

ADOPTION OF CHILDREN, proposed changes

EXPLANATION: (1) *blue bold italics* is new language; (2) ~~red-strikethrough~~ is language proposed to be deleted.

GENERAL PROVISIONS

Add the following definitions to NRS 127.003:

- *“Adoption” means a legally recognized procedure that creates a parent-child relationship.*
- *“Adoption services” means services provided by a child-placing or child welfare agency and include identifying a child for adoption and arranging an adoption, securing necessary relinquishment for or consent to adoption and termination of parental rights, performing a background study on a child or a home study on a prospective adoptive parent, and reporting on such a study, making determinations of the best interest of a child and the appropriateness of adoptive placement for the child, post-placement monitoring of a case until final adoption, and where made necessary by disruption before final adoption, assuming custody and providing child care or any other social service pending an alternative placement.*
- *“Adoptive placement” occurs when a parent executes a relinquishment for adoption in favor of an agency, when a specific consent to adoption in favor of a specifically named person, when an agency provides child welfare services, or an agency licensed to place children for adoption grants physical custody of a child in their custody to a prospective adoptive parent or parents for adoption.*
- *“Adult” means a person who is 18 years of age or older.*
- *“Adult adoption” means an adoption where the person being adopted is an adult.*
- *“Agency Adoption” means a type of adoption performed by a child-placing agency licensed by the State of Nevada or a child welfare agency where the agency accepts temporary custody of a child until an adoption is legally finalized. The agency assists and arranges in the placement of a child for adoption by matching birth parents with adoptive parents and providing adoption services.*
- *“Agency which provides child welfare services” or “child welfare agency” has the meaning ascribed to it in NRS 432B.030.*

- *“Best Interest of the Child” in adoption means the legal standard used to ensure every decision made in the adoption process prioritizes stability, safety, and permanency of the child to be adopted.*
- *“Child” has the meaning ascribed to it in NRS 128.0124.*
- *“Child with special needs” has the meaning ascribed to it in NRS 127.008(2).*
- *“Child-placing agency” has the meaning ascribed to it in NRS 127.220(3).*
- *“Child welfare services” means the services provided by a child welfare agency licensed by the Division and includes child protective services, foster care services, services related to adoption as defined in NRS 432B.044, or a child welfare agency that elects to facilitate an agency adoption related to children who are not in the custody of the child welfare agency pursuant to NRS Chapter 432B.*
- *“Close-Family adoption” means an adoption where a petitioner or a petitioner’s spouse is related to the child to be adopted within the third degree of consanguinity.*
- *“Confirmatory adoption” means an adoption where the petitioner is already a parent of the child either through a court order or presumptively and is asking the court to confirm their parentage through an adoption or re-adoption.*
- *“Domestic Partner” has the meaning ascribed to it in NRS 122A.030.*
- *“Domestic Partnership” has the meaning ascribed to it in NRS 122A.040.*
- *“Home Study” means an investigation of the prospective adoptive parents prior to the adoptive placement of the child to determine the suitability of the prospective adoptive home as described in NRS 127.2805.*
- *“Identified adoption” means an adoption where no petitioner is related to the child to be adopted within the third degree of consanguinity, the prospective adoptive parents and at least one of the parents of the child are known to each other, and such knowledge was not caused by the actions of a child-placing agency.*
- *“Indian child” has the meaning ascribed to it in 25 U.S.C. § 1903 and NRS 125E.080.*
- *“Indian Child Welfare Act” means the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.*
- *“Intercountry adoption” has the meaning ascribed to it in NAC 127.095.*
- *“Marital Partner” means two persons, regardless of gender, who are at least 18 years of age, not nearer of kin than second cousins or cousins of the half blood, and not having a spouse living, who are joined in marriage.*
- *“Parent” means a person who has legal rights, privileges, responsibilities, and obligations to a child and is a biological or legal parent of a child whose*

parental rights have not been terminated by a court or their execution of a relinquishment for or specific consent for adoption, a person who is a putative or proven parent of a child, a person presumed to be the parent of a child, a person whose paternity or parentage has been established pursuant to NRS Chapter 126, or a person whose parentage has been confirmed by a court order.

- *“Parent-Child relationship” is established between a person and a child if the person gives birth to the child, there is an un rebutted presumption of the person’s parentage of the child pursuant to NRS 126.051, the person is adjudicated a parent of the child pursuant to NRS 126.710 to 126.810, the person adopts the child, the person acknowledges parentage of the child pursuant to NRS 126.053, or the person’s parentage of the child is established by a court of competent jurisdiction.*
- *“Person” means a human being.*
- *“Placing parent” means a parent who executed a relinquishment for or specific consent to adoption of their child pursuant to this Chapter.*
- *“Post-placement investigation” means an investigation of the prospective adoptive home by a child welfare services agency or a child-placing agency after the adoptive placement has occurred pursuant to NRS 127.120.*
- *“Prospective adoptive parent” means a person with whom a child has been placed for adoption but whose adoption petition has not been granted by the court.*
- *“Putative Parent” means a person who is alleged or reputed to be a parent of a child but their parentage has not been legally established.*
- *“Re-Adoption” means an adoption where the petitioner has previously obtained an order of adoption on the child at issue from a court of another country.*
- *“Relinquishment” means a document executed by a person terminating that person’s parental rights in their child and placing said child for adoption with a child welfare services agency or a child-placing agency. Relinquishments are only used in Agency Adoptions.*
- *“Order of Adoption” and “Decree of Adoption” are both a final judgment from judicial proceedings of a court granting a petition for adoption.*
- *“Sibling” means each of two or more children having one or both parents in common.*
- *“Specific Consent to Adoption” means a document executed by a parent whose approval is necessary to proceed with an adoption, either terminating or retaining that person’s parental rights in a child, granting permission for the child to be adopted by specifically named person or persons, and*

arranged directly between the parent and the prospective adoptive parent or parents without the involvement of a licensed child-placing agency pursuant to this Chapter.

- *"Spouse" means a marital partner, domestic partner, civil partner, registered partner, reciprocal beneficiary, or any other partner who has the same rights, protections and benefits, and are subject to the same responsibilities, obligations and duties under law, whether derived from statutes, administrative regulations, court rules, government policies, common law or any other provisions or sources of law, as are granted to and imposed upon marital partners.*
- *"Third degree of consanguinity" means the familial relationship between two persons who share a common ancestor within three generations. Relatives related to the child within the third degree of consanguinity include parents and stepparents of the child, siblings of the child, grandparents of the child, great grandparents of the child, and aunts and uncles of the child.*

NRS 127.005 Applicability. The provisions of NRS 127.010 to 127.1895, inclusive, 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 127.1895, inclusive, where not inconsistent with the provisions of NRS 127.190, 127.200 and 127.210, govern the adoption of adults.

NRS 127.007 State Register for Adoptions: Establishment; contents; release of information.

1. The Division shall maintain the State Register for Adoptions, which is hereby established, in its central office to provide information to identify adults who were adopted and persons related to them within the third degree of consanguinity.

2. The State Register for Adoptions consists of:

(a) Names and other information, which the Administrator of the Division deems to be necessary for the operation of the Register, relating to persons who have released a child for adoption or have consented to the adoption of a child, or whose parental rights have been terminated by a court of competent jurisdiction, and who have submitted the information voluntarily to the Division;

(b) Names and other necessary information of persons who are 18 years of age or older, who were adopted and who have submitted the information voluntarily to the Division; and

(c) Names and other necessary information of persons who are related within the third degree of consanguinity to adopted persons, and who have submitted the information voluntarily to the Division.

→ Any person whose name appears in the Register may withdraw it by requesting in writing that it be withdrawn. The Division shall immediately withdraw a name upon receiving a request to do so, and may not thereafter release any information to identify that person, including the information that such a name was ever in the Register.

3. Except as otherwise provided in subsection 4, the Division may release information:

(a) About a person related within the third degree of consanguinity to an adopted person; or

(b) About an adopted person to a person related within the third degree of consanguinity,

→ if the names and information about both persons are contained in the Register and written consent for the release of such information is given by the ~~natural~~ parent.

4. An adopted person may, by submitting a written request to the Division, restrict the release of any information concerning ~~himself or herself~~ *themselves* to one or more categories of relatives within the third degree of consanguinity.

NRS 127.009 Booklet on adoption: Preparation; contents; annual revision; distribution; acceptance of gifts and grants to assist production and distribution.

1. The Division shall prepare a booklet on adoption in this state which includes the following information:

- (a) The legal basis of adoption;
- (b) The purpose of adoption;
- (c) The process of adoption;

(d) The number of children who are waiting to be adopted, including statistical information regarding:

(1) The gender and ethnic background of the children who are waiting to be adopted;

(2) The number of children placed in foster homes who are waiting to be adopted;

(3) The number of children with special needs who are waiting to be adopted; and

(4) The number of siblings who are waiting to be adopted;

(e) The name and location of agencies in Nevada that place children with adoptive parents;

(f) The number of prospective adoptive parents;

(g) A comparison of Nevada to the surrounding states regarding the placement of children with adoptive parents;

(h) A comparison of the Division to other agencies located in Nevada regarding the placement of children with adoptive parents; and

(i) Any subsidies, assistance and other services that may be available to adoptive parents and prospective adoptive parents, including, without limitation, services for children with special needs.

2. The Division shall:

(a) Revise the information in the booklet annually.

(b) Distribute the booklet to persons and organizations whose patients or clients are likely to become involved with the process of adoption in this state. The booklet must also be distributed to prospective adoptive parents and ~~natural~~ parents ~~giving children up for~~ *considering relinquishing for or consenting to* adoption.

3. The Division may accept gifts and grants to assist in the production and distribution of the booklet.

Immediately after NRS 127.010 and before NRS 127.013 – add the following new language:

***Types of adoptions.** The court may grant a petition for adoption and name change, subject to completion of all applicable statutory requirements, in the following situations: agency adoption, close-family adoption, confirmatory adoption, re-adoption, adult adoption, and identified adoption.*

***Requirements for an Agency Adoption.** In every agency adoption, the following requirements must be satisfied prior to the entry of an order of adoption:*

1. *An approved home study investigation pursuant to NRS 127.2805;*
2. *As to each parent of the child to be adopted:*
 - a. *An order of a court of competent jurisdiction terminating the parental rights;*
 - b. *A valid relinquishment of the child to be adopted to a licensed child-placing agency in this state or another;*
 - c. *A certificate of death or other evidence sufficient to satisfy the court of death; or*
 - d. *Evidence sufficient to satisfy the court of the termination of parental rights through a birth father registry of another state.*
3. *An approved post-placement investigation report pursuant to NRS 127.120;*
4. *The filing of the adoption petition in conformance with NRS 127.110; and*
5. *Compliance with all other applicable statutory requirements contained in this chapter.*

Requirements for a Close-Family Adoption:

- (1) In every close-family adoption the following requirements must be satisfied by each prospective adoptive parent prior to the entry of an order of adoption:***
- a. *As to each parent of the child to be adopted:*
 1. *An order of a court of competent jurisdiction terminating the parental rights;*
 2. *An order pursuant to NRS 127.090 as to parent who will no longer retain parental rights of the child to be adopted;*
 3. *A valid relinquishment of the child to be adopted to a licensed child-placing agency in this state or another;*
 4. *Specific consent to adoption in favor of each prospective adoptive parent;*
 5. *A certificate of death or other evidence sufficient to satisfy the court of death; or*
 6. *Evidence sufficient to satisfy the court of the termination of parental rights through a birth father registry of another state;*
 - b. *One of the petitioners to the adoption must be related to the child within the third degree of consanguinity or the person's spouse or ex-spouse is so related.*

- c. All parents that will retain their parental status through the adoption, if any, must be a petitioner to the action and agree to the adoption.
 - d. The court may waive the hearing on the petition.
 - e. Compliance with all other applicable statutory requirements contained in this chapter.
- (2) The petition for a close-family adoption shall also otherwise conform with the requirements of NRS 127.110.
- (3) No home study, post-placement investigation, or report to the court by any public officer or agency is required in a close-family adoption.

Requirements for Confirmatory Adoption: In every confirmatory adoption, the following requirements must be satisfied by the prospective adoptive parent prior to the entry of an order of adoption:

- 1. A copy of one of the following documents of the child which must be placed in the records relating to the confirmatory adoption proceeding and maintained in a confidential manner:
 - a. The child's birth certificate listing prospective adoptive parent as a parent of the child;
 - b. A court order establishing parentage of the child; or
 - c. Evidence sufficient to satisfy the court establishing parentage of the child.
- 2. A petition for confirmatory adoption shall:
 - a. State how parentage was already established.
 - b. Otherwise conform with the requirements of NRS 127.110.
- 3. The Court shall issue an order of adoption that confirms each legal parent of the child along with the new name of the child, if requested.
- 4. The following is not required in a confirmatory adoption:
 - a. A relinquishment or specific consent to adoption.
 - b. A home study, post-placement investigation or report to the court by any public officer or agency.
- 4. In addition to the regular jurisdiction rules within the chapter, a confirmatory adoption may also be sought in Nevada if the child's birth certificate was issued by the State of Nevada.

Requirements for Re-Adoption:

- 1. Each petitioner and spouse of a petitioner who adopts a child through an intercountry adoption that is finalized in a foreign country may petition to re-adopt the child in this state.

2. *A petition for re-adoption shall:*
 - (a) Contain copies of any decree, order, or certificate of adoption that evidences finalization of the adoption in the foreign country;*
 - (b) The child's birth certificate;*
 - (c) A certified translation is included of all documents described in this paragraph that are not in English; and*
 - (d) Otherwise conform with the requirements of NRS 127.110.*
3. *After entry of the order for re-adoption, the petitioners may obtain a birth certificate in the State of Nevada.*
4. *No home study, post-placement investigation, or report to the court by any public officer or agency is required in a re-adoption.*

Requirements for an Identified Adoption. *In every identified adoption, the following requirements must be satisfied prior to the entry of an order of adoption:*

1. *An approved home study investigation pursuant to NRS 127.2805;*
2. *As to each parent of the child to be adopted:*
 - a. An order of a court of competent jurisdiction terminating the parental rights;*
 - b. A valid relinquishment of the child to be adopted to a licensed child-placing agency in this state or another;*
 - c. Specific consent to adoption in favor of the prospective adoptive parents;*
 - d. A certificate of death or other evidence sufficient to satisfy the court of death; and*
 - e. Evidence sufficient to satisfy the court of the termination of parental rights through a birth father registry of another state*
3. *An approved post-placement investigation report pursuant to NRS 127.120;*
4. *The filing of the adoption petition in conformance with NRS 127.110; and*
5. *Compliance with all other applicable statutory requirements contained in this chapter.*

Edit the following statutes:

NRS 127.018 Court order required if home state of child is Nevada; exception.

1. Except as otherwise provided in NRS 125E.010 to 125E.370, inclusive, 127.041, 127.115, 127.151 and 127.1861 to 127.1869, inclusive, a child of whom this State:

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

→ may not be adopted except upon an order of a district court in this State.

