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SECOND REPRINT

S.B. 113

SENATE BILL NO. 113—SENATORS HAMMOND, JONES, HUTCHISON,
ROBERSON, HARDY; BROWER, CEGAVSKE, DENIS AND
SEGERBLOM

FEBRUARY 13, 2013

JOINT SPONSORS: ASSEMBLYMEN PAUL ANDERSON,
HARDY, HICKEY AND OHRENSCHALL

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions governing the
termination of parental rights. (BDR 11-434)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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; requiring the Health
Division of the Department of Health and Human
Services to establish a Registry of Putative Fathers;
providing for a summary petition for termination of
parental rights in certain circumstances; revising various
provisions governing the termination of parental rights
and adoption of children of putative fathers; providing a
penalty; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

1 **Section 5** of this bill requires the Health Division of the Department of Health
2 and Human Services to establish a Registry of Putative Fathers. A person who
3 registers in the Registry is entitled to receive notice of a proceeding which is
4 commenced in this State for the adoption of, or termination of parental rights
5 regarding, a child. **Section 5** further requires the Health Division to establish and
6 maintain a statewide campaign to ensure that the public is aware of the existence
7 and purpose of the Registry. **Section 6** of this bill requires a putative father who
8 wishes to receive notice of a proceeding for the adoption of, or termination of
9 parental rights regarding, a child to register with the Registry by submitting a form
10 within a certain period. **Section 6.5** of this bill provides that a putative father who



* S B 1 1 3 R 2 *

11 fails to register with, or who withdraws his registration from, the Registry; (1)
12 waives his right to receive notice of such proceedings; (2) is not a parent whose
13 consent must be obtained before the child may be adopted; and (3) may not allege
14 in any such proceedings that his failure to register with the Registry is excused
15 because he did not have notice of the pregnancy. Existing law defines the term
16 "putative father," for purposes of provisions relating to the termination of parental
17 rights, as any person who is or who is alleged to be the father of an illegitimate
18 child. (NRS 128.016) **Section 14** of this bill revises that definition by adding that
19 the term "putative father" also includes a person who is not the presumed father,
20 has not acknowledged paternity and has not been determined to be the legal father
21 of the child. Therefore, any of those possible fathers may register with the Registry
22 and are also included within other provisions relating to the termination of parental
23 rights.

24 **Section 7** of this bill allows a registrant in the Registry to withdraw his
25 registration but provides that once withdrawn, the person may not submit another
26 registration form for the same child. **Section 8** of this bill provides that information
27 contained in the Registry is confidential, except that information contained in the
28 Registry may be provided to the persons and entities expressly authorized by
29 **section 8** to request and receive information from the Registry. **Section 8** further
30 provides for notification to the requesting person or entity regarding whether a
31 registration exists in the Registry and, if so, further provides for notification to the
32 registrant. Under **section 8**, a person or entity who intentionally releases
33 information from the Registry to a person or entity who is not authorized to receive
34 such information is guilty of a misdemeanor.

35 **Section 9** of this bill requires the Health Division to develop the form to be
36 used to register with the Registry. **Section 10** of this bill requires the State Board of
37 Health to adopt regulations to carry out the provisions relating to the establishment
38 of the Registry and to establish certain fees relating to searching the Registry.
39 **Section 10** specifically prohibits, however, the imposition of a fee to register with,
40 or withdraw a registration from, the Registry.

41 If a child has been relinquished for adoption or is proposed to be relinquished
42 for adoption, existing law provides a specific procedure to be followed. If the father
43 has not consented to the adoption or is not known, the mother must petition the
44 court to have the parental rights of the father terminated, and the court must make
45 certain inquiries to identify and protect the interests of the natural father. If any
46 possible father is identified, he must be provided notice. If no possible father is
47 identified, existing law requires the court to enter an order terminating the parental
48 rights of the unknown father. The possible father then has 6 months thereafter in
49 which to appeal the termination of parental rights for lack of notice. After 6
50 months, the order may not be questioned by any person in any manner or upon any
51 ground. (NRS 128.150)

52 **Section 12** of this bill provides a different and expedited procedure to terminate
53 the parental rights of a father when the mother of a child relinquishes or proposes to
54 relinquish a child for adoption when no legal relationship has been established
55 between the child and the father, the father cannot be identified or the child
56 otherwise becomes the subject of an adoption proceeding. In such a case, **section**
57 **12** authorizes the Attorney General or a district attorney authorized to file a petition
58 to terminate parental rights, the agency or person to whom the child has been or is
59 to be relinquished, or the mother or person who has custody of the child, to file a
60 summary petition for termination of parental rights in certain circumstances. The
61 summary petition allows the court to consider certain information and make a
62 determination regarding whether to terminate parental rights without a hearing.
63 **Section 23** of this bill further clarifies that the summary petition may not be used if
64 there is a presumed father, a father whose relationship to the child has been
65 judicially determined or a father as to whom the child is a legitimate child under the



