

ASSEMBLY BILL NO. 115—ASSEMBLYMEN NGUYEN,
PETERS, GONZÁLEZ; TORRES AND WATTS

FEBRUARY 11, 2021

JOINT SPONSORS: SENATORS SCHEIBLE,
CANNIZZARO; AND BROOKS

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to domestic relations.
(BDR 11-118)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to domestic relations; authorizing one or more adults to petition a court for the adoption of a child; authorizing a court to waive the hearing on a petition for the adoption of a child in certain circumstances; requiring that additional information must be included in a petition for the adoption of a child who currently resides in the home of the petitioners; authorizing a court to determine that more than two people have a parent and child relationship with a child; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes provisions governing the adoption of children. (NRS
2 127.010-127.186) Existing law authorizes any adult or married couple to petition a
3 court for the adoption of a child. (NRS 127.030) **Section 5.2** of this bill instead
4 provides that one or more adults may petition a court for the adoption of a child and
5 requires that each prospective adopting adult and consenting legal parent seeking to
6 retain his or her parental rights must be a joint petitioner. **Section 5.2** also
7 authorizes a court to: (1) waive the hearing on a petition for the adoption of a child
8 if the petitioner is related to the child within the third degree of consanguinity; and
9 (2) determine that a child has a legal relationship with more than two petitioners.
10 **Sections 5.1, 5.3-5.6 and 5.7-5.9** of this bill make conforming changes to reflect
11 that a child may have a legal relationship with more than two parents.



12 Existing law requires that a petition for the adoption of a child who currently
13 resides in the home of the petitioners must contain certain information. (NRS
14 127.110) **Section 5.65** of this bill requires the petition also to include a statement
15 that there are no known signs that the child is currently experiencing victimization
16 from human trafficking, exploitation or abuse.

17 **Section 8** of this bill generally provides that, for the purposes of the Nevada
18 Revised Statutes, if more than two persons have a parent and child relationship with
19 a child pursuant to a prior court order, any reference to the parents of a child or a
20 parent of a child must be interpreted to include any person whom a court has
21 determined to be a parent of the child.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** NRS 126.021 is hereby amended to read as follows:

4 126.021 As used in this chapter, unless the context otherwise
5 requires:

6 1. "Custodial parent" means the parent of a child born out of
7 wedlock who has been awarded physical custody of the child or, if
8 no award of physical custody has been made by a court, the parent
9 with whom the child resides.

10 2. "Nonsupporting parent" means the parent of a child born out
11 of wedlock who has failed to provide an equitable share of his or her
12 child's necessary maintenance, education and support.

13 3. "Parent and child relationship" means the legal relationship
14 existing between a child and his or her natural or adoptive parents
15 incident to which the law confers or imposes rights, privileges,
16 duties and obligations. It includes the mother and child relationship
17 and the father and child relationship. *This subsection does not*
18 *preclude a determination by a court that a child has such a legal*
19 *relationship with more than two persons.*

20 **Sec. 4.** (Deleted by amendment.)

21 **Sec. 5.** (Deleted by amendment.)

22 **Sec. 5.1.** NRS 127.020 is hereby amended to read as follows:

23 127.020 1. Except as otherwise provided in subsection 2:

24 (a) A minor child may be adopted by ~~an adult person in the~~
25 ~~cases and~~ *one or more adults* subject to the rules prescribed in this
26 chapter.

27 (b) A person adopting a child must be at least 10 years older
28 than the person adopted, and the consent of the child, if over the age
29 of 14 years, is necessary to its adoption.

30 2. A court may approve the adoption of a child without regard
31 to the age of the child and the ages of the prospective adoptive
32 parents if:



1 (a) The child is being adopted by a stepparent, sister, brother,
2 aunt, uncle or first cousin and, if the prospective adoptive parent is
3 married, also by the spouse of the prospective adoptive parent; and

4 (b) The court is satisfied that it is in the best interest of the child
5 and in the interest of the public.

6 **Sec. 5.2.** NRS 127.030 is hereby amended to read as follows:

7 127.030 1. ~~[Any adult person or any two persons married to~~
8 ~~each other]~~ *One or more adults* may petition the district court of
9 any county in this state for leave to adopt a child. *Each prospective*
10 *adopting adult and each consenting legal parent seeking to retain*
11 *his or her parental rights must be a joint petitioner.*

12 2. Except as otherwise provided in subsection 5, a married
13 person not lawfully separated from his or her spouse may not adopt
14 a child without the consent of his or her spouse, if such spouse is
15 capable of giving such consent.