2. As used in this section, “home state” means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, *including a placement outside the state through the Interstate Compact for the Placement of Children*, immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

NRS 127.020 Adoption of ~~minor~~ children; ages and *agreement consent*.

1. Except as otherwise provided in subsection 2:

(a) A ~~minor~~ child may be adopted by one or more adults subject to the rules prescribed in this chapter.

(b) A person adopting a child must be at least 10 years older than the person adopted. ~~and the consent of the child, if over the age of 14 years, is necessary to its adoption.~~

(c) A child over the age of 14 years must agree to the adoption.

2. A court may approve the adoption of a child without regard to the age *difference* of the child and ~~the ages of~~ the prospective adoptive parents if:

(a) *The prospective adoptive parent is related to the child within the third degree of consanguinity* ~~The child is being adopted by a stepparent, sister, brother, aunt, uncle or first cousin and, if the prospective adoptive parent is married, also by the spouse of the prospective adoptive parent;~~ and

(b) The court is satisfied that it is in the best interest of the child ~~and in the interest of the public.~~

Create a New NRS 127.025 that reads as follow:

Compliance with ICPC. Compliance with the requirements of the Interstate Compact on the Placement of Children as required by NRS 127.320 through 127.350 [Note: LCB will need to fix the statute numbers here.] may be performed by an agency which provides child welfare services or is licensed in this state to place children for adoption or by an attorney licensed to practice law in this state.

Edit the following statutes:

NRS 127.030 Who may petition; *spouse's agreement consent of spouse to adoption* required under certain circumstances; waiver of hearing on petition; court authorized to determine legal relationship of child with multiple persons.

1. One or more adults may petition the district court of any county in this state for leave to adopt a child. Each prospective ~~adopting adult~~ *adoptive parent* and each *agreeing consenting legal* parent seeking to retain *their* ~~his or her~~ parental rights must be a joint petitioner *and agree to the adoption*.

2. Except as otherwise provided in subsection 5, a married person not lawfully separated from *their* ~~his or her~~ spouse may not adopt a child without the *agreement consent* of *their* ~~his or her~~ spouse, if such spouse is capable of giving such *agreement consent to the adoption*.

3. If a spouse *agrees consents* to an adoption as described in subsection 2, such *agreement consent* does not establish any parental rights or responsibilities on the part of the spouse unless *they* ~~he or she~~:

(a) ~~Has~~ *Have*, in a writing filed with the court, ~~specifically agreed consented~~ to:

(1) ~~Adopting~~ the child; and

(2) ~~Establishing~~ *their* parental rights and responsibilities; and

(b) Is named as an adoptive parent in the order ~~or decree~~ of adoption.

4. The court shall not name a spouse who *agrees consents* to an adoption as described in subsection 2 as an adoptive parent in an order ~~or decree~~ of adoption unless:

(a) The spouse has filed a writing with the court as described in paragraph (a) of subsection 3; and

(b) The home of the spouse is suitable for the child as determined by ~~an investigation—a~~ *home study investigation and a post-placement investigation* conducted pursuant to NRS 127.120 ~~or~~ *and* 127.2805.

5. The court may dispense with the requirement for the *agreement consent* of a spouse who cannot be located after a diligent search or who is determined by the court to lack the capacity to *agree consent*. A spouse for whom the requirement was dispensed pursuant to this subsection must not be named as an adoptive parent in an order ~~or decree~~ of adoption.

6. If a person who petitions for the adoption of a child pursuant to this section is related to the child within the third degree of consanguinity *or the person's spouse or ex-spouse is so related*, ~~the court may, in its discretion, waive the home study investigation, the post-placement investigation, and report are not required and~~ the hearing on the petition *may be waived by the court*.

7. The court may determine that a child has a legal relationship with more than two persons who petition for the adoption of the child pursuant to this section.

NRS 127.040 Written consent to adoption or for relinquishment to authorized agency: Acknowledgment; when consent required.

1. Except as provided in NRS 127.090, ~~a specific written consent to the specific adoption or a relinquishment proposed by the petition or for relinquishment to an agency authorized to accept relinquishments acknowledged by the person or persons consenting,~~ is required from:

(a) Each ~~legal~~ parent *of the child* who is alive; and
(b) Any legal guardian of the person of the child appointed by a court of competent jurisdiction.

~~2.—Consent is not required of a parent who has been adjudged insane for 2 years if the court is satisfied by proof that such insanity is incurable.~~

NRS 127.041 Written consent to adoption required from Indian child's parents: Prerequisites; certification by court; withdrawal of consent.

1. If a petition for adoption of a child concerns the adoption of an Indian child, unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;
(b) The terms and consequences of the consent in detail; and
(c) That at any time before the entry of the order ~~or decree~~ of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.

5. At any time before the entry of an order or decree of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing the written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A

parent who withdraws ~~his or her~~ *their* consent may petition the court for the return of the child.

6. As used in this section, “parent” has the meaning ascribed to it in NRS 125E.130.

NRS 127.043 *Relinquishment for or Specific* Consent to adoption required before placement in adoptive home; exception.

1. Except as otherwise provided in subsection 2, a child must not be placed in an adoptive home *or in the care of prospective adoptive parents* until:

(a) *An approved home study as required by NRS 127.2805 is obtained; and*

(b) a valid ~~release~~ *relinquishment* for or *specific* consent to adoption is executed by ~~the a parent who gave birth to~~ *of the child as provided by NRS 127.070 or a court order is obtained terminating the parental rights of the legal* parents.

2. The provisions of this section do not apply if one or more of the existing ~~legal~~ parents is a petitioner or the petitioner’s *spouse* is related to the child within the third degree of consanguinity.

NRS 127.045 ~~Release~~ *Relinquishment* for or *Specific* Consent to adoption and *home study investigation* required before appointment of guardian for child to be adopted; exception.

1. Except as otherwise provided in subsection 2, until a ~~valid-release~~ *relinquishment* for or *specific* consent to adoption is executed by ~~the a parent who gave birth to~~ *of the child as provided by NRS 127.070 and the investigation an approved home study* required by NRS 127.2805 is *obtained* ~~completed~~, no person may:

(a) Petition any court for the appointment of a guardian; or

(b) Be appointed the temporary guardian,
of the person of the child to be adopted.

2. The provisions of subsection 1 do not apply if one or more of the existing ~~legal~~ parents is a petitioner or if any petitioner or their spouse is related to the child within the third degree of consanguinity.

3. *A parent may sign a relinquishment for or a specific consent to adoption even if the parent is in custody of law enforcement or the child is in the custody of a child welfare agency.*

Create New Statute between 127.045 and NRS 127.053 that reads as follows:

Duties of agency regarding placing parent considering consenting to identified adoption. *If a parent is considering consenting to an identified adoption, the child-placing agency shall:*

- 1. Provide information regarding the adoption process, information about the State Register for Adoptions pursuant to NRS 127.007, information regarding counseling services prior to signing the specific consent, to ensure that the decision to consent to the adoption of the child is made without coercion and not under duress or undue influence, and to make the placing parent aware of counseling services which can be made available after the specific consent is signed to ensure the placing parent is provided with emotional support;*
- 2. Provide information to the placing parent regarding alternatives to adoption;*
- 3. Collect the information required pursuant to subsection 1 of NAC 127.230;*
- 4. Advise the placing parent that they may read the home study conducted of the prospective adoptive parent or parents identified in the specific consent to adoption before execution of the specific consent; and*
- 5. Facilitate a request pursuant to the Interstate Compact on the Placement of Children as required by NRS 127.330, if applicable.*
- 6. Maintain a case file with a record of the information obtained and services provided.*

Edit the following statutes:

NRS 127.053 *Relinquishment and Specific* Consent to adoption: Requisites. No *relinquishment or specific* consent to ~~a specific~~ adoption executed in this State, or executed outside this State for use in this State, is valid unless it:

- 1. Identifies the child to be adopted by name, if any, sex *assigned at birth*, ~~and~~ date of birth, *and time of birth*.*
- 2. Is in writing and signed by the person consenting to the adoption ~~as required in this chapter~~ or relinquishing for the adoption no sooner than 72 hours after the child's birth.*
- 3. Is acknowledged by the person consenting and signing the *relinquishment for adoption or specific* consent to adoption ~~in the manner and form required for~~*

~~conveyances of real property before a judge or a clerk of a court having a seal, a notary public, or a justice of the peace.~~

4. Contains, at the time of execution, the name of the person or persons to whom *specific* consent to adopt the child is given, *or, for a relinquishment for adoption, contains the name of the agency which is licensed to place children for adoption.*

5. Indicates whether the *placing parent* ~~person giving the consent~~ has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the order ~~or decree~~ of adoption pursuant to NRS 127.150, the person receives information that provides reason to know that the child is an Indian child.

6. *For a relinquishment or a specific consent to adoption*, is attested by at least two competent, disinterested witnesses who subscribe their names to the relinquishment or consent in the presence *of or by remote appearance* of the person consenting *and a notary public*. If neither the petitioner nor the spouse of a petitioner is related to the child within the third degree of consanguinity, then one of the witnesses must be a social worker employed by:

- (a) An agency which provides child welfare services;
- (b) ~~An~~ *child-placing* agency licensed in this state ~~to place children for adoption;~~
- (c) A comparable state or county agency of another state; or
- (d) An agency authorized under the laws of another state to place children for adoption, if the ~~natural~~ parent resides in that state.

7. A social worker employed by a child-placing agency licensed in Nevada may remotely witness the execution of a relinquishment or a specific consent to adoption by a parent of the child to be adopted who resides outside of the State of Nevada.

NRS 127.055 *Relinquishment or Specific* Consent to adoption: Attesting witnesses may make self-proving affidavits to be attached to *the specific* consent or *relinquishment*.

1. Any or all of the attesting witnesses to any *relinquishment or specific* consent to adoption may, ~~at the request of the person or persons who executed the consent,~~ make and sign an affidavit before any person authorized to administer oaths in this state, stating such facts as they would be required to testify to in court to prove the due execution of the *relinquishment or specific* consent to adoption. The affidavit must be written on the *relinquishment or specific* consent to adoption, or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the

court in any action or proceeding relating to the validity or due execution of the *relinquishment or specific* consent to adoption as if it had been taken before the court.

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
 } ss.
County of..... }

(Date).....

Then and there personally appeared the within-named and, who, being duly sworn, depose and say: That they witnessed the execution of the within *relinquishment or specific* consent to adoption by (name of person or persons *relinquishing or giving specific* consenting); that ~~she, he or~~ they subscribed the *relinquishment or specific* consent to adoption and declared the same to be a voluntary *relinquishment or specific* consent to adoption in their presence; that at the time the *relinquishment or specific* consent to adoption was executed it contained the names of the person or persons to whom *specific* consent was thereby given to adopt the child *or contained the name of the agency to which the relinquishment was made*; that they thereafter subscribed the same as witnesses in the presence of (name of person or persons *relinquishing or giving specific* consenting) and in the presence of each other and at the request of (name of person or persons consenting *or relinquishing*); that at the time of the execution of the consent to adoption (name of person or persons *relinquishing or giving specific* consenting) acknowledged to them that ~~she, he or~~ they ~~was or~~ were, and ~~she, he or~~ they appeared to them to be, in full possession of ~~her, his or~~ their faculties and not under the influence of any drug or sedative *that could impact their reasoning or judgment* or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at ~~her, his or~~ their request.

.....

.....

Subscribed and sworn to before me
this day of the month of of the year

.....
Notary Public

~~NRS 127.057 Consent to adoption: Copy to be furnished to agency which provides child welfare services within 48 hours; recommendations; confidentiality of information; unlawful acts.~~

~~1.— Any person to whom a consent to adoption executed in this State or executed outside this State for use in this State is delivered shall, within 48 hours after receipt of the executed consent to adoption, furnish a true copy of the consent, together with a report of the permanent address of the person in whose favor the consent was executed to the agency which provides child welfare services.~~

~~—2.— Any person recommending in his or her professional or occupational capacity, the placement of a child for adoption in this State shall immediately notify the agency which provides child welfare services of the impending adoption.~~

~~—3.— Except as otherwise provided in NRS 239.0115, all information received by the agency which provides child welfare services pursuant to the provisions of this section is confidential and must be protected from disclosure in the same manner that information is protected under NRS 432.035.~~

~~—4.— Any person who violates any of the provisions of this section is guilty of a misdemeanor.~~

NRS 127.058 *Specific* Consent to adoption: Person to whom *specific* consent is given has legal custody of child until hearing on petition for adoption.
A person to whom *specific* consent to adopt a child is given for ~~a specific~~ *an* adoption pursuant to NRS 127.053 has, at the time the *specific* consent is executed, legal custody over the child, ~~and~~ is legally responsible for the child, ~~and shall provide for the care, support, and maintenance of the child~~ until a court holds a hearing to enter an order ~~or decree~~ of adoption or to deny the petition pursuant to the laws of this State or another state.

Create new statutes after 127.058 that reads as follows:

NRS 127.059 Surrendering adoptive placement in case of an identified adoption.

- 1. If a prospective adoptive parent or parents determine that an identified adoption cannot or should not proceed, said prospective adoptive parent or parents may withdraw a petition for termination of parental rights or an adoption petition and declare the specific consent void and surrender the adoptive placement.*
- 2. The declaration surrendering adoptive placement shall be in writing, shall be notarized and acknowledged by the surrendering prospective adoptive parent or parents, and shall give notice to all parents of the child, the court of competent jurisdiction if an adoption petition has been filed, and any licensed child-placing agency.*
- 3. If a declaration surrendering adoptive placement is made by the prospective adoptive parent or parents, then the prospective adoptive parent or parents shall:*
 - a. Return the child to the placing parent or parents, if the placing parent or parents wish to accept and regain custody of the child; or*
 - b. If the placing parent or parents decline to accept the child, the placing parent or parents may relinquish the child to a child-placing agency for other placement pursuant to NRS 127.051 and 127.2815.*
- 4. A specific consent to adoption so declared void is without legal effect and the parental rights are restored.*
- 5. An adoptive placement may not be surrendered after an order finalizing the adoption has been entered by any court.*

Surrendering a Relinquishment for Adoption.

- 1. If a court of competent jurisdiction determines that a parent has legal rights to a child making the child ineligible for adoption:*
 - a. The child-placing agency shall immediately declare the placing parent's signed relinquishment for adoption null and void and without legal effect;*
 - b. The child-placing agency shall immediately withdraw the petition for termination of parental rights; and,*
 - c. The child-placing agency shall provide the court with a declaration notarized and acknowledged by the child-placing agency that the relinquishment for adoption has been voided.*

2. *If a relinquishment for adoption is voided, all legal rights, privileges, responsibilities, and obligations to a child shall be restored to the placing parent by operation of law.*

Edit the following statutes:

NRS 127.060 Adoption of two or more children. The same petitioners may, in one petition, petition for the adoption of two or more children, *if the children are siblings* ~~if the children be brothers or sisters or brother and sister.~~

NRS 127.070 Validity of ~~releases—for~~ relinquishments and specific consents to adoption.

