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**Combs, Allison**

**From:** Nancy Hart [nh@pinecrest.reno.nv.us]  
**Sent:** Sunday, April 27, 2003 4:31 PM  
**To:** Care, Terry Senator  
**Cc:** Anderson, Bernie Assemblyman  
**Subject:** Fw: UCCJEA (SB 48)

Dear Senator Care,

As you know, I have expressed interested in your SB 48 (adoption of the UCCJEA), to the extent there are issues involving domestic violence. Adopting the UCCJEA is a great step for Nevada, and the fact that it is progressing without opposition is a sure sign that people recognize its superiority to the UCCJA.

In reviewing the bill for any VAWA issues, I learned on Friday afternoon that there are a few short provisions (basically, one paragraph) regarding confidentiality and safety for victims of abuse, which are strongly recommended for adoption. Below is a message I sent to Risa Lang this afternoon with the text and comments for these provisions.

The bill is included in the work session document for tomorrow's meeting of the Assembly Judiciary Committee (Monday, April 28). I have copied Chairman Anderson so he is aware of my communication with you and with Risa.

Please let me know if you have any questions. Thank you very much for your interest.

Regards,  
Nancy

----- Original Message -----

From: "Nancy Hart" <nh@pinecrest.reno.nv.us>  
To: "Lang, Risa" <rlang@lcb.state.nv.us>  
Cc: "Combs, Allison" <acombs@lcb.state.nv.us>; "Sue Meuschke" <SueM@nnadv.org>; "Paula Berkley" <pberkley@pyramid.net>; <wendy-kameda@msn.com>  
Sent: Sunday, April 27, 2003 4:11 PM  
Subject: Fw: UCCJEA (SB 48)

> Dear Risa,  
> I heard from Wendy Kameda this weekend that you have drafted language for  
> Sec. 46 of SB 48, apparently to address concerns about the requirement of  
> serving notice to the other party(ies) upon registration of a child  
> custody  
> determination from another state. Unfortunately, I was unable to attend  
> the  
> hearing on the bill, so I am not sure what the precise concern was, but I  
> would like to offer what I think will be helpful information on this  
> topic.  
> I also aim to be at the work session tomorrow (Monday), but I can't be  
> there  
> till 10:00 am. In case there are questions about this information, I  
> would  
> greatly appreciate it if you would let Bernie know that I will be  
> available  
> by 10:00.  
>  
> First, last week I spoke briefly with Darren Mitchell, the senior staff  
> attorney for the national Full Faith and Credit Project in D.C., to  
> inquire  
> about possible VAWA concerns with SB 48. Darren confirmed that the model  
> UCCJEA does contain some notification requirements in the registration

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> process, but he explained that the registration process is entirely  
> optional  
> and thus does not violate the VAWA. He reviewed the language in the bill,  
> and reported that he found no changes from the model code that would cause  
> any VAWA problems. In particular, he noted that the registration process  
> set forth in Sec. 46 is optional, so the notification requirements are  
> okay  
> (as far as VAWA).  
>  
> However, Darren did notice that the Nevada legislation does not include  
> some  
> optional provisions from the model UCCJEA regarding confidentiality and  
> safety for victims of abuse. The model UCCJEA includes a few provisions  
> to  
> protect applicants' addresses, etc. where necessary for safety, and he  
> urged  
> Nevada to consider adding them. I could be wrong, but I don't believe  
> that  
> Nevada law currently provides similar protections. Below is the language  
> for these provisions as well as accompanying Comments from the model code.  
>  
> I sincerely apologize for the tardiness of my input, and I hope that it is  
> helpful. By the way, I plan to forward a copy of this message to Senator  
> Care. I have discussed the bill and possible VAWA concerns with the  
> Senator  
> previously, and want him to be aware of this recently received suggestion.  
>  
> Thank you very much for your assistance. Please let me know if you have  
> questions.  
> Nancy Hart  
> 825-5550 (h)  
> 233-9733 (cell)  
>  
> ----- Original Message -----  
> From: "Darren Mitchell" <dbm@pcadv.org>  
> To: "Nancy Hart" <nh@pinecrest.reno.nv.us>  
> Sent: Friday, April 25, 2003 7:52 AM  
> Subject: Re: UCCJEA  
>  
>  
> Hi Nancy:  
>  
> Here is the optional section from the model UCCJEA:  
>  
> "SECTION 209. INFORMATION TO BE SUBMITTED TO COURT.  
>  
> (e) If a party alleges in an affidavit or a pleading under oath that the  
> health, safety, or liberty of a party or child would be jeopardized by  
> disclosure of identifying information, the information must be sealed and  
> may not be disclosed to the other party or the public unless the court  
> orders the disclosure to be made after a hearing in which the court takes  
> into consideration the health, safety, or liberty of the party or child  
> and  
> determines that the closure is in the interest of justice."  
>  
> Here are the comments:  
>  
> "Comment  
> The pleading requirements from Section 9 of the UCCJA are generally  
> carried  
> over into this Act. However, the information is made subject to local law  
> on  
> the protection of names and other identifying information in certain  
> cases.  
> A number of States have enacted laws relating to the protection of victims  
> in domestic violence and child abuse cases which provide for the  
> confidentiality of victims names, addresses, and other information. These

> procedures must be followed if the child-custody proceeding of the State  
> requires their applicability.  
> See, e.g., California Family Law Code § 3409(a). If a State does not have  
> local law that provides for protecting names and addresses, then  
> subsection  
> (e) or a similar provision should be adopted. Subsection (e) is based on  
> the  
> National Council of Juvenile and Family Court Judge's, Model Code on  
> Domestic and Family Violence § 304(c). There are other models to choose  
> from, in particular UIFSA § 312."  
>  
> If NV does not have these types of protections, I would urge you to try  
> to  
> get them adopted in some form. It obviously is not a reason to oppose  
> passage, but would be enormously helpful to survivors.  
>  
> Unfortunately, I will not be available this afternoon to discuss this. I  
> hope that the information is pretty self-explanatory, though.  
>  
> Take care,  
>  
> --Darren  
>  
>  
>