66 prior law of this State or under the law of another state, and removes the provisions
67 which provide the current procedure for addressing termination in the situations
68 covered by **section 12**. (NRS 128.150)

69 When a summary petition is filed, **sections 15-20** of this bill provide that the
70 procedures otherwise required to be followed when relinquishment of a child for
71 adoption is sought, including publication of notice, the manner of serving notice,
72 provision of 6 months in which to appeal an adoption and other procedural
73 requirements, do not apply. Instead, **section 12** provides a different procedure.
74 Before filing the summary petition, the petitioner is required to request a search of
75 the Registry of Putative Fathers and then to send notice of the filing of a summary
76 petition to any putative father who is identified. Such notice must inform the
77 putative father that he has 30 days in which to appear before the court or to notify
78 the court that he has attempted to establish parentage of the child or the court may
79 terminate his parental rights. In addition to searching the Registry, **section 12**
80 requires the petitioner to exercise due diligence to find any other putative father
81 who is known to the petitioner. If a putative father is found, he must be notified of
82 his right to register with the Registry and that the failure to register will result in the
83 termination of his parental rights. **Section 12** allows a certain period for a putative
84 father to respond before the petition may be decided and further provides that the
85 petition may not be decided sooner than 35 days after the birth of the child.

86 Existing law specifies the manner in which a court issues an order to terminate
87 parental rights and provides that such an order is conclusive and binding. **Sections**
88 **21 and 22** of this bill make those provisions applicable when a court grants a
89 summary petition for termination of parental rights pursuant to **section 12**.

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

1 **Section 1.** Chapter 128 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 12, inclusive, of this
3 act.

4 **Sec. 2.** *“Health Division” means the Health Division of the*
5 *Department of Health and Human Services.*

6 **Sec. 3.** *“Registrant” means a putative father who has*
7 *registered with the Registry pursuant to section 6 of this act.*

8 **Sec. 4.** *“Registry” means the Registry of Putative Fathers*
9 *established pursuant to section 5 of this act.*

10 **Sec. 5. 1.** *The Health Division shall establish a Registry of*
11 *Putative Fathers.*

12 **2.** *The Registry must include, without limitation, the*
13 *following information pertaining to a registrant:*

14 *(a) The name of the registrant;*

15 *(b) The date of birth of the registrant;*

16 *(c) The social security number of the registrant;*

17 *(d) The name, sex and date of birth of the child who is the*
18 *subject of the registration, if known;*

19 *(e) The place of birth of the child who is the subject of the*
20 *registration, if known;*



1 (f) *The address at which the registrant wishes to receive notice*
2 *of the filing of a petition for termination of parental rights;*

3 (g) *The name of the mother of the child and any known aliases*
4 *used by the mother;*

5 (h) *The address of the mother of the child, if known; and*

6 (i) *The social security number of the mother of the child, if*
7 *known.*

8 3. *A registrant is entitled to receive notice of a proceeding for*
9 *the adoption of, or termination of parental rights regarding, a*
10 *child which is commenced in this State.*

11 4. *The Health Division shall establish and maintain a*
12 *statewide campaign to ensure that the public is aware of the*
13 *existence and purpose of the Registry.*

14 **Sec. 6. 1.** *A person who is the putative father of a child and*
15 *who wishes to receive notice of a proceeding for the adoption of,*
16 *or termination of parental rights regarding, the child which is*
17 *commenced in this State must register with the Registry by*
18 *submitting to the Health Division the registration form developed*
19 *by the Health Division pursuant to section 9 of this act:*

20 (a) *Before the birth of the child;*

21 (b) *Within 30 days after the birth of the child; or*

22 (c) *Within 30 days after the date on which notice is provided*
23 *pursuant to subsection 3 of section 12 of this act,*

24 *↪ whichever occurs later.*

25 2. *The Health Division shall not allow a person to register*
26 *with the Registry after the periods specified in subsection 1.*

27 3. *A registration form shall be deemed to be filed in the*
28 *Registry at the time of receipt that is recorded on the registration*
29 *form by the Health Division.*

30 4. *A registrant shall notify the Health Division of any change*
31 *in the information provided with the application for registration.*
32 *The Health Division shall incorporate any such information into*
33 *its records, but is not required to affirmatively seek to obtain*
34 *current information from a registrant for incorporation in the*
35 *Registry.*

36 **Sec. 6.5.** *A putative father who fails to register with the*
37 *Registry in accordance with the provisions of section 6 of this act*
38 *or who withdraws his registration pursuant to section 7 of this act:*

39 1. *Waives his right to receive notice of a proceeding for the*
40 *adoption of, or termination of parental rights regarding, a child*
41 *which is commenced in this State;*

42 2. *Is not a parent whose consent must be obtained before the*
43 *child may be adopted in accordance with the provisions of chapter*
44 *127 of NRS; and*