1. All ~~releases~~ *relinquishments* ~~for~~ and *specific* consents to adoption executed in this state by the parent who gave birth to a child before the birth of the child or within 72 hours after the birth of the child are invalid.

2. A ~~release~~ *relinquishment* ~~for~~ or *specific* consent to adoption may be executed by a *non-birthing* parent before the birth of a child if the parent is not married to the parent who gave birth to the child.

3. *A minor parent may execute a relinquishment or specific consent to adoption without a requirement for notification to or consent by the minor's parent or parents.*

4. *A relinquishment or specific consent executed by a minor parent cannot be revoked or nullified based upon a minor parent becoming an adult.*

- ~~3~~ 5. A relinquishment or specific consent to adoption ~~this subsection~~ cannot be revoked or nullified by the executing parent. A ~~release~~ *relinquishment* or *specific* consent can become ~~executed under this subsection becomes~~ invalid if:

- ~~(a) The parents of the child marry each other before the child is born;~~

- ~~(ab) All parents of a child do not~~ *The parent who gave birth to the child does not* execute a ~~release~~ *relinquishment* ~~for~~ or *specific* consent to adoption of the child *or have their parental rights terminated by a court of competent jurisdiction within 18 months after the execution of a relinquishment or specific consent to adoption; within 6 months after the birth of the child; or*

- ~~(be)~~ No petition for adoption of ~~the~~ *a* child has been filed *by the person or person named in the specific consent* within ~~2 years~~ *18 months* after ~~the birth of the child~~ *the execution of a relinquishment or specific consent to adoption;*

- (c) The relinquishment or specific consent to adoption is declared void pursuant to NRS 127.059 (NRS 127.059 Surrendering adoptive placement in case of an identified adoption and Surrendering a relinquishment for adoption above) or*

- (d) The specific consent or relinquishment was obtained under fraud, duress, or undue influence and the action to void the relinquishment or specific consent is brought within 30 days of execution.*

~~NRS 127.080 — Consent to specific adoption or relinquishment for adoption cannot be revoked or nullified; exceptions.~~

- ~~1. Except as otherwise provided in NRS 127.070, 127.2815 and 127.282, a written consent to a specific adoption pursuant to this chapter cannot be revoked or nullified.~~
- ~~2. Except as otherwise provided in NRS 127.070, a relinquishment for adoption pursuant to this chapter cannot be revoked or nullified.~~
- ~~3. A minor parent may execute a relinquishment for adoption and cannot revoke it upon coming of age.~~

NRS 127.090 When *relinquishment or specific* consent unnecessary. A *parent's relinquishment or a specific* consent ~~of a parent~~ to an adoption shall not be necessary where parental rights have been terminated by an order of a court of competent jurisdiction, *upon a parent's death, or upon termination of a parent's parental rights through operation of law by birth father registry operated in another state.*

NRS 127.110 When petition may be filed; contents of petition; ~~limitation on entry of adoption order.~~

1. A petition for adoption of a child ~~who currently resides in the home of the petitioners~~ may be filed at any time after ~~the child has lived in the home for 30 days~~ *placement with petitioners.*
2. The petition for adoption must state, in substance, the following:
 - (a) The full name and age of the petitioners.
 - (b) The age of the child sought to be adopted ~~and the period that the child has lived in the home of petitioners before the filing of the petition~~ *and the date the child was placed with the petitioners.*
 - (c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.
 - (d) *If they* ~~Their~~ desire ~~that~~ the name of the child be changed, together with the new name desired.
 - (e) That the petitioners are fit and proper persons to have the care and custody of the child.
 - (f) That they are financially able to provide for the child.
 - (g) That there has been a full compliance with the law in regard to *termination of parental rights, relinquishment or specific* consent to adoption *as to all parents.*
 - (h) That there has been a full compliance with NRS 127.220 to 127.310, *as applicable to the type of adoption sought*, inclusive.
 - (i) Whether the petitioners have reason to know that the child is an Indian child.

(j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

(l) Whether or not an agreement for postadoptive contact has been entered by the parent or parents of a child and the prospective adoptive parent or parents of a child to be adopted.

(m) Whether or not there is an order for visitation of a child by sibling and other relatives.

3. No order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive.

NRS 127.120 Petition *for adoption to be filed in duplicate; post-placement* investigation, report and recommendation; court may order independent investigation; costs.

1. All petitions for adoption of a child must be filed ~~in duplicate~~ with the ~~county clerk of court~~. ~~The county clerk shall send one copy of the petition to the agency which provides child welfare services.~~ 2. ~~The agency which provides child welfare services shall make an investigation and report as provided in this section. If one petitioner or the spouse of a petitioner is related to the child within the third degree of consanguinity, the court may, in its discretion, waive the investigation by the agency which provides child welfare services. A copy of the order waiving the investigation must be sent to the nearest office of the agency which provides child welfare services by the petitioners within 7 days after the order is issued.~~

23. Unless waived, the agency which provides child welfare services or a the designated licensed child-placing agency shall make a post-placement investigation and report as provided in this section.

3. *Unless waived,* the ~~agency which provides child welfare services or a~~ licensed child placing-agency designated to do so by the court shall:

- (a) Verify the allegations of the petition;
- (b) Investigate the condition of the child, including, without limitation, whether the child is an Indian child; and
- (c) Make proper inquiry to determine whether the proposed *adoptive adopting* parents are suitable for the child.

4. In a close-family adoption, the investigation by the agency, home study, post placement investigation, and report requirements shall not be required.

4. The ~~agency which provides child welfare services or the~~ designated child-placing agency shall, before the date on which the child has lived for a period of 6 months in the home of the petitioners or within 30 days after receiving the copy of the petition for adoption, whichever is later, submit to the court a full written report of its findings pursuant to subsection 3, which must contain, without limitation, a specific recommendation for or against approval of the petition and a statement of

whether the child is known to be an Indian child, and shall furnish to the court any other information regarding the child or proposed home which the court requires. The court, on good cause shown, may extend the time, designating a time certain, within which to submit the report.

5. If the court is dissatisfied with the report submitted by ~~the agency which provides child welfare services or~~ the designated child-placing agency, the court may order an independent investigation to be conducted and a report submitted by an agency or person selected by the court. The costs of the investigation and report may be assessed against the petitioner ~~or charged against the county in which the adoption proceeding is pending.~~

NRS 127.123 Notice of filing of petition to be provided to custodians or guardians of child. Notice of the filing of a petition for the adoption of a child must be provided to all legal custodians or guardians of the child who are not a ~~legal~~ parent of the child.

NRS 127.127 Affidavit setting forth fees, donations and expenses required to be filed; waiver. The petitioners shall file with the court, within 15 days after the petition is filed or 5 months after the child *is placed* ~~begins to live~~ in their home, whichever is later, an affidavit executed by them and their attorney setting forth all fees, donations and expenses paid by them in furtherance of the adoption. A copy of the affidavit must be sent to the *designated child-placing* agency ~~which provides child welfare services.~~ If one petitioner or the spouse *or ex-spouse* of a petitioner is related to the child within the third degree of consanguinity, ~~the court may waive the filing of~~ the affidavit *shall not be required.*

NRS 127.130 Confidentiality of reports; petitioner may rebut adverse report. The *post-placement* report of ~~either the agency which provides child welfare services or~~ the licensed child-placing agency designated by the court must not be made a matter of public record, but must be given in writing and in confidence to the district judge before whom the matter is pending. If the recommendation of ~~the agency which provides child welfare services or~~ the designated agency is adverse, the district judge, before denying the petition, shall give the petitioner an opportunity to rebut the findings and recommendation of ~~the report of the agency which provides child welfare services or~~ the designated agency.

NRS 127.140 Confidentiality of hearings, files and records.

1. Except as otherwise provided in NRS 239.0115, all hearings held in proceedings under this chapter are confidential and must be held in closed court, without admittance of any person other than the petitioners, their witnesses, the

director of an agency, or their authorized representatives, attorneys and persons entitled to notice by this chapter, except by order of the court.

2. The files and records of the court in adoption proceedings are not open to inspection by any person except:

(a) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor;

(b) If a ~~natural~~ parent and the child are eligible to receive information from the State Register for Adoptions; or

(c) As provided pursuant to subsections 3 to 6, inclusive.

3. An adoptive parent who intends to file a petition pursuant to NRS 127.1885 or 127.1895 to enforce, modify or terminate an agreement that provides for postadoptive contact may inspect only the portions of the files and records of the court concerning the agreement for postadoptive contact.

4. A ~~natural~~ parent who intends to file a petition pursuant to NRS 127.1885 to prove the existence of or to enforce an agreement that provides for postadoptive contact or to file an action pursuant to NRS 41.509 may inspect only the portions of the files or records of the court concerning the agreement for postadoptive contact.

5. Upon the request of a sibling or adoptive child who wishes to enforce, *modify, or terminate* an order for visitation included in an ~~decree order~~ of adoption pursuant to NRS 127.2827, the court shall provide the case number of the adoption proceeding to the sibling and allow the sibling to inspect only the portions of the files or records of the court concerning the order for visitation.

6. The portions of the files and records which are made available for inspection by an adoptive parent, ~~natural~~ parent or sibling pursuant to subsection 3, 4 or 5 must not include any confidential information, including, without limitation, any information that identifies or would lead to the identification of a ~~natural~~ parent if the identity of the ~~natural~~ parent is not included in the agreement for postadoptive contact or order for visitation, as applicable.

NRS 127.145 Attendance ~~of prospective adoptive parents~~ at hearing by telephone *or video appearance*.

1. The prospective adoptive *parent or* parents, *child to be adopted, representative of the licensed child-placing agency, and counsel for parties* may attend by telephone *or video appearance*, in lieu of attending in person, any hearings held by the court concerning the petition for adoption.

2. *The court may waive the attendance at the hearing of the child to be adopted for good cause.*

~~if:~~

~~—(a) The prospective adoptive parent or parents reside in another state or jurisdiction; or~~
~~—(b) The petition for adoption is filed for the adoption of a child who is in the custody of an agency which provides child welfare services or a child placing agency licensed by the Division pursuant to this chapter;~~
~~—(bc) A representative of the agency responsible for supervising the child in the state where the child will be placed appears at the hearing by telephone.~~
~~—2. The appearance of the prospective adoptive parents and the representative of the agency described in paragraph (c) of subsection 1 must occur at the office of the agency or at the home of the prospective adoptive parents, as determined by the agency.~~
~~—3. If the prospective adoptive parents are attending a hearing by telephone pursuant to subsection 1, the court shall place the telephone call to a telephone number known to be a telephone number of the agency described in paragraph (c) of subsection 1 or of the prospective adoptive parents.~~

NRS 127.150 Order of adoption or return of child; presumption of child's best interest after adoption is granted.

1. If the court finds that the best interests of the child warrant the granting of the petition, an order ~~or decree~~ of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. When determining whether the best interests of the child warrant the granting of a petition that is filed by a *prospective adoptive foster* parent, the court shall give strong consideration to the emotional bond between the child and the *prospective adoptive foster* parent. ~~A copy of the order or decree must be sent to the nearest office of the agency which provides child welfare services by the petitioners within 7 days after the order or decree is issued.~~ In the *decree order* the court may change the name of the child, if desired.

2. Except as otherwise provided in this subsection, an order ~~or decree~~ of adoption may not be made until ~~after the child has lived for 6 months in the home of~~ *6 months after placement of the child with* the petitioners. This subsection does not apply *to close-family adoptions, confirmatory adoptions, or re-adoptions.* ~~if one of the petitioners is the stepparent of the child or is related to the child within the third degree of consanguinity. This subsection only applies to agency adoptions and identified adoptions.~~

~~—3. If the court is not satisfied that the proposed adoption is in the best interests of the child, the court shall deny the petition and may order the child returned to the custody of the person or agency legally vested with custody. The court shall not deny a petition solely because the petitioner:~~

~~—(a) Is deaf, is blind or has another physical disability; or~~
~~—(b) Is the holder of a valid registry identification card.~~

~~—4. After a petition for adoption has been granted, there is a presumption that remaining in the home of the adopting parent is in the child's best interest.~~

~~—5. As used in this section:~~

~~—(a) "Blind" has the meaning ascribed to it in NRS 426.082.~~

~~—(b) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:~~

~~—(1) Exempt from state prosecution for engaging in the medical use of cannabis; or~~

~~—(2) A designated primary caregiver as defined in NRS 678C.040.~~

NRS 127.151 Order of adoption: Required findings; required information when child is Indian child.

1. An order ~~or decree~~ entered pursuant to NRS 127.150 must include:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of NRS 125E.210 to determine whether there is reason to know that the child is an Indian child; and

(b) A finding that the child is or is not an Indian child.

2. In an adoption of an Indian child, the order ~~or decree~~ must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the ~~biological~~ parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under NRS 125E.250;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of NRS 125.220;

(h) If the adoptive placement and the parents entered into a postadoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under NRS 125E.350 or, if the placement does not comply with the placement preferences under NRS 125E.350, a finding upon the petitioner's motion under subsection 3 of NRS 125E.350 that good cause exists for placement contrary to the placement preferences.

3. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

4. Upon entry of the order ~~or decree~~ of adoption of an Indian child, the court shall provide to the United States Bureau of Indian Affairs copies of the order ~~or decree~~ entered pursuant to NRS 127.150, any affidavit signed by a consenting parent requesting anonymity, and all other required information in accordance with 25 C.F.R. § 23.140.

NRS 127.152 Adopting parents to be provided with report which includes medical records and other information concerning child; regulations.

1. Except as otherwise provided in subsection 3, the ~~agency which provides child welfare services or a~~ licensed child-placing agency shall provide the ~~prospective adoptive~~ adopting parents of a child with a report which includes:

(a) A copy of any medical records of the child which are in the possession of the ~~agency which provides child welfare services or~~ licensed child-placing agency.

(b) Any information obtained by the ~~agency which provides child welfare services or~~ licensed child-placing agency` during interviews of the ~~natural~~ parent regarding:

(1) The medical and sociological history of the child and the ~~natural~~ parents of the child; and

(2) Any behavioral, emotional or psychological problems that the child may have. Information regarding any behavioral, emotional or psychological problems that the child may have must be discussed in accordance with policies established by ~~an agency which provides child welfare services and a~~ ~~the~~ child-placing agency pursuant to regulations adopted by the Division for the disclosure of such information.

(c) Written information regarding any subsidies, assistance and other services that may be available to the child if it is determined pursuant to NRS 127.186 that the child has any special needs.

2. The ~~agency which provides child welfare services or~~ child-placing agency shall obtain from the ~~prospective adoptive~~ adopting parents written confirmation that the ~~prospective adoptive~~ adopting parents have received the report required pursuant to subsection 1.

3. The report required pursuant to subsection 1 must exclude any information that would lead to the identification of the ~~natural~~ parent.

