
ASSEMBLY BILL NO. 198—ASSEMBLYMAN EDWARDS

PREFILED FEBRUARY 13, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning domestic relations.
(BDR 11-669)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 3, 4, 10)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; providing various penalties for persons who knowingly make false statements or present false documentary evidence in domestic relations proceedings; requiring the establishment of an independent review panel to observe domestic relations proceedings; requiring the establishment of an advocate group to provide assistance to veterans in domestic relations proceedings; requiring the establishment of a program for the supervised exchange of a child between certain persons; establishing the consequences resulting from a person who participates in such a program intentionally failing to appear with the child at the designated time and place for the supervised exchange of the child; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 **Section 2** of this bill establishes various penalties to be imposed upon any
2 person who is a party to a domestic relations proceeding and who makes a false
3 statement of material fact or presents false documentary evidence to the court. The
4 penalty imposed is dependent upon the frequency of the occurrence of the
5 particular offense.
6 **Section 3** of this bill requires each district court to establish an independent
7 review panel consisting of members of the public to observe all domestic relations
8 proceedings for the purpose of ensuring that judges are acting impartially and
9 appropriately. If a member of the independent review panel observes a presiding



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10 judge engaging in any behavior for which the judge could be subject to discipline,
11 the review panel is required to file a complaint with the Commission on Judicial
12 Discipline. **Section 3** also provides that members of the review panel must not be
13 excluded from observing a proceeding for any reason, and **sections 5 and 12-15** of
14 this bill make conforming changes.

15 **Section 4** of this bill requires each district court to establish an advocate group
16 consisting of persons who are qualified to provide assistance deemed appropriate
17 by the court to any veteran who is a party to a domestic relations proceeding.
18 **Section 4** also requires the Department of Veterans Services to assist the court as
19 necessary to determine whether a person is qualified to provide assistance to a
20 veteran.

21 **Section 10** of this bill requires each family court to establish a program for the
22 supervised exchange of a child between persons who have physical custody or a
23 right to visitation of the child. Such a program must require that a peace officer
24 supervise the exchange of a child between such persons to ensure that the exchange
25 occurs in a safe manner. **Section 11** of this bill provides that if a family court orders
26 the participation of two or more persons in such a program and a person who has
27 physical custody or a right to visitation of a child intentionally fails to appear with
28 the child at the designated time and place for the supervised exchange of the child:
29 (1) the person is guilty of a misdemeanor and is punished by a fine of \$500; (2) the
30 person with whom the child is to be exchanged is entitled to spend an additional
31 amount of time with the child equal to twice the amount of time denied or
32 attempted to be denied to the person as a result of the other person intentionally
33 failing to appear with the child, whichever is greater; and (3) the peace officer who
34 is supervising the exchange of the child is required to locate the person who
35 intentionally failed to appear with the child and transfer the child to the other
36 person.

37 **Section 16** of this bill provides that each district court is required to establish
38 an independent review panel and an advocate group for veterans pursuant to
39 **sections 3 and 4**, respectively, not later than October 1, 2017, and each family
40 court is required to establish a program for the supervised exchange of a child
41 pursuant to **section 10** as soon as practicable after the effective date of this bill but
42 not later than January 1, 2018.

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

1 **Section 1.** Title 11 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2, 3 and 4 of this act.

4 **Sec. 2.** *During any proceeding conducted pursuant to this*
5 *title, if a person who is a party to the proceeding knowingly:*

6 *1. Makes any statement of material fact to the court that the*
7 *court determines to be false, the person:*

8 *(a) For the first or second offense, must receive a warning*
9 *from the court.*

10 *(b) For the third offense, shall be punished by:*

11 *(1) Imprisonment in the county jail for a period of 1 day;*

12 *(2) A fine of \$500; or*

13 *(3) Performing 10 hours of community service.*



1 (c) For the fourth or subsequent offense, shall be punished by:

- 2 (1) Imprisonment in the county jail for a period of 2 days;
3 (2) A fine of \$1,000; or
4 (3) Performing 20 hours of community service.

5 2. Presents any documentary evidence to the court that the
6 court determines to be false, the person shall be punished for each
7 offense by performing not more than 10 hours of community
8 service. As used in this subsection, "documentary evidence"
9 means any account, book, correspondence, file, message, paper,
10 record or other type of document in any form, including, without
11 limitation, in any written, audio, visual, digital or electronic form.

12 **Sec. 3.** 1. Each district court shall establish an independent
13 review panel consisting of members of the public to observe all
14 proceedings conducted pursuant to this title for the purpose of
15 ensuring that the presiding judge is acting impartially and
16 appropriately. Notwithstanding any other provision of law or court
17 rule, members of the review panel must not be excluded from
18 observing a proceeding conducted pursuant to this title for any
19 reason.