1 3. *May not allege in any proceeding brought pursuant to this*
2 *chapter or chapter 127 of NRS that his failure to register with the*
3 *Registry is excused because he did not have notice of the*
4 *pregnancy. The fact that the putative father had sexual*
5 *intercourse with the mother of the child shall be deemed to be*
6 *notice to the putative father of the pregnancy.*

7 **Sec. 7.** 1. *Upon receipt of a written and notarized request of*
8 *a registrant to withdraw his registration from the Registry, the*
9 *Health Division shall:*

10 (a) *Remove from the Registry and destroy all information,*
11 *whether tangible or intangible, pertaining to the registrant; and*

12 (b) *Refuse to disclose any information pertaining to the*
13 *registrant or pertaining to the fact that the registrant registered*
14 *with the Registry or requested the withdrawal of his registration.*

15 2. *A registrant who withdraws his registration pursuant to*
16 *this section may not submit another registration form concerning*
17 *the same child for whom he previously registered.*

18 **Sec. 8.** 1. *Except as otherwise provided in this section, all*
19 *information contained in the Registry is confidential and must not*
20 *be released to any person.*

21 2. *The Health Division shall search the Registry to determine*
22 *whether a putative father has registered in the Registry at the*
23 *request of:*

24 (a) *The Attorney General, a district attorney, an agency*
25 *described in NRS 127.050 or any other person authorized to file a*
26 *petition for the termination of parental rights pursuant to this*
27 *chapter or an attorney acting on behalf of such a person, if the*
28 *request is made for the purpose of determining whether notice of a*
29 *proceeding for the adoption of, or termination of parental rights*
30 *regarding, a child must be given to a putative father;*

31 (b) *A court of competent jurisdiction or a person authorized to*
32 *receive the information pursuant to an order of a court of*
33 *competent jurisdiction;*

34 (c) *A person who submits a written request for the*
35 *performance of the search accompanied by a notarized statement*
36 *from the putative father authorizing the search; or*

37 (d) *The State, any political subdivision of the State and any*
38 *agency of the State or of a political subdivision of the State that is*
39 *responsible for establishing and enforcing obligations of child*
40 *support, but the information released must not be used for any*
41 *purpose other than establishing and enforcing obligations of child*
42 *support.*

43 3. *After conducting a search of the Registry, if the Health*
44 *Division determines that a person has registered as the putative*
45 *father of the child, the Health Division shall:*



1 (a) Provide the person or entity who requested the search
2 pursuant to subsection 2 with a certified copy of the registration
3 form submitted by the registrant which indicates the date and time
4 of receipt of the registration form; and

5 (b) Notify the registrant by certified mail that:

6 (1) A search of the Registry was conducted pursuant to this
7 section; and

8 (2) A copy of his registration form was provided to a person
9 or entity who requested the search pursuant to subsection 2.

10 4. After conducting a search of the Registry, if the Health
11 Division determines that a person has not registered as the
12 putative father of the child, the Health Division shall provide the
13 person or entity who requested the search pursuant to subsection 2
14 with a certified statement verifying that:

15 (a) A search of the Registry was conducted; and

16 (b) No person has registered as the putative father of the child.

17 5. Any person or entity who intentionally releases
18 information from the Registry to another person or entity not
19 authorized to receive the information pursuant to this section is
20 guilty of a misdemeanor.

21 **Sec. 9. 1.** The Health Division shall develop a form to be
22 used to register as a putative father with the Registry. The form
23 must require the registrant to sign under penalty of perjury
24 affirming that the information provided with the form is true and
25 accurate to the best of the knowledge of the registrant.

26 2. The form developed by the Health Division must further
27 state that:

28 (a) Timely registration entitles the registrant to be notified of a
29 proceeding for adoption of the child or termination of parental
30 rights pursuant to section 12 of this act.

31 (b) Registration does not commence a proceeding to establish
32 paternity.

33 (c) Information disclosed on the form may be used against the
34 registrant to establish paternity.

35 (d) Registration should also be completed in any other state
36 where the conception or birth of the child occurred.

37 (e) The Health Division may assist a person to obtain
38 information regarding a registry in another state.

39 (f) Services are available to establish paternity.

40 (g) Registration may be withdrawn pursuant to section 7 of
41 this act.

42 **Sec. 10. 1.** The State Board of Health shall adopt
43 regulations to carry out the provisions of sections 2 to 11,
44 inclusive, of this act, which must include, without limitation, the
45 fees to be charged pursuant to subsection 2 in an amount



1 *sufficient to defray the cost of carrying out the provisions of*
2 *sections 2 to 11, inclusive, of this act.*

3 2. *The regulations adopted by the State Board of Health*
4 *pursuant to subsection 1 must provide for a reasonable fee to:*

5 (a) *Conduct a search of the Registry; or*

6 (b) *Provide a certified copy of a registration form or a certified*
7 *statement pursuant to section 8 of this act.*

8 3. *The State Board of Health shall not charge a*
9 *governmental entity a fee described in subsection 2.*