16 3. If a spouse consents to an adoption as described in
17 subsection 2, such consent does not establish any parental rights or
18 responsibilities on the part of the spouse unless he or she:

19 (a) Has, in a writing filed with the court, specifically consented
20 to:

21 (1) Adopting the child; and

22 (2) Establishing parental rights and responsibilities; and

23 (b) Is named as an adoptive parent in the order or decree of
24 adoption.

25 4. The court shall not name a spouse who consents to an
26 adoption as described in subsection 2 as an adoptive parent in an
27 order or decree of adoption unless:

28 (a) The spouse has filed a writing with the court as described in
29 paragraph (a) of subsection 3; and

30 (b) The home of the spouse is suitable for the child as
31 determined by an investigation conducted pursuant to NRS 127.120
32 or 127.2805.

33 5. The court may dispense with the requirement for the consent
34 of a spouse who cannot be located after a diligent search or who is
35 determined by the court to lack the capacity to consent. A spouse for
36 whom the requirement was dispensed pursuant to this subsection
37 must not be named as an adoptive parent in an order or decree of
38 adoption.

39 *6. If a person who petitions for the adoption of a child*
40 *pursuant to this section is related to the child within the third*
41 *degree of consanguinity, the court may, in its discretion, waive the*
42 *hearing on the petition.*

43 *7. The court may determine that a child has a legal*
44 *relationship with more than two persons who petition for the*
45 *adoption of the child pursuant to this section.*



1 **Sec. 5.3.** NRS 127.040 is hereby amended to read as follows:

2 127.040 1. Except as provided in NRS 127.090, written
3 consent to the specific adoption proposed by the petition or for
4 relinquishment to an agency authorized to accept relinquishments
5 acknowledged by the person or persons consenting, is required
6 from:

7 (a) ~~{Both parents if both are living;}~~ *Each legal parent who is*
8 *alive; and*

9 (b) ~~{One parent if the other is dead; or~~
10 ~~—(c) The}~~ *Any legal* guardian of the person of ~~{a}~~ *the* child
11 appointed by a court of competent jurisdiction.

12 2. Consent is not required of a parent who has been adjudged
13 insane for 2 years if the court is satisfied by proof that such insanity
14 is incurable.

15 **Sec. 5.4.** NRS 127.043 is hereby amended to read as follows:

16 127.043 1. Except as otherwise provided in subsection 2, a
17 child must not be placed in an adoptive home until a valid release
18 for or consent to adoption is executed by the ~~{mother}~~ *parent who*
19 *gave birth to the child* as provided by NRS 127.070.

20 2. The provisions of this section do not apply if one *or more of*
21 *the existing legal parents is a* petitioner or the ~~{spouse of a}~~
22 petitioner is related to the child within the third degree of
23 consanguinity.

24 **Sec. 5.5.** NRS 127.045 is hereby amended to read as follows:

25 127.045 1. Except as otherwise provided in subsection 2,
26 until a valid release for or consent to adoption is executed by the
27 ~~{mother}~~ *parent who gave birth to the child* as provided by NRS
28 127.070 and the investigation required by NRS 127.2805 is
29 completed, no person may:

30 (a) Petition any court for the appointment of a guardian; or

31 (b) Be appointed the temporary guardian,
32 ↪ of the person of the child to be adopted.

33 2. The provisions of subsection 1 do not apply ~~{to}~~ *if one or*
34 *more of the existing legal parents is a petitioner or if* any ~~{person~~
35 ~~who is related}~~ *petitioner* or ~~{whose}~~ *his or her* spouse is related to
36 the child within the third degree of consanguinity.

37 **Sec. 5.6.** NRS 127.070 is hereby amended to read as follows:

38 127.070 1. All releases for and consents to adoption executed
39 in this state by the ~~{mother}~~ *parent who gave birth to a child* before
40 the birth of ~~{a}~~ *the* child or within 72 hours after the birth of ~~{a}~~ *the*
41 child are invalid.

