



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1987 | Issue 1

Article 105

1-1-1987

Health & Welfare; adoption requirements

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Recommended Citation

University of the Pacific, McGeorge School of Law, *Health & Welfare; adoption requirements*, 1987 U. PAC. L. REV. (2019).

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

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test for AIDS.²⁸ 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.²⁹

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 inflicted 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

NEV. REV. STAT. § 127.____ (new); §§ 127.005, 127.053, 127.057, 127.070, 127.110, 127.220, 127.230, 127.280 (amended).
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.¹ Chapter 773 requires the Welfare Division to establish the procedures used in placing children for adoption.²

Under existing law, consent by a parent or child to an adoption executed in the state³ is not valid unless the consent: (1) Is in writing,

1. NEV. REV. STAT. § 127.230 1 (amended by 1987 Nev. Stat. ch. 773, sec. 14, at ____). Child-placing agency means the Welfare Division of the Department of Human Resources or a nonprofit corporation organized under Nevada Revised Statutes sections 81.290-81.340 and licensed by the Welfare Division to place children for adoption or permanent free care. 1987 Nev. Stat. ch. 773, sec. 13, at ____ (enacting NEV. REV. STAT. § 127.220 2).

2. 1987 Nev. Stat. ch. 773, sec. 14, at ____ (enacting NEV. REV. STAT. § 127.230 1(c)) (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.____).

3. NEV. REV. STAT. § 127.053 (or consented to outside Nevada for use in Nevada).

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.⁴ 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.⁵

Under existing law, a person must furnish a true copy of the executed consent to adopt to the Welfare Division.⁶ With the enactment of Chapter 773, any person who recommends the placement of a child⁷ for adoption in the state must immediately notify the Welfare Division of the impending adoption.⁸

Under existing law, a release and consent to adopt executed by the mother before the birth of a child is invalid.⁹ Under Chapter 773, release and consent to adopt executed by a mother within 72 hours after the birth of the child is also invalid.¹⁰

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.¹¹ 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.¹² Chapter

4. NEV. REV. STAT. § 127.053 (amended by 1987 Nev. Stat. ch. 773, sec. 9, at ____). See *id.* §§ 111.240-111.305 (acknowledgments must be in the same manner and form as required for real property conveyances).

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.*

6. *Id.* § 127.057 1 (amended by 1987 Nev. Stat. ch. 773, sec. 10, at ____) (must be accompanied by a report of their address within 48 hours after receipt of the executed consent).

7. Recommend placement of a child means to suggest to a licensed child-placing agency that a prospective adoptive parent be allowed to adopt a specific child, born or in utero. 1987 Nev. Stat. ch. 773, sec. 13, at ____ (enacting NEV. REV. STAT. § 127.220 4).

8. *Id.* sec. 10, at ____ (amending NEV. REV. STAT. § 127.057).

9. NEV. REV. STAT. § 127.070 1 (amended by 1987 Nev. Stat. ch. 773, sec. 11, at ____).

10. 1987 Nev. Stat. ch. 773, sec. 11, at ____ (amending NEV. REV. STAT. § 127.070 1). Any person who, with the intent of not consenting to an adoption, receives payments for medical and other necessary birth expenses from prospective adoptive parents, is guilty of a gross misdemeanor. 1987 Nev. Stat. ch. 773, sec. 7, at ____ (enacting NEV. REV. STAT. § 127.____).

11. *Id.* sec. 6, at ____ (enacting NEV. REV. STAT. § 127.____) (punishable by confinement in the state prison for 1 to 6 years, or by a fine of not more than \$5000, or by both a fine and confinement).

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.¹³

EAW

13. *Id.* sec. 6, at ____ (enacting NEV. REV. STAT. § 127.____).

Health and Welfare; Skier Safety Act

NEV. REV. STAT. § 000.____ (new).
AB 344 (Nicholas); 1987 STAT. Ch 783

With the enactment of Chapter 783,¹ whenever a skier² is personally injured, a ski patrol member³ or skiing operator⁴ must be notified as soon as reasonably possible.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.⁶ Failure to comply with this section is a misdemeanor.⁷ The Skier Safety Act prohibits skiers, while intoxicated or under the influence of a controlled substance, from skiing or boarding a ski lift⁸ heading predominately uphill.⁹ Moreover, a

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. *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. *Id.* sec. 23, at ____ .

2. *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. *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. *Id.*

3. *See id.* sec. 9, at ____ (definition of the ski patrol).

4. *See id.* sec. 11, at ____ (definition of a skiing operator).

5. *Id.* sec. 19, at ____ .

6. *Id.* sec. 21, at ____ (the skier may leave the scene only if the skier leaves to find aid for the injured person).

7. *Id.*

8. *See id.* sec. 8, at ____ (definition of a ski lift). *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) purposely get on and off the ski lift only in designated areas under the supervision of an agent or employee of a ski