4. The Division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the ~~prospective adoptive~~ adopting parents of the child may also obtain the information set forth in subsection 1.

NRS 127.155 Validation of certain orders and decrees. Any order ~~or decree~~ of adoption entered after July 1, 1963, and before July 1, 1965, by a court of competent jurisdiction where there has not been a complete compliance with NRS 127.220 to 127.310, inclusive, is hereby declared valid.

NRS 127.157 Report of adoption, amendment or annulment of adoption to State Registrar.

1. After an order ~~or decree~~ of adoption has been entered, the court shall direct the petitioner or ~~their his or her~~ attorney to prepare a report of adoption on a form prescribed and furnished by the State Registrar of Vital Statistics ~~or the equivalent office in the State in which the birth certificate was issued~~. The report ~~may~~^{must}:

- (a) Identify the original certificate of birth of the person adopted;
- (b) Provide sufficient information to prepare a new certificate of birth for the person adopted;
- (c) Identify the order ~~or decree~~ of adoption; and
- (d) Be certified by the clerk of the court.

~~2. The agency which provides child welfare services shall provide the petitioner or his or her attorney with any factual information which will assist in the preparation of the report required in subsection 1.~~

~~23.~~ If an order ~~or decree~~ of adoption is amended or annulled, the petitioner or ~~their his or her~~ attorney shall prepare a report to the State Registrar of Vital Statistics, which includes sufficient information to identify the original order ~~or decree~~ of adoption and the provisions of that order which were amended or annulled.

~~—4.— The petitioner or his or her attorney shall forward all reports required by the provisions of this section to the State Registrar of Vital Statistics not later than the 10th day of the month next following the month in which the order or decree was entered, or more frequently if requested by the State Registrar, together with any related material the State Registrar may require.~~

NRS 127.160 Rights and duties of adopted child and adoptive parents. Upon the entry of an order of adoption, the child shall become the legal child of the persons adopting the child, and they shall become the child's legal parents with all the rights and duties between them of ~~natural~~ parents and ~~legitimate~~ child. By virtue of such adoption the child shall inherit from ~~their his or her~~ adoptive parents or their relatives the same as though the child were the ~~legitimate~~ child of such parents, and in case of the death of the child intestate the adoptive parents and their relatives shall inherit the child's estate as if they had been the child's ~~natural~~ parents and relatives in fact. After ~~a decree~~ ~~an order~~ of adoption is entered, any parent who has signed a

relinquishment or given *specific* consent to terminate ~~their his or her~~ parental rights is relieved of all parental responsibilities for the adopted child and shall not exercise or have any rights over the adopted child or the property of the adopted child. The child does not owe a parent whose parental rights have been terminated any legal duty and may not inherit from a parent whose parental rights have been terminated or ~~their his or her~~ kindred. Notwithstanding any other provisions to the contrary in this section, the adoption of a child does not in any way change the status of the relationship between the child and any ~~legal~~ parent who is a petitioner and whose parental rights have not been terminated.

NRS 127.165 When action to set aside adoption may be brought; presumption of child's best interest after adoption is granted.

1. A ~~placing prior~~ parent of a child may not bring an action to set aside an adoption after a petition for adoption has been granted, unless a court of competent jurisdiction has previously, in a separate action:

- (a) Set aside the *specific* consent to the adoption;
- (b) Set aside the relinquishment of the child for adoption; or
- (c) Reversed an order terminating the parental rights of the *placing* parent.

2. After a petition for adoption has been granted, there is a presumption for the purposes of this chapter that remaining in the home of the ~~adopting adoptive~~ parents is in the child's best interest.

NRS 127.186 Adoption of child with special needs; financial assistance to adoptive parents under certain circumstances; waiver of court costs of adoptive parents; regulations.

1. The ~~agency which provides child welfare services or a~~ *licensed* child-placing agency ~~licensed by the Division pursuant to this chapter~~ may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical or mental problems who is in the custody of the ~~agency which provides child welfare services or the~~ *licensed child-placing* agency by ~~proposed~~ *prospective* adoptive parents when, in the judgment of the ~~agency which provides child welfare services or the~~ *licensed* child-placing agency, it would be in the best interests of the child to be placed in that adoptive home.

2. The ~~agency which provides child welfare services or~~ *licensed* child-placing agency, ~~whichever has custody of the child,~~ shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child has any special needs:

(1) Notify the ~~proposed~~ *prospective* adoptive parents:

(I) That they may be eligible for a grant of financial assistance pursuant to this section; and

(II) The manner in which to apply for such financial assistance; and

(2) Assist the ~~proposed~~ *prospective* adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available.

~~—3.— The agency which provides child welfare services may grant financial assistance for attorney's fees in the adoption proceeding, for maintenance and for preexisting physical or mental conditions to the adoptive parents of a child with special needs out of money provided for that purpose if the head of the agency which provides child welfare services or his or her designee has reviewed and approved in writing the grant of financial assistance.~~

~~4.— The grant of financial assistance must be limited, both as to amount and duration, by agreement in writing between the agency which provides child welfare services and the adoptive parents. Such an agreement must not become effective before the entry of the order of adoption.~~

~~—5.— Any grant of financial assistance must be reviewed and evaluated at least once annually by the agency which provides child welfare services. The evaluation must be presented for approval to the head of the agency which provides child welfare services or his or her designee. Financial assistance must be discontinued immediately upon written notification to the adoptive parents by the agency which provides child welfare services that continued assistance is denied.~~

3 6. All financial assistance provided under this section ceases immediately when the child:

(a) Reaches 18 years of age, if the child is not enrolled in school, or 19 years of age, if the child is enrolled in school;

(b) Graduates from high school, if the child is at least 18 years of age;

(c) Becomes self-supporting;

(d) Is emancipated; or

(e) Dies.

4 7. Neither a grant of financial assistance pursuant to this section nor any discontinuance of such assistance affects the legal status or respective obligations of any party to the adoption.

5 8. A court shall waive all court costs of the proposed adoptive parents in an adoption proceeding for a child with special needs if ~~the agency which provides child welfare services or~~ *licensed* child-placing agency consents to the adoption of such a child pursuant to this section.

6 9. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations regarding eligibility for and the procedures for applying for a grant of financial assistance pursuant to this section.

NRS 127.1861 Petition to vacate order ~~or decree~~ of adoption of Indian child.

1. A petition to vacate an order ~~or decree~~ of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the order ~~or decree~~ of adoption if:

(a) The petition is filed not later than 2 years following the date of the order ~~or decree~~; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates an order ~~or decree~~ of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

NRS 127.1863 Provision of notice upon order ~~or decree~~ of adoption of Indian child being vacated; waiver of notice; revocation of waiver; intervention by and return of child to former parent or prior Indian custodian; transition plan.

1. If an order ~~or decree~~ of adoption of an Indian child under this chapter is vacated, the court vacating the order ~~or decree~~ must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate child-placing agency ~~which provides child welfare services~~.

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of an order ~~or decree~~ of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If an order ~~or decree~~ of adoption of an Indian child under this chapter is vacated other than as provided in NRS 125E.360, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent

or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of NRS 125E.220 to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

(c) The child's parents;

(d) The child's Indian custodian, if applicable; and

(e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

→The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the child's best interests, as described in NRS 125E.230. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the ~~legal~~ parent of an Indian child subject to an order ~~or decree~~ of adoption under this chapter and whose parental rights have not been restored under NRS 127.1861.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to an order ~~or decree~~ of adoption of the child under this chapter.

(NRS 127.1867 AND NRS 127.1869 WILL BE PART OF NRS 127A)

~~NRS 127.1867—ICWA compliance reports; adoption of regulations by Division; assistance and trainings by Court Administrator.~~

~~—1.—In a proceeding for the adoption of a minor child, within 90 days after service of a petition upon the appropriate agency which provides child welfare services as required pursuant to NRS 127.115, the agency shall file with the court an ICWA compliance report, which must reflect the agency's review of the petition and advise the court on whether the documentation submitted by the petitioner is sufficient and complete for the court to make the findings required pursuant to subsection 2. Nothing in this section requires the agency to make a determination of law regarding the documentation provided by the petitioner.~~

~~—2.—Upon receiving an ICWA compliance report, the court shall order the matter to proceed if the court finds that the petitioner satisfied the inquiry requirements under subsection 1 of NRS 125E.210 and, if applicable, the notice requirements under subsection 2 of NRS 125E.220. If the court finds that:~~

~~—(a) Subject to the procedures under subsection 3 of NRS 125E.210, the child is an Indian child, the court's order under this subsection must include a finding regarding whether the proposed adoptive placement complies with the preferences under NRS 125E.350. If the court finds that the proposed adoptive placement does not comply with such preferences or that the documentation provided by the petitioner is insufficient for the court to make a finding, the court shall direct the petitioner to amend the petition to cure the deficiency or file a motion under subsection 3 of NRS 125E.350, for authority to make the placement contrary to the placement preferences under NRS 125E.350.~~

~~—(b) The petitioner failed to satisfy the inquiry requirements under subsection 1 of NRS 125E.210 or, if applicable, the notice requirements under subsection 2 of NRS 125E.220, or if the documentation supplied by the petitioner is insufficient for the court to make those findings, the court shall direct the petitioner to cure the inquiry or notice deficiency and file an amended petition. If the court directs the petitioner to file an amended petition pursuant to this subsection or a motion and the petitioner fails to do so within a reasonable amount of time, the court shall order the petitioner to appear and show cause why the court should not dismiss the petition.~~

~~—3.—The Division shall adopt regulations providing a nonexhaustive description of the documentation that petitioners or moving parties in proceedings under this chapter may submit to the court to document compliance with the inquiry~~

~~requirements under subsection 1 of NRS 125E.210 and notice requirements under subsection 2 of NRS 125E.220 and the placement preferences under NRS 125E.350, including, without limitation:~~

~~—(a) Descriptions of the consultations the petitioner or moving party made with the persons described in subsection 1 of NRS 125E.210 and subsection 3 of NRS 125E.220 and the responses the petitioner or moving party obtained;~~

~~—(b) Descriptions of any oral responses and copies of any written responses the petitioner or moving party obtained from the persons described in subsection 1 of NRS 125E.210 and subsection 3 of NRS 125E.220;~~

~~—(c) Copies of any identification cards or other records indicating the membership of the child or the child's parent in an Indian tribe;~~

~~—(d) Copies of any tribal court records regarding the Indian child;~~

~~—(e) Any reports, declarations or testimony on the record documenting the due diligence of the petitioner or moving party to identify and work with all of the tribes of which the petitioner or moving party has reason to know that the child may be a member or in which the child may be eligible for membership; and~~

~~—(f) The declaration of compliance regarding the notices the petitioner sent, as described in NRS 127.115.~~

~~—4. The Division shall adopt any other regulations for the preparation of ICWA compliance reports that are necessary for agencies which provide child welfare services to carry out their duties under this chapter.~~

~~—5. The Court Administrator may prepare and make available to the public forms and information to assist petitioners to comply with the requirements under this section and NRS 125E.210, 125E.220, 125E.350 and 127.115 and any related rules or regulations, including, without limitation:~~

~~—(a) Forms of petitions required under NRS 127.115, motions to request a deviation from the placement preferences under subsection 3 of NRS 125E.350 and notices required under subsection 3 of NRS 125E.220; and~~

~~—(b) Worksheets and checklists to assist petitioners with the inquiry required under subsection 1 of NRS 125E.210 and the notices required under subsection 2 of NRS 125E.220, and assessing whether proposed adoptive placements satisfy the preferences under NRS 125E.350.~~

~~—6.— The Court Administrator may design and offer trainings to courts having jurisdiction over adoption matters regarding the application of NRS 125E.010 to 125E.370, inclusive, and NRS 127.041, 127.115, 127.151 and 127.1861 to 127.1869, inclusive, to adoptions of minor children, including, without limitation, identifying when there is reason to know that the child is an Indian child and making findings regarding the sufficiency of inquiry and notice and the appropriateness of adoptive placements.~~

~~—7.— As used in this section, “ICWA compliance report” means a written report prepared by an agency which provides child welfare services concerning compliance with the Indian Child Welfare Act.~~

~~NRS 127.1869— Tribal customary adoptions; adoption of regulations by Division.~~

~~—1.— If the court determines that tribal customary adoption is in the best interests, as described in NRS 125E.230, of a ward who is an Indian child and the Indian child’s tribe consents to the tribal customary adoption:~~

~~—(a) The appropriate agency which provides child welfare services shall provide the Indian child’s tribe and proposed tribal customary adoptive parents with a written report on the Indian child, including, without limitation, to the extent not otherwise prohibited by state or federal law, the medical background, if known, of the Indian child’s parents, and the Indian child’s educational information, developmental history and medical background, including all known diagnostic information, current medical reports and any psychological evaluations.~~

~~—(b) The court shall accept a tribal customary adoptive home study conducted by the Indian child’s tribe if the home study:~~

~~———(1) Includes federal criminal background checks, including reports of child abuse, that meet the standards applicable under the laws of this State for all other proposed adoptive placements;~~

~~———(2) Uses the prevailing social and cultural standards of the Indian child’s tribe as the standards for evaluation of the proposed adoptive placement;~~

~~———(3) Includes an evaluation of the background, safety and health information of the proposed adoptive placement, including the biological, psychological and social factors of the proposed adoptive placement and~~

~~assessment of the commitment, capability and suitability of the proposed adoptive placement to meet the Indian child's needs; and~~

~~——— (4) Except where the proposed adoptive placement is the Indian child's current foster care placement, is completed before the placement of the Indian child in the proposed adoptive placement.~~

~~—— (c) Notwithstanding subsection 2, the court may not accept the tribe's order or judgment of tribal customary adoption if any adult living in the proposed adoptive placement has a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or a crime involving violence. The Division shall, by regulation, define "crime involving violence" for the purposes of this paragraph. The definition must include rape, sexual assault and homicide, but must not include other physical assault or battery.~~

~~—— 2. The court shall accept an order or judgment for tribal customary adoption that is filed by the Indian child's tribe if:~~

~~—— (a) The court determines that tribal customary adoption is an appropriate permanent placement option for the Indian child;~~

~~—— (b) The court finds that the tribal customary adoption is in the Indian child's best interests, as described in NRS 125E.230; and~~

~~—— (c) The order or judgment:~~

~~——— (1) Includes a description of the modification of the legal relationship of the Indian child's parents or Indian custodian and the Indian child, including any contact between the Indian child and the Indian child's parents or Indian custodian, responsibilities of the Indian child's parents or Indian custodian and the rights of inheritance of the parents and Indian child;~~

~~——— (2) Includes a description of the Indian child's legal relationship with the tribe; and~~

~~——— (3) Does not include any child support obligation from the Indian child's parents or Indian custodian.~~

~~→ The court shall afford full faith and credit to a tribal customary adoption order or judgment that is accepted under this subsection.~~

~~—3.— A tribal customary adoptive parent is not required to file a petition for adoption when the court accepts a tribal customary adoption order or judgment under subsection 2. The clerk of the court may not charge or collect a fee for a proceeding under this subsection.~~

~~—4.— After accepting a tribal customary adoption order or judgment under subsection 2, the court that accepted the order or judgment shall proceed as provided in NRS 127.150 and enter an order or decree of adoption. In addition to the requirements under NRS 127.151, the order or decree of adoption must include a statement that any parental rights or obligations not specified in the order or decree are transferred to the tribal customary adoptive parents and a description of any parental rights or duties retained by the Indian child's parents, the rights of inheritance of the parents and Indian child and the Indian child's legal relationship with the child's tribe.~~

~~—5.— A tribal customary adoption under this section does not require the consent of the Indian child or the child's parents.~~

~~—6.— Upon the court's entry of an order or decree of adoption under this section, the court's jurisdiction over the Indian child terminates.~~

~~—7.— Any parental rights or obligations not specifically retained by the Indian child's parents in the order or decree of adoption are conclusively presumed to transfer to the tribal customary adoptive parents.~~

~~—8.— This section remains operative only to the extent that compliance with the provisions of this section do not conflict with federal law as a condition of receiving funding under Title IV-E of the Social Security Act, 42 U.S.C. §§ 601 et seq.~~

~~—9.— The Division shall adopt regulations requiring that any report regarding a ward who is an Indian child that an agency which provides child welfare services submits to the court, including any home studies, placement reports or other reports required by law must address tribal customary adoption as a permanency option. The Supreme Court may adopt rules necessary for the court processes to implement the provisions of this section, and the Court Administrator may prepare necessary forms for the implementation of this section.~~

~~—10.— As used in this section, "tribal customary adoption" means the adoption of an Indian child, by and through the tribal custom, traditions or law of the child's tribe, and which may be effected without the termination of parental rights.~~

AGREEMENTS FOR POSTADOPTIVE CONTACT

NRS 127.187 Requirements; court to retain jurisdiction; no effect on rights of adoptive parent as legal parent.