42 2. A release for or consent to adoption may be executed by ~~{the~~
43 ~~father}~~ *a parent* before the birth of ~~{the}~~ *a* child if the ~~{father}~~ *parent*
44 is not married to the ~~{mother-}~~ *parent who gave birth to the child.* A



1 release executed ~~[by the father]~~ *under this subsection* becomes
2 invalid if:

3 (a) The ~~[father of the child marries the mother]~~ *parents* of the
4 child *marry each other* before the child is born;

5 (b) The ~~[mother of]~~ *parent who gave birth to* the child does not
6 execute a release for or consent to adoption of the child within 6
7 months after the birth of the child; or

8 (c) No petition for adoption of the child has been filed within 2
9 years after the birth of the child.

10 **Sec. 5.65.** NRS 127.110 is hereby amended to read as follows:

11 127.110 1. A petition for adoption of a child who currently
12 resides in the home of the petitioners may be filed at any time after
13 the child has lived in the home for 30 days.

14 2. The petition for adoption must state, in substance, the
15 following:

16 (a) The full name and age of the petitioners.

17 (b) The age of the child sought to be adopted and the period that
18 the child has lived in the home of petitioners before the filing of the
19 petition.

20 (c) That it is the desire of the petitioners that the relationship of
21 parent and child be established between them and the child.

22 (d) Their desire that the name of the child be changed, together
23 with the new name desired.

24 (e) That the petitioners are fit and proper persons to have the
25 care and custody of the child.

26 (f) That they are financially able to provide for the child.

27 (g) That there has been a full compliance with the law in regard
28 to consent to adoption.

29 (h) That there has been a full compliance with NRS 127.220 to
30 127.310, inclusive.

31 (i) Whether the child is known to be an Indian child.

32 *(j) That there are no known signs that the child is currently*
33 *experiencing victimization from human trafficking, exploitation or*
34 *abuse.*

35 3. No order of adoption may be entered unless there has been
36 full compliance with the provisions of NRS 127.220 to 127.310,
37 inclusive.

38 **Sec. 5.7.** NRS 127.123 is hereby amended to read as follows:

39 127.123 Notice of the filing of a petition for the adoption of a
40 child must be provided to ~~[the]~~ *all* legal ~~[custodian]~~ *custodians* or
41 ~~[guardian]~~ *guardians* of the child ~~[if that custodian or guardian is a~~
42 ~~person other than the natural]~~ *who are not a legal* parent of the
43 child.



1 **Sec. 5.8.** NRS 127.160 is hereby amended to read as follows:

2 127.160 Upon the entry of an order of adoption, the child shall
3 become the legal child of the persons adopting the child, and they
4 shall become the child's legal parents with all the rights and duties
5 between them of natural parents and legitimate child. By virtue of
6 such adoption the child shall inherit from his or her adoptive parents
7 or their relatives the same as though the child were the legitimate
8 child of such parents, and in case of the death of the child intestate
9 the adoptive parents and their relatives shall inherit the child's estate
10 as if they had been the child's natural parents and relatives in fact.
11 After a decree of adoption is entered, ~~the natural parents of an~~
12 ~~adopted child shall be~~ any parent who has signed a
13 *relinquishment or given consent to terminate his or her parental*
14 *rights is* relieved of all parental responsibilities for ~~such~~ the
15 *adopted* child ~~and they~~ shall not exercise or have any rights
16 over ~~such~~ the adopted child or the property of ~~such~~ the adopted
17 child. The child ~~shall~~ *does* not owe ~~his or her natural parents or~~
18 ~~their relatives~~ a parent whose parental rights have been
19 *terminated* any legal duty ~~nor shall the child~~ and may not inherit
20 from ~~his or her natural parents~~ a parent whose parental rights
21 *have been terminated* or his or her kindred. Notwithstanding any
22 other provisions to the contrary in this section, the adoption of a
23 child ~~by his or her stepparent shall~~ *does* not in any way change the
24 status of the relationship between the child and ~~his or her natural~~
25 ~~parent~~ any legal parent who is ~~the spouse of the petitioning~~
26 ~~stepparent~~ a petitioner and whose parental rights have not been
27 *terminated.*

28 **Sec. 5.85.** NRS 127.165 is hereby amended to read as follows:

29 127.165 1. ~~The natural parent~~ A *prior parent* of a child may
30 not bring an action to set aside an adoption after a petition for
31 adoption has been granted, unless a court of competent jurisdiction
32 has previously, in a separate action:

- 33 (a) Set aside the consent to the adoption;
34 (b) Set aside the relinquishment of the child for adoption; or
35 (c) Reversed an order terminating the parental rights of the
36 ~~natural~~ parent.

