
SENATE BILL NO. 309—SENATOR PICKARD

MARCH 18, 2019

JOINT SPONSOR: ASSEMBLYWOMAN COHEN

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to family courts.
(BDR 1-629)

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 courts; authorizing a family court or certain district courts to close to the public certain proceedings within the jurisdiction of the family court; requiring a family court or district court to seal certain records relating to proceedings within the jurisdiction of the family court; authorizing the inspection of records which have been sealed under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that the family court, or in a judicial district that does not
2 include a family court, the district court, has original jurisdiction over juvenile
3 justice, domestic relations, guardianship of minors, children and certain other
4 matters. (NRS 3.0105, 3.223) **Section 2** of this bill authorizes a family court or
5 such a district court to close to the public proceedings within the jurisdiction of the
6 family court if the proceeding involves a child: (1) upon the request of a party; or
7 (2) is in the best interests of the child. **Section 2** also specifies the persons who may
8 be excluded from observing or being permitted to observe any or part of the
9 proceedings. **Section 3** of this bill requires the family court or district court to seal
10 certain records related to proceedings within the jurisdiction of the family court.
11 **Section 3** also authorizes the family court or district court, under certain
12 circumstances, to permit the inspection of records which have been sealed.



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

1 **Section 1.** Chapter 3 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *Notwithstanding any other provision of law:*

4 1. *If a proceeding involves a child and is within the*
5 *jurisdiction of the family court, the family court or, in a judicial*
6 *district that does not include a family court, the district court, may*
7 *determine that all or part of the proceeding be closed to the public:*

8 (a) *Upon demand of either party to the proceeding; or*

9 (b) *If the closure is in the best interests of the child.*

10 2. *Except as otherwise provided in subsection 3 or 4, if a*
11 *proceeding is closed upon such demand of either party, all persons*
12 *must be excluded from the court or chambers wherein the*
13 *proceeding is brought, except:*

14 (a) *The officers of the court;*

15 (b) *The parties;*

16 (c) *The counsel for the parties;*

17 (d) *The employees or representatives of the counsel for the*
18 *parties;*

19 (e) *The witnesses and expert witnesses;*

20 (f) *The parents or guardians of the parties; and*

21 (g) *The siblings of the parties.*

22 3. *The family court or district court may, upon oral or written*
23 *motion of either party, exclude the parents, guardians or siblings*
24 *of either party, or witnesses for either party, from the court or*
25 *chambers wherein the proceeding is brought. If good cause is*
26 *shown for the exclusion of any such person, the family court or*
27 *district court shall exclude any such person from the proceeding.*

28 4. *Except as otherwise provided in this section, the family*
29 *court or district court may permit a person access to all or part of*
30 *a proceeding closed pursuant to this section if the family court or*
31 *district court determines the access of the person is in the best*
32 *interests of the child.*

33 **Sec. 3.** *Notwithstanding any other provision of law:*

34 1. *In a proceeding that involves a child and is within the*
35 *jurisdiction of the family court or, in a judicial district that does*
36 *not include a family court, the following papers and pleadings in*
37 *the proceeding must be open to public inspection in the clerk's*
38 *office:*

39 (a) *The summons, proof of service, pleadings, orders of the*
40 *family court or, in a judicial district that does not include a family*
41 *court, orders of the district court, judgments, any defaults; and*



1 ***(b) Where service is made by publication, the affidavit for***
2 ***publication and the order directing the publication.***

3 ***2. All other papers, records, including, without limitation,***
4 ***electronic and video records, proceedings and evidence, including,***
5 ***without limitation, exhibits and transcripts of any testimony, must,***
6 ***upon the written request of either party to the proceeding, be filed***
7 ***with the clerk and sealed and shall not be open to inspection***
8 ***except to the parties of the proceeding or counsel for the parties.***

9 ***3. Except as otherwise provided in subsection 4, any records***
10 ***or papers which contain personally identifying information***
11 ***relating to a party or child must be sealed.***

12 ***4. Upon an oral or written motion, the family court or district***
13 ***court, as applicable, may order sealed or redacted any records and***
14 ***papers otherwise open to public inspection.***

15 ***5. Any record or paper sealed pursuant to this section must be***
16 ***made available for inspection only upon:***

17 ***(a) An order of the family court or district court; or***

18 ***(b) A petition, for good cause shown, by a party requesting***
19 ***such inspection. If a party petitions the family court or district***
20 ***court for such inspection, the party shall serve the petition on all***
21 ***parties of the proceeding.***

