1-1-1987

Health & Welfare; adoption requirements

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
Available at: https://scholarlycommons.pacific.edu/nlr/vol1987/iss1/105

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.
test for AIDS. To uphold Chapter 762 as constitutional under Schmerber, courts must find that prostitution constitutes probable cause to believe the person arrested for prostitution is infected with AIDS.

DAH

28. See generally Ex Parte Clemente, 61 Cal. App. 666, 215 P. 698 (1923) (suspicion of prostitution reasonable grounds to believe one is infected with venereal disease). See also Ex Parte Martin, 188 P. 2d 287 (1948) (denial of bail because suspicion of prostitution probable cause to believe one is infected with a venereal disease).

29. See Schmerber, 384 U.S. at 768. See also Robinson v. California, 370 U.S. 660 (1962). (while having a disease alone cannot be a criminal act, acts by persons infected with diseases can be criminal). But see Powell v. Texas, 392 U.S. 574 (1968) (upheld statute making public intoxication illegal, even where defendant is an alcoholic).

Health & Welfare; adoption requirements

SB 272 (Committee on Judiciary); 1987 Stat. Ch 773

Under existing law, the Welfare Division of the Department of Human Resources (Welfare Division) must prescribe rules and establish reasonable minimum standards for regulating child-placing agencies. Chapter 773 requires the Welfare Division to establish the procedures used in placing children for adoption.

Under existing law, consent by a parent or child to an adoption executed in the state is not valid unless the consent:


2. 1987 Nev. Stat. ch. 773, sec. 14, at — (enacting Nev. Rev. Stat. § 127.220 1(g)) (including adoptions in which the natural parent has limited knowledge of the prospective adoptive parent). The petitioner must file an affidavit with the court setting forth any fees, donations or expenses they have paid in furtherance of the adoption. The affidavit must be filed within 15 days after the petition is filed, or 5 months after the child begins to live in their home, whichever is later. A copy of the affidavit must be sent to the Welfare Division, but the affidavit requirement may be waived by the court if one of the petitioners or the spouse of a petitioner is related to the child within the third degree of consanguinity. 1987 Nev. Stat. ch. 773, sec. 3, at — (enacting Nev. Rev. Stat. § 127—).

signed, and acknowledged by the person consenting; (2) contains the names of the persons who have been given consent to adopt; and (3) is attested to by at least two competent, disinterested witnesses.  

Under Chapter 773, the consent must also identify the child to be adopted by name, if any, the child’s gender and date of birth.  

Under existing law, a person must furnish a true copy of the executed consent to adopt to the Welfare Division. With the enactment of Chapter 773, any person who recommends the placement of a child for adoption in the state must immediately notify the Welfare Division of the impending adoption.  

Under existing law, a release and consent to adopt executed by the mother before the birth of a child is invalid. Under Chapter 773, release and consent to adopt executed by a mother within 72 hours after the birth of the child is also invalid.  

Chapter 773 prohibits any person from paying or offering anything of value to the natural parent of a child in return for the natural parent’s cooperation, consent or placement of the child for adoption.  

Chapter 773 provides, however, that a person may pay birth related medical and necessary living expenses of another as an act of charity, if the payment is not contingent upon the natural parent’s cooperation, consent or placement of child for adoption.  

---

5. 1987 Nev. Stat. ch. 773, sec. 9, at _ (amending Nev. Rev. Stat. § 127.053). If either the petitioner or the spouse of the petitioner is related to the child within the third degree of consanguinity, one of the witnesses must be a social worker employed by either the Welfare Division, an agency licensed in the state to place children for adoption, or a comparable state or county agency of another state. Id.  
11. Id. sec. 6, at _ (enacting Nev. Rev. Stat. § 127._____).  
12. Id. sec. 6, at _ (enacting Nev. Rev. Stat. § 127._____). Chapter 773 does not prohibit a natural parent from refusing to place a child for adoption after the birth of the child. Id.
773 does not apply to a woman who enters into a lawful contract to act as a surrogate mother or to be artificially inseminated.\textsuperscript{13}

\textit{EAW}

\begin{itemize}
\item \textsuperscript{13} \textit{Id.} sec. 6, at \_\_ (enacting \textit{Nev. Rev. Stat.} § 127,\_\_).
\end{itemize}

\textbf{Health and Welfare; Skier Safety Act}


\textbf{AB 344 (Nicholas); 1987 Stat. Ch 783}

With the enactment of Chapter 783,\textsuperscript{1} whenever a skier\textsuperscript{2} is personally injured, a ski patrol member\textsuperscript{3} or skiing operator\textsuperscript{4} must be notified as soon as reasonably possible.\textsuperscript{5} Chapter 783 further provides that a skier involved in a collision that injures another skier must provide their name and current address to the injured person, ski patrol member, or skiing operator before leaving the collision scene, or as soon as reasonably possible.\textsuperscript{6} Failure to comply with this section is a misdemeanor.\textsuperscript{7}

The Skier Safety Act prohibits skiers, while intoxicated or under the influence of a controlled substance, from skiing or boarding a ski lift\textsuperscript{8} heading predominately uphill.\textsuperscript{9} Moreover, a

\begin{itemize}
\item \textsuperscript{1} Chapter 783 amends Title 40 of Nevada Revised Statutes by adding a new chapter thereto. 1987 Nev. Stat. ch. 783, sec. 1, at \_. Chapter 783 is known as the Skier Safety Act. \textit{Id.} sec. 2, at \_. Chapter 783 permits a county, city, or unincorporated town to further regulate skiers and skiing operators so long as the regulations do not conflict with the Skier Safety Act. \textit{Id.} sec. 23, at \_.
\item \textsuperscript{2} \textit{See} 1987 Nev. Stat. ch. 783, sec. 10, at \_ (definition of a skier). The Skier Safety Act requires all skis to be equipped with a leash or a brake to prevent runaway skis. \textit{Id.} sec. 15, at \_. A skier must not cross the uphill path of a surface lift in undesignated areas, or willfully stop where an obstruction will be created or where the skier will not be safely visible to uphill skiers. \textit{Id.}
\item \textsuperscript{3} \textit{See id.} sec. 9, at \_ (definition of the ski patrol).
\item \textsuperscript{4} \textit{See id.} sec. 11, at \_ (definition of a skiing operator).
\item \textsuperscript{5} \textit{Id.} sec. 19, at \_.
\item \textsuperscript{6} \textit{Id.} sec. 21, at \_ (the skier may leave the scene only if the skier leaves to find aid for the injured person).
\item \textsuperscript{7} \textit{Id.}
\item \textsuperscript{8} \textit{See id.} sec. 8, at \_ (definition of a ski lift). \textit{See also id.} sec. 12, at \_ (definition of a surface lift). The Skier Safety Act sets standards for a skier’s use of a ski lift by mandating that the skier: (1) Use an open or operating ski lift only when the skier possesses sufficient knowledge and physical ability to ride the lift safely; (2) purposefully get on and off the ski lift only in designated areas under the supervision of an agent or employee of a ski lift.