
ASSEMBLY BILL NO. 54—ASSEMBLYMEN ANDERSON, PARKS,
ANDONOV, BUCKLEY, COLLINS, CONKLIN, GEDDES,
GIUNCHIGLIANI, GOICOECHEA, HORNE, LESLIE, MANENDO,
OCEGUERA, SHERER AND WILLIAMS

FEBRUARY 10, 2003

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing parental access to certain records of and information concerning child. (BDR 11-372)

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 children; providing an affirmative duty for certain persons who keep or maintain records and information concerning a child to provide access to such records and information to any parent of the child unless otherwise ordered by a court; 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.** NRS 125.510 is hereby amended to read as follows:
2 125.510 1. In determining the custody of a minor child in an
3 action brought pursuant to this chapter, the court may, except as
4 otherwise provided in this section and chapter 130 of NRS:
5 (a) During the pendency of the action, at the final hearing or at
6 any time thereafter during the minority of any of the children of the
7 marriage, make such an order for the custody, care, education,
8 maintenance and support of the minor children as appears in their
9 best interest; and
10 (b) At any time modify or vacate its order, even if the divorce
11 was obtained by default without an appearance in the action by one
12 of the parties.



1 The party seeking such an order shall submit to the jurisdiction of
2 the court for the purposes of this subsection. The court may make
3 such an order upon the application of one of the parties or the legal
4 guardian of the minor.

5 2. *The court may require the parents of a child to submit to*
6 *the court a plan for carrying out the court's order concerning the*
7 *custody of the child.*

8 3. Any order for joint custody may be modified or terminated
9 by the court upon the petition of one or both parents or on the
10 court's own motion if it is shown that the best interest of the child
11 requires the modification or termination. The court shall state in its
12 decision the reasons for the order of modification or termination if
13 either parent opposes it.

14 ~~3.~~ 4. Any order for custody of a minor child or children of a
15 marriage entered by a court of another state may, subject to the
16 jurisdictional requirements in chapter 125A of NRS, be modified at
17 any time to an order of joint custody.

18 ~~4.~~ 5. A party may proceed pursuant to this section without
19 counsel.

20 ~~5.~~ 6. Any order awarding a party a limited right of custody to
21 a child must define that right with sufficient particularity to ensure
22 that the rights of the parties can be properly enforced and that the
23 best interest of the child is achieved. The order must include all
24 specific times and other terms of the limited right of custody. As
25 used in this subsection, "sufficient particularity" means a statement
26 of the rights in absolute terms and not by the use of the term
27 "reasonable" or other similar term which is susceptible to different
28 interpretations by the parties.

29 ~~6.~~ 7. All orders authorized by this section must be made in
30 accordance with the provisions of chapter 125A of NRS and must
31 contain the following language:

32
33 PENALTY FOR VIOLATION OF ORDER: THE
34 ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD
35 IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A
36 CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS
37 200.359 provides that every person having a limited right of custody
38 to a child or any parent having no right of custody to the child who
39 willfully detains, conceals or removes the child from a parent,
40 guardian or other person having lawful custody or a right of
41 visitation of the child in violation of an order of this court, or
42 removes the child from the jurisdiction of the court without the
43 consent of either the court or all persons who have the right to
44 custody or visitation is subject to being punished for a category D
45 felony as provided in NRS 193.130.



1 ~~[7.]~~ 8. In addition to the language required pursuant to
2 subsection ~~[6.]~~ 7, all orders authorized by this section must specify
3 that the terms of the Hague Convention of October 25, 1980,
4 adopted by the 14th Session of the Hague Conference on Private
5 International Law, apply if a parent abducts or wrongfully retains a
6 child in a foreign country.

7 ~~[8.]~~ 9. If a parent of the child lives in a foreign country or has
8 significant commitments in a foreign country:

9 (a) The parties may agree, and the court shall include in the
10 order for custody of the child, that the United States is the country
11 of habitual residence of the child for the purposes of applying the
12 terms of the Hague Convention as set forth in subsection ~~[7.]~~ 8.

13 (b) Upon motion of one of the parties, the court may order the
14 parent to post a bond if the court determines that the parent poses an
15 imminent risk of wrongfully removing or concealing the child
16 outside the country of habitual residence. The bond must be in an
17 amount determined by the court and may be used only to pay for the
18 cost of locating the child and returning him to his habitual residence
19 if the child is wrongfully removed from or concealed outside the
20 country of habitual residence. The fact that a parent has significant
21 commitments in a foreign country does not create a presumption
22 that the parent poses an imminent risk of wrongfully removing or
23 concealing the child.

24 ~~[9.]~~ 10. Except where a contract providing otherwise has been
25 executed pursuant to NRS 123.080, the obligation for care,
26 education, maintenance and support of any minor child created by
27 any order entered pursuant to this section ceases:

28 (a) Upon the death of the person to whom the order was
29 directed; or

30 (b) When the child reaches 18 years of age if he is no longer
31 enrolled in high school, otherwise, when he reaches 19 years of age.

32 ~~[10.]~~ 11. As used in this section, a parent has "significant
33 commitments in a foreign country" if he:

34 (a) Is a citizen of a foreign country;

35 (b) Possesses a passport in his name from a foreign country;

36 (c) Became a citizen of the United States after marrying the
37 other parent of the child; or

38 (d) Frequently travels to a foreign country.

39 **Sec. 2.** Chapter 125C of NRS is hereby amended by adding
40 thereto a new section to read as follows:

41 *1. Except as otherwise provided in subsection 2, the custodian*
42 *of records and other information concerning a child, and any*
43 *other person who is responsible for maintaining such records and*
44 *information, shall provide access to those records and information*
45 *to any parent of the child upon request. Such records and*



1 *information include, without limitation, medical, dental and*
2 *school records of the child and information contained therein.*

3 2. *The provisions of this section apply to any parent of a child*
4 *regardless of custody, rights to visitation and marital status, unless*
5 *a court orders otherwise. The provisions of this section do not*
6 *apply to a parent whose parental rights have been terminated.*

7 **Sec. 3.** NRS 125.520 is hereby repealed.

TEXT OF REPEALED SECTION

125.520 Plan for carrying out court's order; access to child's records.

1. The court may, when appropriate, require the parents to submit to the court a plan for carrying out the court's order concerning custody.

2. Access to records and other information pertaining to a minor child, for example, medical, dental and school records, must not be denied to a parent for the reason that the parent is not the child's custodial parent.