20 2. If a member of the independent review panel observes a
21 presiding judge engaging in any behavior for which the judge
22 could be subject to discipline, the review panel shall file a
23 complaint with the Commission on Judicial Discipline in
24 accordance with the provisions of NRS 1.425 to 1.4695, inclusive.

25 **Sec. 4.** 1. Each district court shall establish an advocate
26 group consisting of persons who are qualified to provide
27 assistance deemed appropriate by the court, including, without
28 limitation, any assistance necessary for the enforcement of a court
29 order, to any veteran who is a party to a proceeding conducted
30 pursuant to this title.

31 2. The Department of Veterans Services shall assist the court
32 as necessary to determine whether a person is qualified to provide
33 assistance to a veteran pursuant to subsection 1.

34 3. As used in this section, "veteran" has the meaning
35 ascribed to it in NRS 417.005.

36 **Sec. 5.** NRS 125.080 is hereby amended to read as follows:

37 125.080 1. In any action for divorce, the court shall, upon
38 demand of either party, direct that the trial and issue or issues of fact
39 joined therein be private.

40 2. Except as otherwise provided in subsection 3, upon such
41 demand of either party, all persons must be excluded from the court
42 or chambers wherein the action is tried, except:

43 (a) The officers of the court;

44 (b) *The members of the independent review panel established*
45 *by the court pursuant to section 3 of this act;*



1 (c) The parties;

2 ~~(c)~~ (d) The counsel for the parties;

3 ~~(d)~~ (e) The witnesses for the parties;

4 ~~(e)~~ (f) The parents or guardians of the parties; and

5 ~~(f)~~ (g) The siblings of the parties.

6 3. The court may, upon oral or written motion of either party,
7 order a hearing to determine whether to exclude the parents,
8 guardians or siblings of either party, or witnesses for either party,
9 from the court or chambers wherein the action is tried. If good cause
10 is shown for the exclusion of any such person, the court shall
11 exclude any such person from the court or chambers wherein the
12 action is tried.

13 **Sec. 6.** Chapter 125C of NRS is hereby amended by adding
14 thereto the provisions set forth as sections 7 to 11, inclusive, of this
15 act.

16 **Sec. 7.** *As used in sections 7 to 11, inclusive, of this act,*
17 *unless the context otherwise requires, the words and terms defined*
18 *in sections 8 and 9 of this act have the meanings ascribed to them*
19 *in those sections.*

20 **Sec. 8.** *“Family court” has the meaning ascribed to it in*
21 *NRS 3.006.*

22 **Sec. 9.** *“Peace officer” means any person upon whom some*
23 *or all of the powers of a peace officer are conferred pursuant to*
24 *NRS 289.150 to 289.360, inclusive.*

25 **Sec. 10.** *Each family court shall establish a program for the*
26 *supervised exchange of a child between persons who have physical*
27 *custody or a right to visitation of the child. The program must*
28 *require that a peace officer supervise the exchange of a child*
29 *between such persons to ensure that the exchange occurs in a safe*
30 *manner.*

31 **Sec. 11. 1.** *If a family court orders the participation of two*
32 *or more persons in the program established pursuant to section 10*
33 *of this act and a person who has physical custody or a right to*
34 *visitation of a child intentionally fails to appear with the child at*
35 *the designated time and place for the supervised exchange of the*
36 *child:*

37 (a) *The person is guilty of a misdemeanor and shall be*
38 *punished by a fine of \$500;*

39 (b) *The person with whom the child is to be exchanged is*
40 *entitled to spend an additional amount of time with the child equal*
41 *to twice the amount of time denied or attempted to be denied to the*
42 *person as a result of the other person intentionally failing to*
43 *appear with the child, whichever is greater; and*



1 (c) *The peace officer who is supervising the exchange of the*
2 *child shall locate the person who intentionally failed to appear*
3 *with the child and transfer the child to the other person.*

4 2. *The additional amount of time that a person is entitled to*
5 *spend with a child pursuant to paragraph (b) of subsection 1 must*
6 *occur at a time that is agreed upon in writing by each person who*
7 *has physical custody or a right to visitation of the child or, if an*
8 *agreement cannot be made, is ordered by the family court.*

9 **Sec. 12.** NRS 126.211 is hereby amended to read as follows:

10 126.211 ~~Any~~ *Except as otherwise provided in section 3 of*
11 *this act, any* hearing or trial held under this chapter must be held in
12 closed court without admittance of any person other than those
13 necessary to the action or proceeding. All papers and records, other
14 than the final judgment, pertaining to the action or proceeding,
15 whether part of the permanent record of the court or of a file in the
16 Division of Welfare and Supportive Services of the Department of
17 Health and Human Services or elsewhere, are subject to inspection
18 only upon consent of the court and all interested persons, or in
19 exceptional cases only upon an order of the court for good cause
20 shown.