10 4. *The State Board of Health shall not charge a fee for:*

11 (a) *Registering with the Registry; or*

12 (b) *Withdrawing a registration from the Registry.*

13 5. *All money received by the Health Division pursuant to*
14 *subsection 2 must be deposited in the State General Fund.*

15 6. *The Administrator of the Health Division may apply for or*
16 *accept any gifts, grants, donations or contributions from any*
17 *source to carry out the provisions of sections 2 to 11, inclusive, of*
18 *this act. Any money the Administrator receives pursuant to this*
19 *subsection:*

20 (a) *Must be deposited in the State Treasury and accounted for*
21 *separately in the State General Fund;*

22 (b) *May only be used to carry out the provisions of sections 2*
23 *to 11, inclusive, of this act; and*

24 (c) *Does not revert to the State General Fund at the end of any*
25 *fiscal year.*

26 **Sec. 11.** (Deleted by amendment.)

27 **Sec. 12.** 1. *If the mother of a child relinquishes or proposes*
28 *to relinquish for adoption a child who does not have:*

29 (a) *A presumed father pursuant to subsection 1 of*
30 *NRS 126.051;*

31 (b) *A father whose relationship to the child has been*
32 *determined by a court;*

33 (c) *A father as to whom the child is a legitimate child pursuant*
34 *to chapter 126 of NRS, the prior law of this State or the law of*
35 *another jurisdiction; or*

36 (d) *A father who can be identified in any other way,*

37 *↪ or if a child otherwise becomes the subject of an adoption*
38 *proceeding, the Attorney General or a district attorney authorized*
39 *to file a petition to terminate parental rights pursuant to this*
40 *chapter, the agency or person to whom the child has been or is to*
41 *be relinquished, or the mother or the person having custody of the*
42 *child, may file a summary petition to terminate parental rights*
43 *pursuant to this section which, if granted, will terminate the*
44 *parental rights of a father without notice or a hearing.*



1 2. *Before filing a summary petition pursuant to this section,*
2 *the petitioner shall request a search of the Registry pursuant to*
3 *section 8 of this act and send notice of the filing of a summary*
4 *petition by certified mail to the address of any putative father*
5 *identified in the Registry. The notice must include a statement in*
6 *substantially the following form:*

7
8 *As a person who has registered with the Registry of Putative*
9 *Fathers as the putative father of a child, any parental rights*
10 *that you may have concerning the child will be subject to*
11 *summary termination unless, within 30 days after the date*
12 *on which this notice was mailed to you, you enter an*
13 *appearance in or otherwise notify the court identified in the*
14 *summary petition for termination of parental rights that you*
15 *have attempted to establish parentage of the child.*

16
17 3. *If a putative father is known to the petitioner by means*
18 *other than a search of the Registry, before filing a summary*
19 *petition pursuant to this section, the petitioner shall exercise due*
20 *diligence to find the putative father. If found, the petitioner shall*
21 *notify the putative father by certified mail:*

22 (i) *Of the name of the birth mother and the date of birth or*
23 *anticipated date of birth of the child;*

24 (ii) *That he may be the father of the child;*

25 (iii) *That the child is being placed for adoption; and*

26 (iv) *That if he has any interest in establishing or asserting his*
27 *parental rights, he must register with the Registry within 30 days*
28 *after the birth of the child or within 30 days after the date on*
29 *which notice is provided pursuant to this subsection, whichever*
30 *occurs later, and that the failure to register with the Registry will*
31 *result in the termination of his parental rights.*

32 4. *A summary petition to terminate parental rights must be*
33 *verified, must be entitled "Summary Petition for Termination of*
34 *Parental Rights" and must:*

35 (i) *Allege the facts necessary for a court to grant the petition;*

36 (ii) *Contain the information set forth in NRS 128.050; and*

37 (iii) *Be accompanied by an affidavit of the petitioner which*
38 *states:*

39 (1) *The name of each putative father of the child, if known,*
40 *including the name of each putative father of the child who is*
41 *identified in the Registry;*

42 (2) *That notice was provided to each putative father in*
43 *accordance with subsection 2 or 3; and*



1 (3) That 30 days or more have passed since the date on
2 which notice was provided to each putative father pursuant to
3 subsection 2 or 3.

4 5. If notice of a summary petition is mailed to one or more
5 putative fathers identified in the Registry pursuant to subsection 2,
6 the petitioner may request permission from the court to submit the
7 petition, together with a proposed order, to the court for decision.
8 Such a request must not be made sooner than 35 days after:

9 (a) The birth of the child; or

10 (b) The date on which notice was mailed to each putative
11 father, if each putative father has failed to:

12 (1) Enter an appearance; or

13 (2) Otherwise notify the court of any attempt or desire to
14 establish parentage of the child,
15 ↳ whichever is later.

