
ASSEMBLY BILL NO. 28—ASSEMBLYMAN ANDERSON

PREFILED JANUARY 29, 2003

Referred to Committee on Judiciary

SUMMARY—Provides procedure for parties to adoption to enter into enforceable agreement for post-adoptive contact. (BDR 11-207)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 adoption; providing a procedure for parties to an adoption to enter into an enforceable agreement that provides for post-adoptive contact; providing the procedure to modify such an agreement; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 127 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2. 1. *The natural parent or parents and prospective***
4 ***adoptive parent or parents of a child to be adopted may enter into***
5 ***an enforceable agreement that provides for post-adoptive contact***
6 ***between:***
7 ***(a) The child and his natural parent or parents;***
8 ***(b) The adoptive parent or parents and the natural parent or***
9 ***parents; or***
10 ***(c) Any combination thereof.***
11 **2. *An agreement for post-adoptive contact must be included***
12 ***in an order or decree of adoption and must include, without***
13 ***limitation, a provision specifying that:***
14 ***(a) Each party to the agreement agrees to the continuing***
15 ***jurisdiction of the court;***



1 (b) Each party to the agreement acknowledges that any party
2 to the agreement may seek enforcement of the terms of the
3 agreement in court;

4 (c) The court may award costs and attorney's fees to the
5 prevailing party in an action seeking enforcement of the
6 agreement; and

7 (d) The agreement for post-adoptive contact terminates and is
8 no longer enforceable on the date on which the adopted child
9 attains the age of 18 years or upon the date on which the adopted
10 child becomes emancipated.

11 3. The identity of a natural parent who is a party to an
12 agreement for post-adoptive contact is not required to be included
13 in the agreement. If such information is withheld, an agent who
14 may receive service of process for the parent must be provided in
15 the agreement.

16 4. An agreement for post-adoptive contact that is included in
17 an order or decree of adoption creates a rebuttable presumption
18 that the contact provided for in the agreement is in the best
19 interests of the child.

20 5. Failure to comply with the terms of an agreement for post-
21 adoptive contact may not be used as the grounds to:

22 (a) Set aside an order or decree of adoption; or

23 (b) Revoke, nullify or set aside a valid release for or consent to
24 an adoption or a relinquishment for adoption.

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

30 1. The party requesting the modification establishes a change
31 in circumstances that warrants the modification and establishes
32 that the agreement is no longer in the best interests of the child; or

33 2. Each party to the agreement consents to the modification.

34 **Sec. 4.** NRS 127.005 is hereby amended to read as follows:

35 127.005 The provisions of NRS 127.010 to 127.186, inclusive,
36 and sections 2 and 3 of this act, govern the adoption of minor
37 children, and the provisions of NRS 127.190, 127.200 and 127.210
38 and the provisions of NRS 127.010 to 127.186, inclusive, where not
39 inconsistent with the provisions of NRS 127.190, 127.200 and
40 127.210, govern the adoption of adults.

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

42 127.171 1. ~~Ha~~ Except as otherwise provided in section 2 of
43 this act, in a proceeding for the adoption of a child, the court may
44 grant a reasonable right to visit to certain relatives of the child only



- 1 if a similar right had been granted previously pursuant to
- 2 NRS 125C.050.
- 3 2. The court may not grant a right to visit the child to any
- 4 person other than as specified in subsection 1.

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