21 **Sec. 13.** NRS 126.730 is hereby amended to read as follows:

22 126.730 1. Except as otherwise provided in NRS 239.0115,
23 *and section 3 of this act*, all hearings held in a proceeding under
24 NRS 126.710 to 126.810, inclusive, are confidential and must be
25 held in closed court, without admittance of any person other than the
26 parties to a gestational agreement, their witnesses and attorneys,
27 except by order of the court.

28 2. The files and records pertaining to a gestational carrier
29 arrangement, gestational agreement or proceeding under NRS
30 126.710 to 126.810, inclusive, are not open to inspection by any
31 person except:

32 (a) Upon an order of the court expressly so permitting pursuant
33 to a petition setting forth the reasons therefor; or

34 (b) As provided pursuant to subsection 3.

35 3. A person who intends to file a petition to enforce a
36 gestational agreement may inspect the files or the records of the
37 court concerning the gestational agreement.

38 **Sec. 14.** NRS 127.140 is hereby amended to read as follows:

39 127.140 1. Except as otherwise provided in NRS 239.0115,
40 *and section 3 of this act*, all hearings held in proceedings under this
41 chapter are confidential and must be held in closed court, without
42 admittance of any person other than the petitioners, their witnesses,
43 the director of an agency, or their authorized representatives,
44 attorneys and persons entitled to notice by this chapter, except by
45 order of the court.



1 2. The files and records of the court in adoption proceedings
2 are not open to inspection by any person except:

3 (a) Upon an order of the court expressly so permitting pursuant
4 to a petition setting forth the reasons therefor;

5 (b) If a natural parent and the child are eligible to receive
6 information from the State Register for Adoptions; or

7 (c) As provided pursuant to subsections 3, 4 and 5.

8 3. An adoptive parent who intends to file a petition pursuant to
9 NRS 127.1885 or 127.1895 to enforce, modify or terminate an
10 agreement that provides for postadoptive contact may inspect only
11 the portions of the files and records of the court concerning the
12 agreement for postadoptive contact.

13 4. A natural parent who intends to file a petition pursuant to
14 NRS 127.1885 to prove the existence of or to enforce an agreement
15 that provides for postadoptive contact or to file an action pursuant to
16 NRS 41.509 may inspect only the portions of the files or records of
17 the court concerning the agreement for postadoptive contact.

18 5. The portions of the files and records which are made
19 available for inspection by an adoptive parent or natural parent
20 pursuant to subsection 3 or 4 must not include any confidential
21 information, including, without limitation, any information that
22 identifies or would lead to the identification of a natural parent if the
23 identity of the natural parent is not included in the agreement for
24 postadoptive contact.

25 **Sec. 15.** NRS 128.090 is hereby amended to read as follows:

26 128.090 1. At the time stated in the notice, or at the earliest
27 time thereafter to which the hearing may be postponed, the court
28 shall proceed to hear the petition.

29 2. The proceedings are civil in nature and are governed by the
30 Nevada Rules of Civil Procedure. The court shall in all cases require
31 the petitioner to establish the facts by clear and convincing evidence
32 and shall give full and careful consideration to all of the evidence
33 presented, with regard to the rights and claims of the parent of the
34 child and to any and all ties of blood or affection, but with a
35 dominant purpose of serving the best interests of the child.

36 3. Information contained in a report filed pursuant to NRS
37 432.0999 to 432.130, inclusive, or chapter 432B of NRS may not be
38 excluded from the proceeding by the invoking of any privilege.

39 4. In the event of postponement, all persons served, who are
40 not present or represented in court at the time of the postponement,
41 must be notified thereof in the manner provided by the Nevada
42 Rules of Civil Procedure.

43 5. ~~Any~~ *Except as otherwise provided in section 3 of this act,*
44 *any* hearing held pursuant to this section must be held in closed
45 court without admittance of any person other than those necessary to



1 the action or proceeding, unless the court determines that holding
2 such a hearing in open court will not be detrimental to the child.

3 **Sec. 16.** 1. Each district court shall establish an independent
4 review panel to observe proceedings pursuant to section 3 of this act
5 and an advocate group to provide assistance to veterans pursuant to
6 section 4 of this act not later than October 1, 2017.

7 2. Each family court shall establish a program for the
8 supervised exchange of a child pursuant to section 10 of this act as
9 soon as practicable after the effective date of this act but not later
10 than January 1, 2018. As used in this subsection, "family court" has
11 the meaning ascribed to it in NRS 3.006.

12 **Sec. 17.** The provisions of NRS 354.599 do not apply to any
13 additional expenses of a local government that are related to the
14 provisions of this act.

15 **Sec. 18.** This act becomes effective:

16 1. Upon passage and approval for the purpose of performing
17 any preparatory administrative tasks that are necessary to carry out
18 the provisions of sections 3, 4 and 10 of this act; and

19 2. On October 1, 2017, for all other purposes.