16 6. If a putative father cannot be found or if a putative father
17 who received notification pursuant to subsection 3 does not
18 register with the Registry within 30 days after the birth of the child
19 or within 30 days after the date on which notice was provided
20 pursuant to subsection 3, whichever occurs later, the petitioner
21 may request permission from the court to submit the petition,
22 together with a proposed order, to the court for decision. Such a
23 request must not be submitted sooner than 35 days after:

24 (a) The birth of the child; or

25 (b) The date on which notice was provided pursuant to
26 subsection 3,
27 ↳ whichever is later.

28 7. A putative father who fails to register with the Registry
29 pursuant to section 6 of this act shall be deemed to have waived
30 his right and opportunity to receive further notice, other than the
31 notice provided in this section, of proceedings for the summary
32 termination of his parental rights.

33 8. A court may grant a summary petition filed pursuant to
34 this section if the court finds that:

35 (a) The petitioner has satisfied the provisions of this section;
36 and

37 (b) Granting of the petition is in the best interests of the child.

38 9. As used in this section, "agency" means an agency
39 described in NRS 127.050.

40 **Sec. 13.** NRS 128.010 is hereby amended to read as follows:

41 128.010 As used in this chapter, unless the context otherwise
42 requires, the words and terms defined in NRS 128.011 to 128.018,
43 inclusive, and sections 2, 3 and 4 of this act have the meanings
44 ascribed to them in those sections.



1 **Sec. 14.** NRS 128.016 is hereby amended to read as follows:
2 128.016 "Putative father" means a person who ~~is or is~~ :

3 *1. Is alleged or reputed to be the father of an illegitimate child*
4 ~~†~~;

5 *2. Is not the presumed father of a child pursuant to*
6 *NRS 126.051;*

7 *3. Has not acknowledged paternity of the child pursuant to*
8 *NRS 126.053; and*

9 *4. Has not been determined to have a parent and child*
10 *relationship with the child by:*

11 *(a) A court of competent jurisdiction pursuant to the laws of*
12 *this State;*

13 *(b) A court of competent jurisdiction in another state;*

14 *(c) An administrative agency or quasi-judicial entity pursuant*
15 *to NRS 425.382 to 425.3852, inclusive; or*

16 *(d) An administrative agency or quasi-judicial entity in*
17 *another state that is authorized to establish or to determine*
18 *parentage or the existence of a parent and child relationship.*

19 **Sec. 15.** NRS 128.050 is hereby amended to read as follows:

20 128.050 1. ~~The~~ *Except as otherwise provided in section 12*
21 *of this act*, proceedings must be entitled, "In the matter of the
22 parental rights as to, a minor."

23 2. A petition must be verified and may be upon information
24 and belief. It must set forth plainly:

25 (a) The facts which bring the child within the purview of this
26 chapter.

27 (b) The name, age and residence of the child.

28 (c) The names and residences of the parents of the child.

29 (d) The name and residence of the person or persons having
30 physical custody or control of the child.

31 (e) The name and residence of the child's legal guardian, if there
32 is one.

33 (f) The name and residence of the child's nearest known relative
34 residing within the State, if no parent or guardian can be found.

35 (g) Whether the child is known to be an Indian child.

36 3. If any of the facts required by subsection 2 are not known by
37 the petitioner, the petition must so state.

38 4. If the petitioner is a mother filing with respect to her unborn
39 child, the petition must so state and must contain the name and
40 residence of the father or putative father, if known.

41 5. If the petitioner or the child is receiving public assistance,
42 the petition must so state.

43 **Sec. 16.** NRS 128.060 is hereby amended to read as follows:

44 128.060 1. ~~After~~ *Except as otherwise provided in section*
45 *12 of this act, after* a petition has been filed, unless the party or



1 parties to be served voluntarily appear and consent to the hearing,
2 the court shall direct the clerk to issue a notice, reciting briefly the
3 substance of the petition and stating the date set for the hearing
4 thereof, and requiring the person served therewith to appear before
5 the court at the time and place if that person desires to oppose the
6 petition.

7 2. The following persons must be personally served with the
8 notice:

9 (a) The father or mother of the minor person, if residing within
10 this State, and if his or her place of residence is known to the
11 petitioner, or, if there is no parent so residing, or if the place of
12 residence of the father or mother is not known to the petitioner, then
13 the nearest known relative of that person, if there is any residing
14 within the State, and if his or her residence and relationship are
15 known to the petitioner; and

16 (b) The minor's legal custodian or guardian, if residing within
17 this State and if his or her place of residence is known to the
18 petitioner.

19 3. If the petitioner or the child is receiving public assistance,
20 the petitioner shall mail a copy of the notice of hearing and a copy
21 of the petition to the Chief of the Child Enforcement Program of the
22 Division of Welfare and Supportive Services of the Department of
23 Health and Human Services by registered or certified mail return
24 receipt requested at least 45 days before the hearing.