1. The ~~natural~~ parent or parents and the prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for postadoptive contact between:

- (a) The child and ~~their~~ ~~his or her~~ ~~natural~~ parent or parents;
- (b) The adoptive parent or parents and the ~~natural~~ parent or parents; or
- (c) Any combination thereof.

2. An agreement that provides for postadoptive contact is enforceable if:

- (a) The agreement is in writing and signed by the parties;
- (b) The agreement is incorporated into an order ~~or decree~~ of adoption; and
- (c) The agreement is signed by a parent or parents prior to the termination or voluntary relinquishment of their parental rights or before they have executed a relinquishment or specific consent to adoption; and*

~~(e) In the case of an agreement that concerns a child who was in the custody of an agency which provides child welfare services before being adopted:~~

~~——— (1) The agency which provides child welfare services has determined that the agreement is in the best interest of the child; or~~

~~——— (2) The court has determined, after a hearing, that the agreement is in the best interest of the child.~~

3. The identity of a ~~natural~~ parent is not required to be included in an agreement that provides for postadoptive contact. If such information is withheld, an agent who may receive service of process for the ~~natural~~ parent must be provided in the agreement.

4. A ~~natural~~ parent or adoptive parent who enters into an agreement that provides for postadoptive contact shall include in the agreement an address at which the ~~natural~~ parent or adoptive parent may receive service of a petition filed pursuant to NRS 127.1885. *The parent or adoptive parent may elect to receive service by alternative means through email rather than by certified or registered mail by expressly stating so in the agreement.* If a ~~natural~~ parent or adoptive parent refuses or fails to include such an address in an agreement that provides for postadoptive contact, the court may, on the date on which the court enters an order ~~or decree~~ of adoption which incorporates the agreement, order the *licensed child-placing* agency ~~which provides child welfare services~~ to provide the court with the contact information of the ~~natural~~ parent or adoptive parent who refused or failed to include ~~their~~ ~~his or her~~ address. If a court so orders, the court shall:

- (a) Append the address to the agreement for postadoptive contact; and

(b) Make the address available to any party to the agreement who wishes to file a petition pursuant to NRS 127.1885.

5. If a ~~natural~~ parent or adoptive parent changes ~~their~~ ~~his or her~~ mailing address or email address that was included in an agreement that provides for postadoptive contact pursuant to subsection 4, the parent shall file with the clerk of the court notice of the change of address within 15 days after the change of address.

6. A court that enters an order ~~or decree~~ of adoption which incorporates an agreement that provides for postadoptive contact shall retain jurisdiction to enforce, modify or terminate the agreement that provides for postadoptive contact until:

- (a) The child reaches 18 years of age;
- (b) The child becomes emancipated; or
- (c) The agreement is terminated.

7. The establishment of an agreement that provides for postadoptive contact does not affect the rights of an adoptive parent as the legal parent of the child as set forth in NRS 127.160.

NRS 127.1875 Notice of agreement to court.

1. Each prospective adoptive parent of a child to be adopted who enters into an agreement that provides for postadoptive contact pursuant to NRS 127.187 shall notify the court responsible for entering the order ~~or decree~~ of adoption of the child of the existence of the agreement as soon as practicable after the agreement is established, but not later than the time at which the court enters the order ~~or decree~~ of adoption of the child.

2. Each:

(a) Director or other authorized representative of ~~the agency which provides child welfare services or~~ the licensed child-placing agency involved in the adoption proceedings concerning the child; and

(b) Attorney representing a prospective adoptive parent, the child, ~~the agency which provides child welfare services or~~ the licensed child-placing agency in the adoption proceedings concerning the child,

→ shall, as soon as practicable after obtaining actual knowledge that the prospective adoptive parent or parents of the child and the ~~natural~~ parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187, notify the court responsible for entering the order ~~or decree~~ of adoption of the child of the existence of the agreement.

NRS 127.188 Inquiry by court before entering order ~~or decree~~ of adoption; incorporation of agreement into such order ~~or decree~~.

1. Before a court may enter an order of adoption of a child, the court must address ~~in person~~:

(a) Except as otherwise provided in subsection 2, each prospective adoptive parent of the child to be adopted;

(b) Each director or other authorized representative of ~~the agency which provides child welfare services or~~ the licensed child-placing agency involved in the adoption proceedings concerning the child; and

(c) Each attorney representing a prospective adoptive parent, the child, ~~the agency which provides child welfare services~~ or the licensed child-placing agency in the adoption proceedings concerning the child, and inquire whether the person has actual knowledge that the prospective adoptive parent or parents of the child and ~~natural~~ parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187.

2. The court may for purposes of subsection 1 address a prospective adoptive parent described in NRS 127.145 by telephone *or video conference*.

3. If the court determines that the prospective adoptive parent or parents and the ~~natural~~ parent or parents have entered into an agreement that provides for postadoptive contact, the court shall:

(a) Order the prospective adoptive parent or parents to provide a copy of the agreement to the court; and

(b) Incorporate the agreement into the order ~~or decree~~ of adoption.

NRS 127.1885 Petitions to court by ~~legal~~ parents and adoptive parents: Requirements.

1. A ~~natural~~ parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 may, for good cause shown:

(a) Petition the court that entered the order ~~or decree~~ of adoption of the child to prove the existence of the agreement that provides for postadoptive contact and to request that the agreement be incorporated into the order ~~or decree~~ of adoption; and

(b) During the period set forth in subsection 2 of NRS 127.189, petition the court that entered the order ~~or decree~~ of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of NRS 127.187.

2. An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187 may:

(a) During the period set forth in subsection 2 of NRS 127.189, petition the court that entered the order ~~or decree~~ of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of NRS 127.187; and

(b) Petition the court that entered the order ~~or decree~~ of adoption of the child to modify or terminate the agreement that provides for postadoptive contact in the manner set forth in NRS 127.1895.

3. A petition filed pursuant to this section must be:

(a) Filed under the same case number as the proceeding for adoption;

(b) Served by the ~~natural~~ parent or adoptive parent who filed the petition using *certified or* registered mail *with return receipt requested, or if elected by any of the parties to the postadoptive contact agreement to receive service by alternate means through email*, upon each other ~~natural~~ parent or adoptive parent, as applicable, who has entered into the agreement that provides for postadoptive contact at the address provided pursuant to subsection 4 or 5 of NRS 127.187; and

(c) Heard by:

(1) If he or she is available, the judge who issued the order ~~or decree~~ of adoption of the child;

(2) If the judge described in subparagraph (1) is unavailable and if a family court has been established in the judicial district, a judge of the family court; or

(3) If the judge described in subparagraph (1) is unavailable and if a family court has not been established in the judicial district, any district judge of the judicial district.

NRS 127.189 Failure to comply; action to enforce terms.

1. Failure to comply with the terms of an agreement that provides for postadoptive contact entered into pursuant to NRS 127.187 may not be used as a ground to:

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

(b) Revoke, nullify or set aside a valid ~~release~~ *relinquishment* for or *specific* consent to an adoption ~~or a relinquishment for adoption~~; or

(c) Except as otherwise provided in NRS 41.509, award any civil damages to a party to the agreement.

2. Any action to enforce the terms of an agreement that provides for postadoptive contact must be commenced not later than 120 days after the date on which the agreement was breached.

NRS 127.1895 Modification or termination: Conditions; presumptions and considerations; scope.

1. An agreement that provides for postadoptive contact entered into pursuant to NRS 127.187 may only be modified or terminated by an adoptive parent

petitioning the court that entered the order ~~or decree~~ which included the agreement. The court may grant a request to modify or terminate the agreement only if:

(a) The adoptive parent petitioning the court for the modification or termination establishes that:

(1) A change in circumstances warrants the modification or termination; and

(2) The contact provided for in the agreement is no longer in the best interests of the child; or

(b) Each party to the agreement consents to the modification or termination.

2. If an adoptive parent petitions the court for a modification or termination of an agreement pursuant to this section:

(a) There is a presumption that the modification or termination is in the best interests of the child; and

(b) The court may consider the wishes of the child involved in the agreement.

3. Any order issued pursuant to this section to modify an agreement that provides postadoptive contact:

(a) May limit, restrict, condition or decrease contact between the parties involved in the agreement; and

(b) May not expand or increase the contact between the parties involved in the agreement or place any new obligation on an adoptive parent.

ADOPTION OF ADULTS

NRS 127.190 Adoption of adults: Ages; agreement of adoption.

1. Notwithstanding any other provision of law, any adult person may adopt any other adult person *10 years* younger than *the potential adopting person* ~~himself or herself~~, except the spouse of the adopting person, by an agreement of adoption approved by *an order* ~~a decree~~ of adoption of the district court in the county in which either the person adopting or the person adopted resides.

2. The agreement of adoption shall be in writing and shall be executed by the person adopting and the person to be adopted, and shall set forth that the parties agree to assume toward each other the legal relation of parent and child, and to have all of the rights and be subject to all of the duties and responsibilities of that relation.

3. Notwithstanding any other provision of law, the petitioner being adopted may change their name as part of the adoption petition, if so desired.

NRS 127.200 Adoption of adults: ~~Consent~~ Agreement required.

1. A married person not lawfully separated from *their his-or-her* spouse may not adopt an adult person without the *agreement ~~consent~~* of the spouse of the adopting person, if such spouse is capable of giving such *agreement ~~consent~~*.

2. A married person not lawfully separated from *their his-or-her* spouse may not be adopted without the *agreement ~~consent~~* of the spouse of the person to be adopted, if such spouse is capable of giving such *agreement ~~consent~~*.

3. Neither the *agreement ~~consent~~* of the ~~natural~~ parent or parents of the person to be adopted, nor of the Division, nor of any other person is required.

NRS 127.210 Petition for approval of agreement of adoption; notice, investigation and hearing; ~~decree~~ order of adoption.

1. The adopting person *or and* the person to be adopted may file in the district court in the county in which either resides a petition praying for approval of the agreement of adoption by the issuance of ~~a-decree~~ *an order* of adoption.

2. *A person adopting and the person being adopted must both be adults.*

3. *The person being adopted must sign an agreement to the adoption.*

4. *The person adopting the adult must sign an agreement to the adoption.*

5. *The petition for adoption must state, in substance, the following:*

(a) *The full names of the petitioners and ages of the petitioners.*

(b) *That it is the desire of the petitioners that the relationship of parent and child be established between themselves.*

(c) *Whether the petitioner being adopted desires a name change, together with the new name desired, and if the petitioner being adopted desires an amended birth certificate.*

(d) *If the petitioner being adopted desires to add the person adopting them as an additional parent or replace a specific parent on the birth certificate of the person being adopted.*

(e) *That there has been a full compliance with the law.*

6. *If requested by the adopting person and the person to be adopted, the court may, in its discretion, waive the hearing on the petition.*

7. *If requested, the Court may order a name change to the person to be adopted.*

8. *Unless waived, ~~T~~the court shall fix a time and place for hearing on the petition, and both the person adopting and the person to be adopted shall appear at the hearing in person or by video conference, but if such appearance is impossible or impractical, appearance may be made for either or both of such persons by counsel empowered in writing to make such appearance.*

~~93.~~ The court may require notice of the time and place of the hearing to be served on other interested persons, and any such interested person may appear and object to the proposed adoption.

~~4. No investigation or report to the court by any public officer is required, but the court may require the Division to investigate the circumstances and report thereon, with recommendations, to the court before the hearing.~~

~~105.~~ At the hearing the court shall examine the parties, or the counsel of any party not present in person *or video appearance*. If the court is satisfied that the adoption will be for the best interests of the parties ~~and in the public interest~~, and that there is no reason why the petition should not be granted, the court shall approve the agreement of adoption, and enter ~~a decree~~ *an order* of adoption declaring that the person adopted is the child of the person adopting him or her *and if requested order a name change*. Otherwise, the court shall withhold approval of the agreement and deny the prayer of the petition.

PLACEMENT OF CHILDREN FOR ADOPTION AND PERMANENT FREE CARE

NRS 127.230 Standards for and regulation of child-placing agencies; regulation of agencies which provide child welfare services; regulation of adoption or placement of children.

1. The Division shall:

(a) Establish reasonable minimum standards for child-placing agencies.

(b) In consultation with each agency which provides child welfare services, adopt:

(1) Regulations concerning the operation of an agency which provides child welfare services and child-placing agencies.

(2) Regulations establishing the procedure to be used by an agency which provides child welfare services and a child-placing agency in placing children for adoption, which must allow the ~~natural~~ parent or parents and the prospective adoptive parent or parents to determine, by mutual *agreement* ~~consent~~, the amount of identifying information that will be communicated concerning each of them.

(3) Any other regulations necessary to carry out its powers and duties regarding the adoption of children or the placement of children for adoption or permanent free care, including, without limitation, such regulations necessary to ensure compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

2. Each agency which provides child welfare services and child-placing agency shall conform to the standards established and the regulations adopted pursuant to subsection 1.

NRS 127.280 Requirements for placement of child in home of prospective adoptive parents ~~for trial period~~; verification of intent of natural parents.

