

ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA ASSEMBLY SESSION

MINUTES

March 3, 1975

Chairman Robert Barengo called to order the Assembly Judiciary Committee on Monday, March 3, 1975 at the hour of 8:37 a.m.

MEMBERS PRESENT: Messrs. BARENGO, BANNER, HEANEY, HICKEY, LOWMAN, POLISH, SENA, Mrs. HAYES and Mrs. WAGNER.

MEMBERS ABSENT: NONE.

Guests present at this meeting included William Edwards, M. D., representing the Board of Chinese Medicine; W. J. LaBadee, representing the State Welfare; Sharon Ezell, representing the State Welfare; W. A. Sprinkel, Deputy Attorney General representing the State Welfare; Judge John Mendoza, Judge of the Eighth Judicial District Juvenile Court; and Mr. Jim Carmany, Director of the Juvenile Court, Las Vegas. Attached to these Minutes is a copy of the Guest Register for this meeting.

Dr. Edwards testified as Secretary of the Board of Chinese Medicine regarding A.B.105. He stated that the bill is not a result of anything the Board did or wanted. They had a report which came out of the Medical Association's Legislative Committee in which there was a statement by Richard Inskip, M. D., President of the Washoe County Medical Association, which indicated a bit skepticism by doctors when referring patients to an acupuncturist. Dr. Edwards stated that the Board of Chinese Medicine has no feeling on this bill one way or another. The American Medical Association feels that M. D.s may refer patients to a non-physician as long as it is not for an opinion. Dr. Edwards knows of no problems which have developed so far.

Testifying regarding A.B.192 were W. J. LaBadee, Sharon Ezell and W. A. Sprinkel. The State Welfare Department introduced this bill primarily because of a United States Supreme Court decision regarding the case of Stanley v. Illinois. Prior to this decision, the Welfare Department was able to place a child in an adoptive home right from the hospital after birth. Mr. Sprinkel stated that the Supreme Court decision gave a putative father rights which most people had not contemplated that he had.

March 3, 1975

Mr. Sprinkel referred to Section 9 of A.B.192 and read it to this Committee. This section would allow them to go into court immediately after the mother signed a relinquishment of the child. The father has the right to appear and would be given notice, but it is presumed generally that he abandoned the child. This would allow the adoption at the best time and in the best interests of the child. If the mother signs the relinquishment just after the birth of the child, then the process of trying to locate and notify the father begins by the Welfare Department. This Committee proceeded to question these people regarding the drafting of the bill, as well as the procedures the Welfare Department would follow if A.B.192 were passed.

Next to testify regarding A.B.192 was Judge John Mendoza. The case referred to by Mr. Sprinkel, Stanley v. Illinois, was a case in which the father was living with the mother and the mother passed away. Since he was not the legitimate father of the child, his rights were denied. Over the years, Judge Mendoza testified, Deputy Attorney Generals have been reticent to prosecute this type of case. It is obvious that if the best interests of the child are taken into consideration where there is a failing parent, then it should be required that the parental relationship be terminated so that the child can have the opportunity to grow up in a situation other than an insitutional one or with a foster parent. And, in the situation of a failing parent, the child would be placed in an institution or with a foster parent. The general thrust is to look at this bill and attempt to make certain that there will be as little movement of a child from home to home during his minority years. Judge Mendoza then explained various sections of A.B.192 to this Committee. Also, the various programs available to a parent were discussed. The Committee then questioned the Judge at length regarding various aspects of this bill. The Judge submitted a proposed amendment to this bill to this Committee, which is attached hereto.

Regarding A.B.193, which was originally considered on February 27, 1975, Mr. Heaney moved DO PASS. Mr. Hickey seconded. The vote was unanimous in favor of passage. Legislation Action Form attached to these Minutes.  
MOTION CARRIED DO PASS A.B.193.

Considering A.B.195, Mr. Barengo opened the floor to discussion. Mrs. Hayes moved DO PASS, and Mr. Sena seconded. The vote was unanimous. Legislation Action Form attached.  
MOTION CARRIED DO PASS A.B.195.

## Assembly Committee on Judiciary

Minutes

Page 3.

March 3, 1975

After a lengthy discussion by this Committee, it was decided that an amendment to A.B.296 would be worked out, and then the bill would be further considered by this Committee.

As regards A.B.105, and after a lengthy discussion, Mr. Banner moved to indefinitely postpone this bill, and Mr. Sena seconded. The vote was unanimous in favor of indefinite postponement. Form attached.

MOTION CARRIED INDEFINITELY POSTPONE A.B.105.

A.B.192 was next considered, and after lengthy discussion on this bill, the Committee decided to further discuss and consider this bill among themselves before any action is taken.

A motion was made to adjourn this meeting, and it was seconded. There being no further business, Mr. Barengo did adjourn the meeting at 10:00 a.m.



Additional ground for termination of parental rights.

The appropriate place for this new ground would be chapter 128.010 either as an addition to the definition of "unfit parent" or as a new definition. I do not like the unfit parent definition and think a new definition would be inappropriate for that section.

I propose a new definition:

5. "Irresponsible parent" is a parent who has failed in good faith to comply with an order given by ~~the~~ a court having jurisdiction over a minor under N.R.S. 62 ~~§~~ by failing to attend parent effectiveness training or similar training, failing to have received medical, psychological ~~or~~ psychiatric evaluation and treatment, or any other competent counseling which would aid the parent in meeting his or her responsibilities to care for the child.

ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA SESSION

LEGISLATION ACTION

DATE Mar. 5, 1975

BILL NO. A. B. 193

MOTION: \_\_\_\_\_

Do Pass  Amend \_\_\_\_\_ Indefinitely Postpone \_\_\_\_\_ Reconsider \_\_\_\_\_

Moved By Mr. Heaney Seconded By Mr. Hickey

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

TALLY:

ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Attach to Minutes Mar. 5, 1975  
Date

ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA SESSION

LEGISLATION ACTION

DATE Mar. 5, 1975  
BILL NO. A. B. 195

MOTION: \_\_\_\_\_

Do Pass  Amend \_\_\_\_\_ Indefinitely Postpone \_\_\_\_\_ Reconsider \_\_\_\_\_

Moved By Mrs. Hayes Seconded By Mr. Sena

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

TALLY:  
ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_  
Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_  
Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Attach to Minutes Mar. 5, 1975  
Date

ASSEMBLY JUDICIARY COMMITTEE  
58th NEVADA SESSION

LEGISLATION ACTION

DATE Mar. 5, 1975

BILL NO. A.B. 105

MOTION: \_\_\_\_\_

Do Pass \_\_\_\_\_ Amend \_\_\_\_\_ Indefinitely Postpone  Reconsider \_\_\_\_\_

Moved By Mr. Banner Seconded By Mr. Sena

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	YES	NO	YES	NO	YES	NO
Barengo	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Banner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hayes	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Heaney	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Hickey	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Lowman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Polish	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Sena	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
Wagner	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____

TALLY:

ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Amended & Passed \_\_\_\_\_ Amended & Defeated \_\_\_\_\_

Attach to Minutes Mar. 5, 1975  
Date