25 **Sec. 17.** NRS 128.070 is hereby amended to read as follows:

26 128.070 1. ~~When~~ *Except as otherwise provided in*
27 *subsection 6, when* the father or mother of a minor child or the
28 child's legal custodian or guardian resides out of the State, has
29 departed from the State, or cannot, after due diligence, be found
30 within the State, or conceals himself or herself to avoid the service
31 of the notice of hearing, and the fact appears, by affidavit, to the
32 satisfaction of the court thereof, and it appears, either by affidavit or
33 by a verified petition on file, that the named father or mother or
34 custodian or guardian is a necessary or proper party to the
35 proceedings, the court may grant an order that the service be made
36 by the publication of the notice of hearing. When the affidavit is
37 based on the fact that the father or mother or custodian or guardian
38 resides out of the State, and his or her present address is unknown, it
39 is a sufficient showing of that fact if the affiant states generally in
40 the affidavit that:

41 (a) At a previous time the person resided out of this State in a
42 certain place (naming the place and stating the latest date known to
43 the affiant when the person so resided there);

44 (b) That place is the last place in which the person resided to the
45 knowledge of the affiant;



1 (c) The person no longer resides at that place;

2 (d) The affiant does not know the present place of residence of
3 the person or where the person can be found; and

4 (e) The affiant does not know and has never been informed and
5 has no reason to believe that the person now resides in this State.

6 ➤ In such case, it shall be presumed that the person still resides and
7 remains out of the State, and the affidavit shall be deemed to be a
8 sufficient showing of due diligence to find the father or mother or
9 custodian or guardian.

10 2. The order must direct the publication to be made in a
11 newspaper, to be designated by the court, for a period of 4 weeks,
12 and at least once a week during that time. In case of publication,
13 where the residence of a nonresident or absent father or mother or
14 custodian or guardian is known, the court shall also direct a copy of
15 the notice of hearing and petition to be deposited in the post office,
16 directed to the person to be served at his or her place of residence.
17 When publication is ordered, personal service of a copy of the
18 notice of hearing and petition, out of the State, is equivalent to
19 completed service by publication and deposit in the post office, and
20 the person so served has 20 days after the service to appear and
21 answer or otherwise plead. The service of the notice of hearing shall
22 be deemed complete in cases of publication at the expiration of 4
23 weeks from the first publication, and in cases when a deposit of a
24 copy of the notice of hearing and petition in the post office is also
25 required, at the expiration of 4 weeks from the deposit.

26 3. Personal service outside the State upon a father or mother
27 over the age of 18 years or upon the minor's legal custodian or
28 guardian may be made in any action where the person served is a
29 resident of this State. When the facts appear, by affidavit, to the
30 satisfaction of the court, and it appears, either by affidavit or by a
31 verified petition on file, that the person in respect to whom the
32 service is to be made is a necessary or proper party to the
33 proceedings, the court may grant an order that the service be made
34 by personal service outside the State. The service must be made by
35 delivering a copy of the notice of hearing together with a copy of the
36 petition in person to the person served. The methods of service are
37 cumulative, and may be utilized with, after or independently of
38 other methods of service.

39 4. Whenever personal service cannot be made, the court may
40 require, before ordering service by publication or by publication and
41 mailing, such further and additional search to determine the
42 whereabouts of the person to be served as may be warranted by the
43 facts stated in the affidavit of the petitioner to the end that actual
44 notice be given whenever possible.



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1 5. If one or both of the parents of the minor is unknown, or if
2 the name of either or both of the parents of the minor is uncertain,
3 then those facts must be set forth in the affidavit and the court shall
4 order the notice to be directed and addressed to either the father or
5 the mother of the person, and to all persons claiming to be the father
6 or mother of the person. The notice, after the caption, must be
7 addressed substantially as follows: "To the father and mother of the
8 above-named person, and to all persons claiming to be the father or
9 mother of that person."

10 *6. The provisions of this section do not apply to a summary*
11 *petition for termination of parental rights pursuant to section 12*
12 *of this act.*

13 **Sec. 18.** NRS 128.080 is hereby amended to read as follows:

14 128.080 The notice *required pursuant to NRS 128.060 and*
15 *128.070* must be in substantially the following form:

16
17 In the Judicial District Court of the State of Nevada,
18 in and for the County of

19
20 In the matter of parental rights
21 as to, a minor.

22
23 Notice

24
25 To, the father or, the mother of
26 the above-named person; or, to the father and mother of the above-
27 named person, and to all persons claiming to be the father or mother
28 of this person; or, to, related to the above-named
29 minor as; and, to, the legal custodian
30 or guardian of the above-named minor:

31 You are hereby notified that there has been filed in the above-
32 entitled court a petition praying for the termination of parental rights
33 over the above-named minor person, and that the petition has been
34 set for hearing before this court, at the courtroom thereof, at
35, in the County of, on the day
36 of the month of of the year at o'clockm., at
37 which time and place you are required to be present if you desire to
38 oppose the petition.