37 2. After a petition for adoption has been granted, there is a
38 presumption for the purposes of this chapter that remaining in the
39 home of the adopting ~~parent~~ *parents* is in the child's best interest.

40 **Sec. 5.9.** NRS 127.2827 is hereby amended to read as follows:

41 127.2827 1. If a child who is in the custody of an agency
42 which provides child welfare services is placed for adoption, the
43 agency must provide the court which is conducting the adoption
44 proceedings with a copy of any order for visitation with a sibling of
45 the child that was issued pursuant to NRS 432B.580 and the court



1 must conduct a hearing to determine whether to include an order for
2 visitation with a sibling in the decree of adoption.

3 2. The court shall incorporate an order for visitation provided
4 to the court pursuant to subsection 1 into the decree of adoption
5 unless, not later than 30 days after notice of the filing of the petition
6 for adoption is provided to ~~the~~ **all** legal ~~custodian~~ **custodians** or
7 ~~guardian~~ **guardians** of the child **who are required to be provided**
8 **with such notice** pursuant to NRS 127.123, any interested party in
9 the adoption, including, without limitation, the adoptive parent, the
10 adoptive child, a sibling of the adoptive child, the agency which
11 provides child welfare services or a licensed child-placing agency
12 petitions the court to exclude the order of visitation with a sibling
13 from the decree of adoption or amend the order for visitation before
14 including the order in the decree of adoption.

15 3. The hearing on a petition submitted pursuant to subsection 2
16 must be held on a different date than the hearing on the petition for
17 adoption. Any interested party is entitled to participate in the
18 hearing. The clerk of the court shall give written notice of the time
19 and place of the hearing to the adoptive parent, the adoptive child, a
20 sibling of the adoptive child, the attorney for the adoptive child or a
21 sibling of the adoptive child, the agency which provides child
22 welfare services and a licensed child-placing agency. Upon the
23 petition of a sibling requesting the inclusion of an order for
24 visitation in the decree of adoption, the court may require the
25 agency which provides child welfare services or the child-placing
26 agency to provide the clerk of the court with the contact information
27 of the adoptive parent, the adoptive child and the attorney for the
28 adoptive child. If so ordered, the agency which provides child
29 welfare services or the child-placing agency must provide such
30 contact information under seal.

31 4. The sole consideration of the court in making a
32 determination concerning visitation with a sibling pursuant to this
33 section is the best interest of the child. If a petition is submitted
34 pursuant to subsection 2, the court must not enter a decree of
35 adoption until the court has made a determination concerning
36 visitation with a sibling.

37 5. If an order for visitation with a sibling is included in a
38 decree of adoption, the court shall, upon the request of a party to the
39 order, provide to the party the case number of the adoption
40 proceeding and any documents or records necessary to enforce the
41 order.

42 6. A party to an order for visitation may petition for
43 enforcement of the order at any time while the order is in effect. A
44 person who fails to comply with the order is in contempt of court. If
45 a party to an order for visitation withholds the contact information



1 of any person in violation of the order, the court may order the
2 agency which provides child welfare services or a licensed child-
3 placing agency to provide such contact information to the court
4 under seal.

5 **Sec. 6.** (Deleted by amendment.)

6 **Sec. 7.** (Deleted by amendment.)

7 **Sec. 8.** The preliminary chapter of NRS is hereby amended by
8 adding thereto a new section to read as follows:

9 *Notwithstanding any other provision of law and unless any of*
10 *the following interpretations is not possible given the context in*
11 *which a reference is used or a particular statute expressly provides*
12 *otherwise, if more than two people have a parent and child*
13 *relationship with a child pursuant to a prior court order, any*
14 *reference to:*

15 *1. The parents of a child, including, without limitation, a*
16 *reference to two parents of a child or both parents of a child, must*
17 *be interpreted to include any person whom a court has determined*
18 *to be a parent of the child.*

19 *2. A parent of a child, including, without limitation, a*
20 *reference to either parent of a child, a natural parent of a child or*
21 *a father or mother of a child, must be interpreted to include any*
22 *person whom a court has determined to be a parent of the child.*

23 **Sec. 9.** (Deleted by amendment.)

24 **Sec. 10.** This act becomes effective upon passage and
25 approval.

