

Assembly

MINUTES OF MEETING - COMMITTEE ON JUDICIARY, 53rd Legislature, March 18, 1965

Meeting was called to order at 2:15 P.M.

Present: Close, Parsons, Swobe, Rosaschi, Kean, Jacobsen

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Absent: Delaney, Knisley, Olsen

AB 141: Validates certain adoptions and amends adoption procedures.

Nelson Neff, Nevada State Medical Association, Dr. Stewart from Reno, Mr. Munsen and Mr. Emery from the State Department of Welfare were present to speak for the bill. Also Artie Valentine.

Dr. Stewart explained that the purpose of the bill is to make sure that the babies get in the hands of good adoptive parents. They feel they have a very good check and balance system in the bill. If a doctor knows of a baby available for adoption and of parents who would like to adopt the baby, he turns this information over to the adoption agency who checks all the people out. If the adoption agency turns it down and the doctor feels very strongly that it is a good arrangement he has the right to appeal the decision. There is also a check needed for the adoptive agency because they are not always infallible. This is included in the bill. Either side can appeal.

Anybody can recommend an adoption, not just doctors.

Another problem that they have had in adoption proceedings is that the names of the prospective parents have been too available and this is a dangerous situation. The real mother might learn who got the baby and change her mind later and sue to get it returned to her. Under this bill the mother would not know where the baby went, unless she personally arranged an adoption with a relative.

Mr. Kean asked Dr. Stewart if he had been working on this adoption bill for some time.

De. Stewart replied that it had been very carefully gone over by all concerned. They have tried hard to eliminate any possibility of a black market in babies.

Mr. Close asked if the bill conflicts with the other bill on adoption that is in the legislature this session-has to do with fees for attorneys in adoption proceedings.

Mr. Valentine said that according to Russ if AB 141 passes there will be no need for the other bill.

Mr. Close said he could not see anything in this bill about attorneys fees. The gentlemen present said none of them had any objections to the attorneys getting their fees for their legal work in adoptive proceedings.

Mr. Valentine explained that the Welfare Department has had some trouble with people taking a child and then never getting around to making application for adoption. This loophole is plugged in the present bill by providing: 1. The prospective parents must make application within six months, or; 2. must get

licensed as a foster home, or; 3. must return the child. Also, the prospective parents must have been approved by the adoption agency before the child is ever placed in their home at all. 162

Dr. Stewart explained that the records regarding the adoption are not made public. They are extremely confidential.

Mr. Close asked Mr. Munsen what he thought of section (b) on the first page of the amendment.

Mr. Munsen said he thinks it is all right. We need to have a way to secure the release of the parental rights when the husband is not really the father.

Mr. Close: This would be much easier, but would it be fair to the husband and to the adoptive parents?

Mr. Neff suggested that on page 3, paragraph 5, section (a) wording be added to bring this in line with section 4.

Dr. Stewart said that on page 3, line 1, it seems to him ridiculous that there should have to be two reports. He suggested changing "and" to "or".

Dr. Stewart also pointed out that in case of any disagreements among any of the parties, the final decision as to adoption still rests with the district court.

Mr. Swobe commented that he had given copies of the bill and the amendment to several attorneys and they are going to give him their reactions.

AB 141 was held over, no action taken.

SB 75: Provides for nonliability of chiropractic physician for civil damages when rendering gratuitous emergency care.

Mr. Neff said he had talked to Dr. Stewart about the bill and Dr. Stewart suggested changing the wording to "anybody with first aid training" or something similar.

Senator Dodge came in and discussed the bill with the committee. He mentioned that he hated to see the common law of negligence weakened. He said that people are not held responsible to give aid but once they do, they must act in a reasonable manner or they expose themselves to action for negligence.

Senator Dodge suggested that someone should check with the Governor on this bill, to see what his feelings are so that the Legislature will not waste time getting out a piece of legislation that will be vetoed.

Mr. Swobe expressed himself as being very much opposed to any exemptions from gross negligence.

Mr. Close said there is nothing worse than a helpful idiot.

No action was taken on the bill.

SB 252: Corrects obsolete references to Mental Health Division of Department of Health and Welfare.

Mr. Close said that the committee had sent this bill out with a recommendation Do Pass, but that he had learned it conflicts with SB 43 and that there is no way the two can be reconciled.

Mr. Jacobsen moved to reconsider SB 252.
Mrs. Parsons seconded
Motion passed unanimously

Mr. Jacobsen moved to kill SB 252
Mr. Kean seconded
Motion passed unanimously

SB 6: Provides for licensing and regulation of barbershops.

Mr. Kean said he would like to raise the dues and delete everything else from the bill.

It was suggested that the bill be held over until Mr. Delaney could be present.

SB 244: Provides that indecent or obscene exposure may be adjudged either a misdemeanor or a felony.

Mr. Kean moved to defer the bill until Friday.

SB 267: Incorporates the Grand Chapter and subordinate chapters of the Order of the Eastern Star of the State of Nevada.

Mr. Jacobsen was asked to check with Senator Dial to see why this bill was needed.

SB 142: Repeals NRS section to avoid possibility of implied revival.

Mr. Close explained that what this bill does is reaffirm action taken at last session.

Mr. Kean moved Do Pass
Mr. Rosaschi seconded
Motion passed unanimously

AB 420: Provides penalty for alteration of distinguishing number under which motor vehicle is registered.

Mr. Close said he had moved to reconsider this bill and he asked what the committee wanted to do about it. He said it changes the burden of proof and would not be a bad bill if this were taken out, the "prima facie" part. How would the committee feel about taking it out?

It was suggested that Mr. Close a certain lieutenant in Las Vegas who has had some experience with this.

Mr. Jacobsen suggested the committee reconsider the bill and then put it on the chief clerk's desk.

AJR 20: Proposes to amend the Nevada Constitution by guaranteeing the protection of property owners' rights.

Mr. Kean moved Do Pass

Mr. Close suggested this resolution should probably be held until the rest of the committee can be present. They might want to talk about it.

Mr. Kean withdrew his motion.

Mr. Close asked Mr. Kean what he had found out about the feeling of Washoe County on the "marriage deputy" bill.

Mr. Kean said he can't find anyone who can make up his mind on this.

Meeting adjourned at 4:30 P.M.