39
40 Dated (month) (day) (year)

41
42
43 Clerk of Court



1 (SEAL)
2

3 By
4 Deputy

5 **Sec. 19.** NRS 128.085 is hereby amended to read as follows:

6 128.085 ~~When~~ *Except as otherwise provided in section 12 of*
7 *this act:*

8 1. *If* the mother of an unborn child files a petition for
9 termination of the father's parental rights, the father or putative
10 father, if known, ~~shall~~ *must* be served with notice of the hearing in
11 the manner provided for in NRS 128.060, 128.070 and 128.080.

12 2. The hearing ~~shall~~ *must* not be held until the birth of
13 the child or 6 months after the filing of the petition, whichever is
14 later.

15 **Sec. 20.** NRS 128.090 is hereby amended to read as follows:

16 128.090 1. ~~At~~ *Except in the case of a summary petition for*
17 *termination of parental rights filed pursuant to section 12 of this*
18 *act, at* the time stated in the notice, or at the earliest time thereafter
19 to which the hearing may be postponed, the court shall proceed to
20 hear the petition.

21 2. The proceedings are civil in nature and are governed by the
22 Nevada Rules of Civil Procedure. The court shall in all cases require
23 the petitioner to establish the facts by clear and convincing evidence
24 and shall give full and careful consideration to all of the evidence
25 presented, with regard to the rights and claims of the parent of the
26 child and to any and all ties of blood or affection, but with a
27 dominant purpose of serving the best interests of the child.

28 3. Information contained in a report filed pursuant to NRS
29 432.0999 to 432.130, inclusive, or chapter 432B of NRS may not be
30 excluded from the proceeding by the invoking of any privilege.

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

35 5. Any hearing held pursuant to this section must be held in
36 closed court without admittance of any person other than those
37 necessary to the action or proceeding, unless the court determines
38 that holding such a hearing in open court will not be detrimental to
39 the child.

40 **Sec. 21.** NRS 128.110 is hereby amended to read as follows:

41 128.110 1. Whenever the ~~procedure~~ *procedures* described
42 in this chapter ~~has~~ *have* been followed, and upon finding grounds
43 for the termination of parental rights pursuant to NRS 128.105 at a
44 hearing upon the petition ~~it~~ *or without a hearing in the case of a*
45 *summary petition for termination of parental rights filed pursuant*



1 *to section 12 of this act*, the court shall make a written order, signed
2 by the judge presiding in the court, judicially depriving the parent or
3 parents of the custody and control of, and terminating the parental
4 rights of the parent or parents with respect to the child, and
5 declaring the child to be free from such custody or control, and
6 placing the custody and control of the child in some person or
7 agency qualified by the laws of this State to provide services and
8 care to children, or to receive any children for placement. The
9 termination of parental rights pursuant to this section *or section 12*
10 *of this act* does not terminate the right of the child to inherit from
11 his or her parent or parents, except that the right to inherit terminates
12 if the child is adopted as provided in NRS 127.160.

13 2. If the child is placed in the custody and control of a person
14 or agency qualified by the laws of this State to receive children for
15 placement, the person or agency, in seeking to place the child:

16 (a) May give preference to the placement of the child with any
17 person related within the fifth degree of consanguinity to the child
18 whom the person or agency finds suitable and able to provide proper
19 care and guidance for the child, regardless of whether the relative
20 resides within this State.

21 (b) Shall, if practicable, give preference to the placement of the
22 child together with his or her siblings.

23 ➤ Any search for a relative with whom to place a child pursuant to
24 this subsection must be completed within 1 year after the initial
25 placement of the child outside of his or her home.

26 **Sec. 22.** NRS 128.120 is hereby amended to read as follows:

27 128.120 Any order made and entered by the court under the
28 provisions of NRS 128.110 *or section 12 of this act* is conclusive
29 and binding upon the person declared to be free from the custody
30 and control of his or her parent or parents, and upon all other
31 persons who have been served with notice by publication or
32 otherwise, as provided by this chapter. After the making of the
33 order, except as otherwise provided in NRS 128.190, the court has
34 no power to set aside, change or modify it, but nothing in this
35 chapter impairs the right of appeal.

36 **Sec. 23.** NRS 128.150 is hereby amended to read as follows:

37 128.150 1. If a mother relinquishes or proposes to relinquish
38 for adoption a child who has:

39 (a) A presumed father pursuant to NRS 126.051;

40 (b) A father whose relationship to the child has been determined
41 by a court; or

42 (c) A father as to whom the child is a legitimate child under
43 chapter 126 of NRS, under prior law of this State or under the law of
44 another jurisdiction,



1 ↪ and the father has not consented to the adoption of the child or
2 relinquished the child for adoption, a proceeding must be brought
3 pursuant to this chapter and a determination made of whether a
4 parent and child relationship exists and, if so, if it should be
5 terminated. *Such a determination may not be made in the manner*
6 *set forth in section 12 of this act.*

7 2. ~~If a mother relinquishes or proposes to relinquish for~~
8 ~~adoption a child who does not have:~~