1. A child may not be placed in the home of prospective adoptive parents ~~for the 30-day residence in that home which is required before the filing of a petition for adoption~~, except where a child and one of the prospective adoptive parents are related within the third degree of consanguinity, unless:

(a) The ~~agency which provides child welfare services or a~~ child-placing agency first receives written notice of the proposed placement from:

- (1) The prospective adoptive parents of the child;
- (2) The person recommending the placement; or
- (3) A natural parent;

(b) The investigation required by the provisions of [NRS 127.2805](#) has been completed; and

(c) In the case of ~~a specific~~ *an identified* adoption, the natural parent placing the child for adoption has had an opportunity to review ~~the report on the investigation of the home, if possible~~ *a redacted home study of the prospective adoptive parent or parents.*

2. Upon receipt of written notice from any person other than the natural parent, the ~~agency which provides child welfare services or~~ child-placing agency shall communicate with the natural parent to confirm the legal parent's intention to place the child for adoption with the prospective adoptive parents identified in the written notice.

NRS 127.2805 Investigation *Home study* of prospective adoptive parents.

1. The ~~agency which provides child welfare services or a~~ child-placing agency shall, within 60 days after receipt of confirmation of the natural parents' intent to place the child for adoption and a completed application for adoption from the prospective adoptive *parent or* parents, complete *a home study* ~~an investigation of investigating~~ the medical, mental, financial and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption. The investigation must also embrace any other relevant factor relating to the qualifications of the prospective adoptive parents and may be a substitute for the investigation required to be conducted by the *licensed child-placing* agency ~~which provides child welfare services~~ on behalf of the court when a petition for adoption is pending, if the petition for adoption is filed within 6 months after the completion of the investigation required by this subsection. ~~If a child-placing agency undertakes the investigation, it shall provide progress reports to the agency which provides child welfare services in such a format and at such times as~~

~~the agency which provides child welfare services requires to ensure that the investigation will be completed within the 60-day period. If, at any time, the agency which provides child welfare services determines that it is unlikely that the investigation will be completed in a timely manner, the agency which provides child welfare services shall take over the investigation and complete it within the 60-day period or as soon thereafter as practicable.~~

2. If the placement is to be made in a home outside of this state, the ~~agency which provides child welfare services or~~ child-placing agency must receive a copy of a report, completed by the appropriate authority, of an investigation of the home and the medical, mental, financial and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption, unless the child and one of the prospective adoptive parents are related within the third degree of consanguinity.

NRS 127.281 Search for criminal record of prospective adoptive parent.

1. A prospective adoptive parent who is subject to an investigation by the ~~agency which provides child welfare services or a~~ child-placing agency must submit as part of the investigation a complete set of ~~his or her~~ *their* fingerprints and written permission authorizing the ~~agency which provides child welfare services or~~ child-placing agency to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation.

2. The ~~agency which provides child welfare services or~~ child-placing agency may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

3. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the ~~agency which provides child welfare services or~~ child-placing agency that submitted the fingerprints.

4. Any fees for fingerprinting and submission to the Central Repository and the Federal Bureau of Investigation must be paid by the prospective adoptive parent.;
~~except that:~~

~~—(a) In a county whose population is less than 100,000, the Division may adopt regulations providing for the payment of those fees by the Division; or~~

~~—(b) In a county whose population is 100,000 or more, the board of county commissioners may provide by ordinance for the payment of those fees by the agency which provides child welfare services.~~

NRS 127.2815 Placement of child during investigation; notice and placement of child upon completion of investigation.

1. Pending completion of the required investigation, the child must be:
 - (a) Retained by the ~~natural~~ parent; or
 - (b) Placed by the ~~natural~~ parent with the ~~agency which provides child welfare services or~~ child-placing agency and placed by the ~~agency which provides child welfare services or~~ child-placing agency in a foster home licensed pursuant to NRS 424.030,

→ until a determination is made concerning the suitability of the prospective adoptive parents.

2. Upon completion of the investigation, the ~~agency which provides child welfare services or~~ child-placing agency shall forthwith inform the ~~natural~~ parent, the person recommending the placement and the prospective adoptive parents of the decision to approve or deny the placement. If the prospective adoptive home is found:

- (a) Suitable, the ~~natural~~ parent may execute a *specific* consent to ~~a specific~~ adoption pursuant to NRS 127.053, if not previously executed, and then the child may be placed in the home of the prospective adoptive parents for the purposes of adoption.

- (b) Unsuitable or detrimental to the interest of the child, the ~~agency which provides child welfare services or~~ child-placing agency shall file an application in the district court for an order prohibiting the placement. If the court determines that the placement should be prohibited, the court may nullify the written *specific* consent to ~~a specific~~ adoption and order the return of the child to the care and control of the parent who executed the *specific* consent, but if the parental rights of the parent have been terminated by a relinquishment or a final order of a court of competent jurisdiction or if the parent does not wish to accept the child, then the court may order the placement of the child with the ~~agency which provides child welfare services or a~~ child-placing agency for adoption.

NRS 127.2817 Criteria for determination of suitability of prospective adoptive home; opportunity for prospective adoptive parents to review and respond to unfavorable investigation.

1. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations setting forth the criteria to be used by ~~an agency which provides child welfare services or~~ a child-placing agency for determining whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption.

2. Upon the completion of an investigation conducted by ~~an agency which provides child welfare services or~~ a child-placing agency pursuant to NRS 127.120 or 127.2805, the ~~agency which provides child welfare services or~~ child-placing agency shall inform the prospective adoptive parent or parents of the results of the investigation. If, pursuant to the investigation, a determination is made that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child, the ~~agency which provides child welfare services or~~ child-placing agency shall provide the prospective adoptive parent or parents with an opportunity to review and respond to the investigation with the ~~agency which provides child welfare services or~~ child-placing agency before the issuance of the results of the investigation. Except as otherwise provided in NRS 239.0115, the identity of those persons who are interviewed or submit information concerning the investigation must remain confidential.

3. ~~An agency which provides child welfare services or a~~ A child placing agency shall not determine that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child solely because the prospective adoptive parent or parents:

- (a) Are deaf, are blind or have another physical disability; or
- (b) Are the holders of a valid registry identification card.

4. As used in this section:

- (a) “Blind” has the meaning ascribed to it in NRS 426.082.
- (b) “Holder of a valid registry identification card” means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:

- (1) Exempt from state prosecution for engaging in the medical use of cannabis; or
- (2) A designated primary caregiver as defined in NRS 678C.040.

~~NRS 127.282—Petition for order to restrain and enjoin violation or threatened violation of chapter; investigation of unreported adoption or permanent free care of unrelated child.~~

~~—1. Whenever the agency which provides child welfare services believes that anyone has violated or is about to violate any of the provisions of this chapter, in addition to any other penalty or remedy provided:~~

~~—(a) The agency which provides child welfare services may petition the appropriate district court for an order to restrain and enjoin the violation or threatened violation of any of the provisions of this chapter, or to compel compliance with the provisions of this chapter; and~~

~~—(b) The court shall, if a child has been or was about to be placed in a prospective adoptive home in violation of the provisions of this chapter:~~

~~———(1) Prohibit the placement if the child was about to be so placed, or order the removal of the child if the child was so placed within 6 months before the filing of the petition by the agency which provides child welfare services and proceed pursuant to paragraph (b) of subsection 2 of NRS 127.2815; or~~

~~———(2) Proceed pursuant to paragraph (b) of subsection 2 of NRS 127.2815 in all other cases if the court determines that it is in the best interest of the child that the child should be removed.~~

~~—2. Whenever the agency which provides child welfare services believes that a person has received for the purposes of adoption or permanent free care a child not related by blood, and the required written notice has not been given, if the agency which provides child welfare services does not proceed pursuant to subsection 1, it shall make an investigation. Upon completion of the investigation, if the home is found suitable for the child, the prospective adoptive parents must be allowed 6 months from the date of completion of the investigation to file a petition for adoption. If a petition for adoption is not filed within that time a license as a foster home must thereafter be issued pursuant to NRS 424.030 if the home meets established standards. If, in the opinion of the agency which provides child welfare services, the placement is detrimental to the interest of the child, the agency which provides child welfare services shall file an application with the district court for an order for the removal of the child from the home. If the court determines that the child should be removed, the court shall proceed pursuant to paragraph (b) of subsection 2 of NRS 127.2815.~~

NRS 127.2825 Child-placing agency required to give preference to placement of child with siblings of child. A child-placing agency shall, to the extent practicable, give preference to the placement of a child for adoption or permanent free care together with ~~his or her~~ *their* siblings.

NRS 127.2827 Orders for visitation with sibling of child in custody of *child welfare* agency ~~which provides child welfare services~~: Previous orders of such visitation to be provided to court during adoption proceedings; court required to incorporate order for visitation into ~~decree~~ *order* of adoption; exceptions; hearing required; participation of interested parties; notice; best interest of child sole consideration; enforcement.

1. If a child who is in the custody of a *child welfare* ~~an~~ agency ~~which provides child welfare services~~ is placed for adoption, the agency must provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580 ~~and the court must conduct a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption.~~

2. The court shall incorporate an order for visitation provided to the court pursuant to subsection 1 into the *decree order* of adoption unless, not later than 30 days after notice of the filing of the petition for adoption is provided to all legal custodians or guardians of the child who are required to be provided with such notice pursuant to NRS 127.123, any interested party in the adoption, including, without limitation, the *prospective* adoptive parent, the adoptive child, a sibling of the adoptive child, the *child welfare* agency ~~which provides child welfare services~~ or a licensed child-placing agency petitions the court to exclude the order of visitation with a sibling from the *decree order* of adoption or amend the order for visitation before including the order in the *decree order* of adoption.

3. The hearing on a petition submitted pursuant to subsection 2 must be held on *the same* ~~a different~~ date as ~~than~~ the hearing on the petition for adoption. Any interested party is entitled to participate in the hearing. The clerk of the court shall give written notice of the time and place of the hearing to the *prospective* adoptive parent, the adoptive child, a sibling of the adoptive child, the attorney for the adoptive child or a sibling of the adoptive child, the *child welfare* agency ~~which provides child welfare services~~ and a licensed child-placing agency. Upon the petition of a sibling requesting the inclusion of an order for visitation in the *decree order* of adoption, the court may require the *child welfare* agency ~~which provides child welfare services~~ or the child-placing agency to provide the clerk of the court with the contact information of the *prospective* adoptive parent, the adoptive child and the attorney for the adoptive child. If so ordered, the *child welfare* agency ~~which provides child welfare services~~ or the child-placing agency must provide such contact information under seal.

4. The sole consideration of the court in making a determination concerning visitation with a sibling pursuant to this section is the best interest of the child. If a petition is submitted pursuant to subsection 2, the court must not enter ~~a decree an~~ *order* of adoption until the court has made a determination concerning visitation with a sibling.

5. If an order for visitation with a sibling is included in ~~a decree an~~ *order* of adoption, the court shall, upon the request of a party to the order, provide to the party the case number of the adoption proceeding and any documents or records necessary to enforce, *modify, or terminate* the order.

6. A party to an order for visitation may petition for enforcement, *modification, or termination* of the order at any time while the order is in effect. A person who fails to comply with the order is in contempt of court. If a party to an order for visitation withholds the contact information of any person in violation of the order, the court may order the *child welfare* agency ~~which provides child welfare services~~ or a licensed child-placing agency to provide such contact information to the court under seal.

~~NRS 127.283 — Publication or broadcast of information concerning child.~~

~~— 1. An agency which provides child welfare services or A any child-placing agency may publish on a website, in any newspaper published in this state or broadcast by television a photograph of and relevant personal information concerning any child who is difficult to place for adoption for whom an adoptive resource is needed.~~

~~2. A child-placing agency shall not publish or broadcast:~~

~~— (a) Any personal information which reveals the identity of the child or his or her parents; or~~

~~— (b) A photograph or personal information for a child without the prior approval of the agency having actual custody of the child.~~

NRS 127.285 Limitation on participation of attorneys in adoption proceedings; reporting of violation to bar association; criminal penalty.

1. Any attorney licensed to practice in this state or in any other state:

(a) May not receive compensation for:

(1) Taking part in finding children for adoption; or

(2) Finding parents to adopt children.

(b) May receive a reasonable compensation for legal services provided in relation to adoption proceedings.

2. ~~An agency which provides child welfare services~~ *A licensed child-placing agency* shall report any violation of subsection 1 to the State Bar of Nevada if the alleged violator is licensed to practice in this state, or to the bar association of the state in which the alleged violator is licensed to practice.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

NRS 127.287 Payment to or acceptance by ~~natural~~ parent of compensation in return for placement for or *relinquishment or specific* consent to adoption of child.

1. Except as otherwise provided in subsection 3, it is unlawful for any person to pay or offer to pay money or anything of value to the ~~natural~~ parent of a child in return for the ~~natural~~ parent's placement of the child for adoption, *for the execution of a relinquishment, or specific* consent to *adoption* or *for the* cooperation in the adoption of the child.

2. It is unlawful for any person to receive payment for medical and other necessary expenses related to the birth of a child from a prospective adoptive parent with the intent of not consent to or completing the adoption of the child.

3. A person may pay the medical and other necessary living expenses related to the birth of a child of another as an act of charity so long as the payment is not contingent upon the ~~natural~~ parent's placement of the child for adoption, *for the execution of a relinquishment or specific* consent to *adoption* or *for* cooperation in the adoption of the child.

4. This section does not prohibit a ~~natural~~ parent from refusing to place a child for adoption after its birth.

5. The provisions of this section do not apply if a woman enters into a lawful contract to act as a gestational carrier, as defined in NRS 126.580.

NRS 127.288 Penalty for unlawful payment to or acceptance by ~~natural~~ parent of compensation. A person who violates the provisions of:

1. Subsection 1 of NRS 127.287 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Subsection 2 of NRS 127.287 is guilty of a gross misdemeanor.

NRS 127.300 Penalty for receipt of compensation by unlicensed person for placing or arranging placement of child.

1. Except as otherwise provided in NRS 127.275, 127.285, 200.463, 200.4631, 200.464 and 200.465, a person who, without holding a valid license to operate a child-placing agency issued by the Division, requests or receives, directly or indirectly, any compensation or thing of value for placing, arranging the placement of, or assisting in placing or arranging the placement of any child for adoption or permanent free care is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. The ~~natural~~ parents and the adopting parents are not accomplices for the purpose of this section.

NRS 127.310 Unlawful placement or advertising; *Prohibited acts*; Penalty for violation.

1. Except as otherwise provided in NRS 127.240, 127.283 and 127.285, *it is unlawful for* any person or organization other than an agency which provides child welfare services *or a child-placing agency* who, without holding a valid unrevoked license to place children for adoption issued by the Division: ~~to (a) Places,~~ arranges the placement of, or assists in placing or in arranging the placement of, any child for adoption or permanent free care. ~~;~~ ~~or~~

~~(b) Advertises that he or she will place children for adoption or permanent free care, or accept, supply, provide or obtain children for adoption or permanent free care, or causes any advertisement to be disseminated soliciting, requesting or asking for any child or children for adoption or permanent free care.,~~

~~→ is guilty of a misdemeanor.~~

~~2. Any person who places, accepts placement of, or aids, abets or counsels the placement of any child in violation of NRS 127.280, 127.2805 and 127.2815 is guilty of a misdemeanor.~~

2. *Only child-placing agencies licensed under the laws of Nevada may place an advertisement in Nevada that:*

(a) A child is offered or wanted for adoption; or

(b) The person is able to place, locate, or receive a child for adoption.

It is unlawful for any other person or organization to place an advertisement or offer to the public, in any way, by any medium that a child is available for adoption or that a child is sought for adoption.

3. A child-placing agency may publish *on a website*, in any newspaper published in this state or broadcast by television a photograph of and relevant personal information concerning any child for whom an adoptive resource is needed.

[Note: This language was moved here from 127.283]

4. A child-placing agency shall include in any advertisement concerning its services a statement which:

(a) Confirms that the child-placing agency holds a valid, unrevoked license issued by the Division; and

(b) Indicates any license number issued to the child-placing agency by the Division; *and*

(c) Indicates that that only child-placing agencies licensed under the laws of this state may legally provide adoption services under Nevada law.

It is unlawful for any person purchasing advertising space or purchasing broadcast time to advertise adoption services to fail to include in any publication or fail to include in the broadcast for such advertisement the Nevada license number of the child-placing agency or the child welfare agency placing the advertisement. This prohibition applies to but is not limited to paid advertisements.

4 5. As used in this section:

(a) “Advertise” or “advertisement” means a communication that originates within this State by any public medium, including, without limitation, a newspaper, periodical, *article, notice, magazine*, telephone book listing, outdoor advertising, *billboard*, sign, radio, television or a computerized communication system, including, without limitation, electronic mail, an Internet website or an Internet account, *or any other similar media*.

(b) “Internet account” means an account created within a bounded system established by an Internet-based service that requires a user to input or store information in an electronic device in order to view, create, use or edit the account information, profile, display, communications or stored data of the user.

5 2. *Any person or organization who violates any of the provisions of this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

6 3. A periodical, newspaper, radio station, Internet website or other public medium is not subject to any criminal penalty or civil liability for disseminating an advertisement that violates the provisions of this section.

CREATE NEW CHAPTER 127A FOR ADOPTION OF CHILDREN IN THE CUSTODY OF CHILD WELFARE AGENCY

CHAPTER 127A – ADOPTION OF CHILDREN IN THE CUSTODY OF CHILD WELFARE AGENCY

GENERAL PROVISIONS

NRS 127A.003 Definitions. *As used in this chapter, unless the context otherwise requires:*

- *“Adoption” means a legally recognized procedure that creates a parent-child relationship.*
- *“Adoption services” means services provided by a child-placing or child welfare agency and include identifying a child for adoption and arranging an adoption, securing necessary relinquishment for or consent to adoption or termination of parental rights, performing a home study on a prospective adoptive parent, and reporting on such a study, making determinations of the best interest of a child and the appropriateness of adoptive placement for the child, post-placement monitoring of a case until final adoption, and where made necessary by disruption before final adoption, assuming custody and providing child care or any other social service pending an alternative placement.*
- *“Adult” means a person who is 18 years of age or older.*
- *“Agency which provides child welfare services” or “child welfare agency” has the meaning ascribed to it in NRS 432B.030.*
- *“Best Interest of the Child” in adoption means the legal standard used to ensure every decision made in the adoption process prioritizes stability, safety, and permanency of the child to be adopted.*
- *“Child” has the meaning ascribed to it in NRS 128.0124.*
- *“Child with special needs” has the meaning ascribed to it in NRS 127.008(2).*
- *“Child-placing agency” has the meaning ascribed to it in NRS 127.220(3).*
- *“Child welfare services” has the meaning ascribed to it in NRS 432B.044.*
- *“Division” means the Division of Child and Family Services of the Department of Health and Human Services.*
- *“Domestic Partner” has the meaning ascribed to it in NRS 122A.030.*
- *“Domestic Partnership” has the meaning ascribed to it in NRS 122A.040.*
- *“Foster Home” has the meaning ascribed to it in NRS 424.014.*
- *“Foster parent” means an adult, not related to a child within the first degree of consanguinity or affinity, who receives, nurtures, supervises, and ensures routine educational services and medical, dental and mental health treatment for a child and is licensed pursuant to NRS 424.030.*
- *“Home Study” means an investigation of the prospective adoptive parents of the child to determine the suitability of the prospective adoptive home as described in NRS 127A.2805.*
- *“Indian child” has the meaning ascribed to it in 25 U.S.C. § 1903 and NRS 125E.080.*
- *“Indian Child Welfare Act” means the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.*

- *“Marital Partner” means two persons, regardless of gender, who are at least 18 years of age, not nearer of kin than second cousins or cousins of the half blood, and not having a spouse living, who are joined in marriage.*
- *“Parent” means either a biological or legal parent of a child whose parental rights have not been terminated by a court or their execution of a relinquishment for or specific consent for adoption, a person who is a putative or proven parent of a child, a person presumed to be the parent of a child, a person whose paternity or parentage has been established pursuant to NRS Chapter 126, or a person whose parentage has been confirmed by a court order.*
- *“Person” means a human being.*
- *“Placing parent” means a parent who executed a relinquishment for or specific consent to adoption of their child.*
- *“Prospective adoptive parent” means person who has been identified by the child welfare agency as an adoptive resource but whose adoption petition has not been granted by the court.*
- *“Putative Parent” means a person who is alleged or reputed to be a parent of a child but their parentage has not been legally established.*
- *“Relinquishment” means a document executed by a person voluntarily terminating that person’s parental rights in their child to the child welfare agency.*
- *“Order of Adoption” and “Decree of Adoption” are both a final judgment from judicial proceedings of a court granting a petition for adoption.*
- *“Sibling” means each of two or more children having one or both parents in common.*
- *“Specific Consent to Adoption” means a document executed by a parent whose rights have not been relinquished or terminated granting permission for the child to be adopted by specifically named person or persons, resulting in the retention of the parent’s rights until such time as the adoption is finalized.*
- *“Spouse” means a marital partner, domestic partner, civil partner, registered partner, reciprocal beneficiary, or any other partner who has the same rights, protections and benefits, and are subject to the same responsibilities, obligations and duties under law, whether derived from statutes, administrative regulations, court rules, government policies, common law or any other provisions or sources of law, as are granted to and imposed upon marital partners.*
- *“Third degree of consanguinity” means the familial relationship between two persons who share a common ancestor within three generations.*

Relatives related to the child within the third degree of consanguinity include parents and stepparents of the child, siblings of the child, grandparents of the child, great grandparents of the child, and aunts and uncles of the child.

NRS 127A.005 Applicability. *The provisions of NRS 127A.010 to 127A.283, inclusive, govern the adoption of children who are in the custody of a child welfare agency as a result of proceedings pursuant to NRS Chapter 432B.*

NRS 127A.007 State Register for Adoptions: Establishment; contents; release of information.

[Please reference the register requirements in NRS 127 but do not create a new register.]

NRS 127A.008 State Register of Children with Special Needs.

[Please reference the register requirements in NRS 127 but do not create a new register.]

NRS 127A.009 Booklet on adoption: Preparation; contents; annual revision; distribution; acceptance of gifts and grants to assist production and distribution.

1. The Division shall prepare a booklet on adoption in this state which includes the following information:

(a) The legal basis of adoption;

(b) The purpose of adoption;

(c) The process of adoption;

(d) The number of children who are waiting to be adopted, including statistical information regarding:

(1) The gender and ethnic background of the children who are waiting to be adopted;

(2) The number of children placed in foster homes who are waiting to be adopted;

(3) *The number of children with special needs who are waiting to be adopted; and*

(4) *The number of siblings who are waiting to be adopted;*

(e) *The name and location of agencies in Nevada that place children with adoptive parents;*

(f) *The number of prospective adoptive parents;*

(g) *A comparison of Nevada to the surrounding states regarding the placement of children with adoptive parents;*

(h) *A comparison of the Division to other agencies located in Nevada regarding the placement of children with adoptive parents; and*

(i) *Any subsidies, assistance and other services that may be available to adoptive parents and prospective adoptive parents, including, without limitation, services for children with special needs.*

2. *The Division shall:*

(a) *Revise the information in the booklet annually.*

(b) *Distribute the booklet to persons and organizations whose patients or clients are likely to become involved with the process of adoption in this state. The booklet must also be distributed to prospective adoptive parents and parents considering relinquishing for or consenting to adoption.*

3. *The Division may accept gifts and grants to assist in the production and distribution of the booklet.*

ADOPTION OF CHILDREN

NRS 127A.010 Jurisdiction of district courts. *Except as otherwise provided in NRS 125E.270, the district courts of this State have original jurisdiction in adoption proceedings.*

NRS 127A.018 Court order required if home state of child is Nevada; exception.

1. Except as otherwise provided in NRS 125E.010 to 125E.370, inclusive, 127.041, 127.115, 127.151 and 127.1861 to 127.1869 [references to 127A], inclusive, a child of whom this State:

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

→ may not be adopted except upon an order of a district court in this State.

2. As used in this section, “home state” means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, including a placement outside the state through the Interstate Compact for the Placement of Children, immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

NRS 127A.020 Adoption of children; ages and agreement.

1. Except as otherwise provided in subsection 2:

(a) A child in the custody of a child welfare agency may be adopted by one or more adults with whom the child is placed by the child welfare agency and subject to the rules prescribed in this chapter.

(b) A person adopting a child must be at least 10 years older than the person adopted.

(c) A child over the age of 14 years must agree to the adoption.

2. A court may approve the adoption of a child without regard to the age difference of the child and the prospective adoptive parents if:

(a) The prospective adoptive parent is related to the child within the third degree of consanguinity; and

(b) The court is satisfied that it is in the best interest of the child.

NRS 127A.025 Compliance with ICPC. Compliance with the requirements of the Interstate Compact on the Placement of Children as required by NRS 127.320

through 127.350 may be performed by a child welfare agency or by an attorney licensed to practice law in this state.

NRS 127A.030 Who may petition; spouse's agreement to adoption required under certain circumstances; waiver of hearing on petition; court authorized to determine legal relationship of child with multiple persons.

1. One or more adults may petition the district court of any county in this state for leave to adopt a child.
2. Except as otherwise provided in subsection 5, a married person not lawfully separated from their spouse may not adopt a child without the agreement of their spouse, if such spouse is capable of giving such agreement to the adoption.
3. If a spouse agrees to an adoption as described in subsection 2, such agreement does not establish any parental rights or responsibilities on the part of the spouse unless they:
 - (a) Have, in a writing filed with the court, specifically agreed to:
 - (1) Adopt the child; and
 - (2) Establish their parental rights and responsibilities; and
 - (b) Is named as an adoptive parent in the order of adoption.
4. The court shall not name a spouse who agrees to an adoption as described in subsection 2 as an adoptive parent in an order of adoption unless:
 - (a) The spouse has filed a writing with the court as described in paragraph (a) of subsection 3; and
 - (b) The home of the spouse is suitable for the child as determined by a home study investigation and a post-placement investigation conducted pursuant to 127A.2805.
5. The court may dispense with the requirement for the agreement of a spouse who cannot be located after a diligent search or who is determined by the court to lack the capacity to agree. A spouse for whom the requirement was dispensed pursuant to this subsection must not be named as an adoptive parent in an order of adoption.

6. The court may determine that a child has a legal relationship with more than two persons who petition for the adoption of the child pursuant to this section.

NRS 127A.040 Written consent to adoption: Acknowledgment; when consent required.

1. Except as provided in NRS 127A.090, a specific written consent to adoption proposed by the petition is required from:

(a) Each parent of the child who is alive, whose rights have not been terminated or relinquished; and

(b) Any legal guardian of the person of the child appointed by a court of competent jurisdiction.

NRS 127A.041 Written consent to adoption required from Indian child's parents: Prerequisites; certification by court; withdrawal of consent.

1. If a petition for adoption of a child concerns the adoption of an Indian child, unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the order or decree of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. *After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.*

5. *At any time before the entry of an order of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing the written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws their consent may petition the court for the return of the child.*

6. *As used in this section, "parent" has the meaning ascribed to it in NRS 125E.130.*

NRS 127A.050 Child Welfare Agency may accept relinquishments and consent to adoption.

A child welfare agency may accept relinquishments and/or specific consents for adoption, in its discretion.

NRS 127A.051 Child Welfare Agency responsible for care of child and entitled to custody; termination of placement.

The child welfare agency to which a child has been ordered or relinquished for adoption shall be responsible for the care of the child in its custody, and shall be entitled to the custody and control of the child at all times until a petition for adoption has been granted.

NRS 127A.052 Agency to determine whether child is Indian child; notification of child's tribe.

1. *Each agency which, pursuant to NRS 127A.050, accepts a relinquishment for the adoption of a child shall make all necessary inquiries to determine whether the child is an Indian child. If it determines that the child is an Indian child and*

that the child is a ward of a tribal court, resides on a reservation or is domiciled on a reservation, the agency shall so notify the child's tribe in writing.

2. The Division shall adopt regulations establishing reasonable and uniform standards for making the necessary inquiries to determine whether a child is an Indian child.

3. For the purposes of this section, the domicile of an Indian child must be determined according to federal common law.

NRS 127A.053 Relinquishment and Specific Consent to adoption: Requisites.
No relinquishment or specific consent to adoption executed in this State, or executed outside this State for use in this State, is valid unless it:

- 1. Identifies the child to be adopted by name, if any, sex and date of birth.*
- 2. Is in writing.*
- 3. Is acknowledged by the person signing the relinquishment for adoption or specific consent to adoption before a judge or a clerk of a court having a seal, a notary public, or a justice of the peace.*
- 4. Contains, at the time of execution, the name of the person or persons to whom specific consent to adopt the child is given, or, for a relinquishment for adoption, contains the name of the child welfare agency.*
- 5. Indicates whether the person giving the consent has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the order of adoption pursuant to NRS 127.150, the person receives information that provides reason to know that the child is an Indian child.*
- 6. Is attested by at least two competent, disinterested witnesses who subscribe their names in the presence of or by remote appearance of the signing parent. One of the witnesses must be:*
 - (a) If the signing is occurring in this state, an employee of a child welfare agency; or*
 - (b) If the signing is occurring in another state, a person authorized in that state to witness or accept a relinquishment or specific consent for adoption.*
- 7. A social worker employed by a child welfare agency licensed in Nevada may remotely witness the execution of a relinquishment or a specific consent to adoption by a parent of the child to be adopted who resides outside of the State of Nevada.*

NRS 127A.055 Relinquishment or Specific Consent to adoption: Attesting witnesses may make self-proving affidavits to be attached to the specific consent or relinquishment.

1. Any or all of the attesting witnesses to any relinquishment or specific consent to adoption may make and sign an affidavit before any person authorized to administer oaths in this state, stating such facts as they would be required to testify to in court to prove the due execution of the relinquishment or specific consent to adoption. The affidavit must be written on the relinquishment or specific consent to adoption, or, if that is impracticable, on some paper attached thereto. The sworn statement of any witness so taken must be accepted by the court in any action or proceeding relating to the validity or due execution of the relinquishment or specific consent to adoption as if it had been taken before the court.

2. The affidavit described in subsection 1 may be substantially in the following form:

State of Nevada }
 }ss.
County of..... }

(Date).....

Then and there personally appeared the within-named and, who, being duly sworn, depose and say: That they witnessed the execution of the within relinquishment or specific consent to adoption by (name of person or persons relinquishing or giving specific consent); that they subscribed the relinquishment or specific consent to adoption and declared the same to be a voluntary relinquishment or specific consent to adoption in their presence; that at the time the relinquishment or specific consent to adoption was executed it contained the names of the person or persons to whom specific consent was thereby given to adopt the child or contained the name of the agency to which the relinquishment was made; that they thereafter subscribed the same as witnesses in the presence of (name of person or persons relinquishing or giving specific consent) and in the presence of each other and at the request of (name of person or persons consenting or relinquishing); that at the time of the execution of the

consent to adoption (name of person or persons relinquishing or giving specific consent) acknowledged to them that they were, and they appeared to them to be, in full possession of their faculties and not under the influence of any drug or sedative that could impact their reasoning or judgment or subject to any duress, fear, menace, compulsion or undue influence whatever; and that they make this affidavit at their request.

.....

.....

Subscribed and sworn to before me
this day of the month of of the year

.....

Notary Public

NRS 127A.060 Adoption of two or more children. The same petitioners may, in one petition, petition for the adoption of two or more children, if the children are siblings.

NRS 127A.070 Validity of relinquishments and specific consents to adoption.

1. A minor parent may execute a relinquishment for or specific consent to adoption without a requirement for notification to or consent by the minor's parent or parents.
2. A relinquishment or specific consent to adoption executed by a minor parent cannot be revoked or nullified based upon a minor parent becoming an adult.
3. A relinquishment or specific consent to adoption cannot be revoked or nullified by the executing parent unless the relinquishment or specific consent to adoption was obtained under fraud, duress or undue influence and the action to void the relinquishment or specific consent is brought within 30 days of execution.

NRS 127A.090 When relinquishment or specific consent unnecessary. A parent's relinquishment or a specific consent to an adoption shall not be necessary where parental rights have been terminated by an order of a court of competent jurisdiction, upon a parent's death, or upon termination of a parent's parental rights through operation of law by birth father registry operated in another state.

NRS 127A.100 Entitlement of petitions, reports and orders. All petitions, reports and orders in adoption proceedings shall be entitled only in the names of the adopting parties.

NRS 127A.110 When petition may be filed; contents of petition.

1. A petition for adoption of a child may be filed at any time after a child is legally free for adoption and upon agreement of the child welfare agency.

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the date the child was placed with the petitioners.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) If they desire the name of the child be changed, together with the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to termination of parental rights, relinquishment or specific consent to adoption as to all parents.

(h) That there has been a full compliance with NRS 127A.220 to 127A.310, inclusive.

(i) Whether the petitioners have reason to know that the child is an Indian child.

(j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

(l) Whether or not an agreement for postadoptive contact has been entered by the parent or parents of a child and the prospective adoptive parent or parents of a child to be adopted.

(m) Whether or not there is an order for visitation of a child by sibling and other relatives.

3. No order of adoption may be entered unless there has been full compliance with the provisions of NRS 127A.220 to 127A.310, inclusive.

NRS 127A.115 Additional contents of petition relating to whether there is reason to know child is Indian child.

1. In addition to the requirements set forth in NRS 127.110, a petition for adoption of a child must contain:

(a) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to NRS 127.1867, of the petitioner's good faith efforts described in subsection 1 of NRS 125E.210, to determine whether there is reason to know that the child is an Indian child;

(b) A statement as to whether the petitioner has reason to know that the child is an Indian child; and

(c) If the petitioner has reason to know that the child is an Indian child:

(1) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to NRS 127.1867, showing that the proposed adoptive placement complies with the requirements under NRS 125E.350; or

(2) A statement that the petitioner is moving the court under subsection 3 of NRS 125E.350 for a finding, by clear and convincing evidence, that good cause exists for alternative adoptive placement and a statement describing the details supporting the assertion of the petitioner that good cause exists for the alternative placement, as described in subsection 3 of NRS 125E.350.

2. A petition for adoption of a child must, if applicable, request the following:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of NRS 125E.210;

(b) A finding of whether there is reason to know that the child is an Indian child; and

(c) If the court finds that the child is an Indian child:

(1) The determinations required under NRS 125E.250 regarding the Indian child's residence, domicile and wardship status;

(2) A finding that the petitioner complied with the notice requirements under subsection 2 of NRS 125E.220; and

(3) A finding that the adoptive placement complies with the placement preferences under NRS 125E.350 or, if not, that upon the petitioner's motion under subsection 3 of NRS 125E.350, good cause exists for placement contrary to the placement preferences in NRS 125E.350.

3. If the petitioner has reason to know that the child is an Indian child, within 30 days after filing the petition, the petitioner shall:

(a) Serve copies of the petition by registered or certified mail, return receipt requested, together with the notice of proceeding in the form required under subsection 3 of NRS 125E.220, to:

(1) Each tribe of which the Indian child may be a member or in which the Indian child may be eligible for membership;

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents, Indian custodian or tribe cannot be ascertained; and

(3) The appropriate agency which provides child welfare services.

(b) File a declaration of compliance with the court, including a copy of each notice sent, together with any return receipts or other proof of service.

NRS 127A.120 Petition for adoption to be filed; post-placement investigation, report and recommendation; court may order independent investigation; costs.

1. All petitions for adoption of a child must be filed with the clerk of court.

2. Unless waived, the agency which provides child welfare services shall make a post-placement investigation and report as provided in this section.

3. The child welfare agency shall, no less than 14 days prior to the hearing date for adoption finalization, submit to the court a written report regarding the results of the condition of the child and suitability of the home of the prospective adoptive parent or parents, which must contain, without limitation, a specific recommendation for or against approval of the petition and a statement of whether the child is known to be an Indian child, and shall furnish to the court any other information regarding the child or proposed home which the court requires. The court, on good cause shown, may extend the time, designating a time certain, within which to submit the report. The child welfare agency may waive this report for a

prospective adoptive parent who is related to the child within the third degree of consanguinity.

5. If the court is dissatisfied with the report submitted by the child welfare agency, the court may order an independent home study to be conducted and a report submitted by an agency selected by the court. The costs of the investigation and report may be assessed against the petitioner.

NRS 127A.123 Notice of filing of petition to be provided to custodians or guardians of child. Notice of the filing of a petition for the adoption of a child must be provided to all legal custodians or guardians of the child who are not a parent of the child.

NRS 127A.130 Confidentiality of reports; petitioner may rebut adverse report. The report of the child welfare agency must not be made a matter of public record, but must be given in writing and in confidence to the district judge before whom the matter is pending. If the recommendation of the child welfare agency is adverse, the district judge, before denying the petition, shall give the petitioner an opportunity to rebut the findings and recommendation of the report.

NRS 127A.140 Confidentiality of hearings, files and records.

1. Except as otherwise provided in NRS 239.0115, all hearings held in proceedings under this chapter are confidential and must be held in closed court, without admittance of any person other than the petitioners, their witnesses, the director of the child welfare agency, or their authorized representative, attorneys and persons entitled to notice by this chapter, except by order of the court.

2. The files and records of the court in adoption proceedings are not open to inspection by any person except:

(a) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor;

(b) If a parent and the child are eligible to receive information from the State Register for Adoptions; or

(c) As provided pursuant to subsections 3 to 6, inclusive.

3. An adoptive parent who intends to file a petition pursuant to NRS 127A.1885 or 127A.1895 to enforce, modify or terminate an agreement that provides for postadoptive contact may inspect only the portions of the files and records of the court concerning the agreement for postadoptive contact.

4. A parent who intends to file a petition pursuant to NRS 127A.1885 to prove the existence of or to enforce an agreement that provides for postadoptive contact or to file an action pursuant to NRS 41.509 may inspect only the portions of the files or records of the court concerning the agreement for postadoptive contact.

5. Upon the request of a sibling or adoptive child who wishes to enforce, modify, or terminate an order for visitation included in an order of adoption pursuant to NRS 127A.2827, the court shall provide the case number of the adoption proceeding to the sibling and allow the sibling to inspect only the portions of the files or records of the court concerning the order for visitation.

6. The portions of the files and records which are made available for inspection by an adoptive parent, parent or sibling pursuant to subsection 3, 4 or 5 must not include any confidential information, including, without limitation, any information that identifies or would lead to the identification of a parent if the identity of the parent is not included in the agreement for postadoptive contact or order for visitation, as applicable.

NRS 127A.145 Attendance at hearing by telephone or video appearance.

1. The prospective adoptive parent or parents, child to be adopted, representative of the child welfare agency, and counsel for parties may attend by telephone or video appearance, in lieu of attending in person, any hearings held by the court concerning the petition for adoption.

2. The court may waive the attendance at the hearing of the child to be adopted for good cause.

NRS 127A.150 Order of adoption or return of child; presumption of child's best interest after adoption is granted.

1. If the court finds that the best interest of the child warrants the granting of the petition, an order of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. When determining whether the best interest of the child warrants the granting of a petition, the court shall give strong consideration to the emotional bond between the child and the prospective adoptive parent. A copy of the order must be sent to Division by the petitioners within 7 days after the order is issued. In the order the court may change the name of the child, if desired.

2. Except as otherwise provided in this subsection, an order of adoption may not be made until 6 months after placement of the child with the petitioners.

3. If the court is not satisfied that the proposed adoption is in the best interest of the child, the court shall deny the petition and custody of the child will remain

with the child welfare agency. The court shall not deny a petition solely because the petitioner:

(a) Is deaf, is blind or has another physical disability; or

(b) Is the holder of a valid registry identification card.

4. After a petition for adoption has been granted, there is a presumption that remaining in the home of the adopting parent is in the child's best interest.

5. As used in this section:

(a) "Blind" has the meaning ascribed to it in NRS 426.082.

(b) "Holder of a valid registry identification card" means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:

(1) Exempt from state prosecution for engaging in the medical use of cannabis; or

(2) A designated primary caregiver as defined in NRS 678C.040.

NRS 127A.151 Order of adoption: Required findings; required information when child is Indian child.

1. An order entered pursuant to NRS 127A.150 must include:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of NRS 125E.210 to determine whether there is reason to know that the child is an Indian child; and

(b) A finding that the child is or is not an Indian child.

2. In an adoption of an Indian child, the order must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under NRS 125E.250;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of NRS 125.220;

(h) If the adoptive placement and the parents entered into a postadoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under NRS 125E.350 or, if the placement does not comply with the placement preferences under NRS 125E.350, a finding upon the petitioner's motion under subsection 3 of NRS 125E.350 that good cause exists for placement contrary to the placement preferences.

3. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

4. Upon entry of the order of adoption of an Indian child, the court shall provide to the United States Bureau of Indian Affairs copies of the order entered pursuant to NRS 127A.150, any affidavit signed by a consenting parent requesting anonymity, and all other required information in accordance with 25 C.F.R. § 23.140.

NRS 127A.152 Adopting parents to be provided with report which includes medical records and other information concerning child; regulations.

1. Except as otherwise provided in subsection 3, the child welfare agency shall provide the prospective adoptive parents of a child with a report which includes:

(a) A copy of any medical records of the child which are in the possession of the child welfare agency.

(b) Any information obtained by the child welfare agency during interviews of the parent regarding:

(1) The medical and sociological history of the child and the parents of the child; and

(2) Any behavioral, emotional or psychological problems that the child may have. Information regarding any behavioral, emotional or psychological problems that the child may have must be discussed in accordance with policies established by a child welfare agency pursuant to regulations adopted by the Division for the disclosure of such information.

(c) Written information regarding any subsidies, assistance and other services that may be available to the child if it is determined pursuant to NRS 127A.186 that the child has any special needs.

2. The child welfare agency shall obtain from the prospective adoptive parents written confirmation that the prospective adoptive parents have received the report required pursuant to subsection 1.

3. The report required pursuant to subsection 1 must exclude any information that would lead to the identification of the parent.

4. The Division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the prospective adoptive parents of the child may also obtain the information set forth in subsection 1.

NRS 127A.155 Validation of certain orders and decrees. Any order of adoption entered after July 1, 1963, and before July 1, 1965, by a court of competent jurisdiction where there has not been a complete compliance with NRS 127.220 to 127.310, inclusive, is hereby declared valid.

NRS 127A.157 Report of adoption, amendment or annulment of adoption to State Registrar.

1. After an order of adoption has been entered, the court shall direct the petitioner or their attorney to prepare a report of adoption on a form prescribed and furnished by the State Registrar of Vital Statistics or the equivalent office in the State in which the birth certificate was issued. The report must:

- (a) Identify the original certificate of birth of the person adopted;
- (b) Provide sufficient information to prepare a new certificate of birth for the person adopted;
- (c) Identify the order of adoption; and
- (d) Be certified by the clerk of the court.

2. The child welfare agency shall provide the petitioner or their attorney with any factual information which will assist in the preparation of the report required in subsection 1.

3. If an order of adoption is amended or annulled, the petitioner or their attorney shall prepare a report to the State Registrar of Vital Statistics or the equivalent office in the State in which the birth certificate was issued which includes sufficient information to identify the original order of adoption and the provisions of that order which were amended or annulled.

4. The petitioner or his or her attorney shall forward all reports required by the provisions of this section to the State Registrar of Vital Statistics or the equivalent office in the State in which the birth certificate was issued not later than 30 days from the date the order was entered, or more frequently if requested by the State Registrar, together with any related material the State Registrar may require.

NRS 127A.160 Rights and duties of adopted child and adoptive parents.
Upon the entry of an order of adoption, the child shall become the legal child of the persons adopting the child, and they shall become the child's legal parents with all the rights and duties between them of parents and child. By virtue of such adoption the child shall inherit from their adoptive parents or their relatives the same as though the child were the child of such parents, and in case of the death of the child intestate the adoptive parents and their relatives shall inherit the child's estate as if they had been the child's parents and relatives in fact. After an order of adoption is entered, any parent who has signed a relinquishment or given specific consent to terminate their parental rights is relieved of all parental responsibilities for the adopted child and shall not exercise or have any rights over the adopted child or the property of the adopted child. The child does not owe a parent whose parental rights have been terminated any legal duty and may not inherit from a parent whose parental rights have been terminated or their kindred. