stat. ch. 552, sec. 6, at ___ (enacting NEV. REV. STAT. § 129.____). The court may request records of public and private agencies in considering the petition for emancipation. *Id.* The court will also consider whether the parent or guardian has consented to emancipation and whether the minor is able to financially support himself or herself. *Id.* Further, the court will also consider whether the minor is sufficiently mature and knowledgeable to manage the minor's own affairs, and whether emancipation is in the minor's best interests. *Id.* (the court will advise the minor petitioner of the consequences of emancipation).

6. *Id.* sec. 7, at ___ (enacting NEV. REV. STAT. § 129.____) (emancipation does not affect drinking age, gaming, marriage, or other regulation of conduct based upon age). *See Nev.*