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Assembly Bill No. 28  
Suggested amendments  
Cynthia Lu

Section 1. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 2 of this act.

Sec. 2. 1. The **birth** parent or parents and prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for post-adoptive contact between:

- (a) The child and his **birth** parent or parents;
  - (b) The adoptive parent or parents and the **birth** parent or parents; or
  - (c) Any combination thereof.
2. An agreement for post-adoptive contact must be included in an order or decree of adoption and must include, without limitation, a provision specifying that:
    - (a) Each party to the agreement agrees to the continuing jurisdiction of the court;
    - (b) Each party to the agreement acknowledges that any party to the agreement may seek enforcement of the terms of the agreement in court;
    - (c) The court may award costs and attorney's fees to the prevailing party in an action seeking enforcement of the agreement; and
    - (d) The agreement for post-adoptive contact terminates and is no longer enforceable on the date on which the adopted child attains the age of 18 years old or upon the date on which the adopted child becomes emancipated.
  3. The identity of a **birth parent or adoptive parent** who is a party to an agreement for post-adoptive contact is not required to be included in the agreement. If such information is withheld, an agent who may receive services of process for the parent must be provided in the agreement.
  4. An agreement for post-adoptive contact that is included in an order or decree of adoption creates a rebuttable presumption that the contact provided for in the agreement is in the best interests of the child.
  5. Failure to comply with the terms of an agreement for post-adoptive contact may not be used as the grounds to:
    - (a) Set aside an order or decree of adoption; or
    - (b) Revoke, nullify or set aside a valid release for or consent to an adoption or relinquishment for adoption.

Sec. 3. An agreement that provides for post-adoptive contact, entered into pursuant to section 2 of this act, may be modified by **the adopting party** by applying to the court that issued the order which included the agreement. The court may grant a request to modify the agreement only if:

1. The **adopting** party requesting the modification establishes a change in circumstances that warrants modification and establishes that the agreement is no longer in the best interests of the child; or
2. **All parties** to the agreement consents to the modification.

ASSEMBLY JUDICIARY

DATE: 2-17-03 ROOM 3138 EXHIBIT E

SUBMITTED BY: Cynthia Lu

*E-1072*

Sec. 4. NRS 127.005 is hereby amended to read as follows: 127.005 The provisions of NRS 127.010 to 127.186, inclusive, and sections 2 and 3 of this act, govern the adoption of minor children, and the provisions of NRS 127.190, 127.200 and 127.210 and the provisions of NRS 127.010 to 127.186, inclusive, where not inconsistent with the provisions of NRS 127.190, 127.200 and 127.210, govern the adoption of adults.

Sec. 5. NRS 127.171 is hereby amended to read as follows:

127.121 1. Except as otherwise provided in section 2 of this act, in a proceeding for the adoption of a child, the court may grant a reasonable right to visit to certain relatives of the child only if a similar right had been granted previously pursuant to NRS 125C.050.  
2. The court may not grant a right to visit that child to any person other than as specified in subsection 1.