9 ~~—(a) A presumed father pursuant to NRS 126.051;~~

10 ~~—(b) A father whose relationship to the child has been determined~~
11 ~~by a court;~~

12 ~~—(c) A father as to whom the child is a legitimate child under~~
13 ~~chapter 126 of NRS, under prior law of this State or under the law of~~
14 ~~another jurisdiction; or~~

15 ~~—(d) A father who can be identified in any other way;~~

16 ~~↪ or if a child otherwise becomes the subject of an adoption~~
17 ~~proceeding, the agency or person to whom the child has been or is to~~
18 ~~be relinquished, or the mother or the person having custody of the~~
19 ~~child, shall file a petition in the district court to terminate~~
20 ~~the parental rights of the father, unless the father's relationship to~~
21 ~~the child has been previously terminated or determined not to exist~~
22 ~~by a court.~~

23 ~~3. In an effort to identify and protect the interests of the natural~~
24 ~~father, the court which is conducting a proceeding pursuant to this~~
25 ~~chapter shall cause inquiry to be made of the mother and any other~~
26 ~~appropriate person. The inquiry must include the following:~~

27 ~~—(a) Whether the mother was married at the time of conception of~~
28 ~~the child or at any time thereafter.~~

29 ~~—(b) Whether the mother was cohabiting with a man at the time of~~
30 ~~conception or birth of the child.~~

31 ~~—(c) Whether the mother has received support payments or~~
32 ~~promises of support with respect to the child or in connection with~~
33 ~~her pregnancy.~~

34 ~~—(d) Whether any man has formally or informally acknowledged~~
35 ~~or declared his possible paternity of the child.~~

36 ~~4. If, after the inquiry, the natural father is identified to the~~
37 ~~satisfaction of the court, or if more than one man is identified as a~~
38 ~~possible father, each must be given notice of the proceeding in~~
39 ~~accordance with subsection 6 or with this chapter, as applicable. If~~
40 ~~any of them fails to appear or, if appearing, fails to claim custodial~~
41 ~~rights, such failure constitutes abandonment of the child. If the~~
42 ~~natural father or a man representing himself to be the natural father,~~
43 ~~claims custodial rights, the court shall proceed to determine~~
44 ~~custodial rights.~~



1 ~~—5.— If, after the inquiry, the court is unable to identify the natural~~
2 ~~father or any possible natural father and no person has appeared~~
3 ~~claiming to be the natural father and claiming custodial rights, the~~
4 ~~court shall enter an order terminating the unknown natural father's~~
5 ~~parental rights with reference to the child. Subject to the disposition~~
6 ~~of any appeal, upon the expiration of 6 months after an order~~
7 ~~terminating parental rights is issued under this subsection, or this~~
8 ~~chapter, the order cannot be questioned by any person in any~~
9 ~~manner or upon any ground, including fraud, misrepresentation,~~
10 ~~failure to give any required notice or lack of jurisdiction of the~~
11 ~~parties or of the subject matter.~~

12 ~~—6.— Notice}~~ *Except in the case of a summary petition for*
13 *termination of parental rights filed pursuant to section 12 of this*
14 *act, notice* of the proceeding must be given to every person
15 identified as the natural father or a ~~possible}~~ *person presumed to be*
16 *the* natural father in the manner provided by law and the Nevada
17 Rules of Civil Procedure for the service of process in a civil action,
18 or in any manner the court directs. Proof of giving the notice must
19 be filed with the court before the petition is heard.

20 **Sec. 23.5.** The State Board of Health shall:

21 1. To the extent that money is available for that purpose, adopt
22 the regulations necessary to carry out the provisions of this act as
23 soon as practicable.

24 2. Carry out the provisions of sections 1 to 9, inclusive, of this
25 act, other than the adoption of regulations, as soon as practicable
26 after receiving money through gifts, grants, donations or
27 contributions or other money made available to cover the initial
28 costs necessary to carry out those provisions.

29 **Sec. 24.** The amendatory provisions of this act apply with
30 respect to any child who is born on or after the date on which the
31 State Board of Health determines that the Registry of Putative
32 Fathers established pursuant to section 5 of this act is operational
33 and the Health Division of the Department of Health and Human
34 Services has established a statewide campaign to ensure that the
35 public is aware of the existence and purpose of the Registry as
36 required pursuant to section 5 of this act.

37 **Sec. 25.** 1. This section and sections 1 to 5, inclusive, 9, 10,
38 11, 23.5 and 24 of this act become effective upon passage and
39 approval.

40 2. Sections 6 to 8, inclusive, and 12 to 23, inclusive, of this act
41 become effective on the date on which the State Board of Health
42 determines that the Registry of Putative Fathers established pursuant
43 to section 5 of this act is operational and the Health Division of the
44 Department of Health and Human Services has established a
45 statewide campaign to ensure that the public is aware of the



- 1 existence and purpose of the Registry as required pursuant to section
- 2 5 of this act.

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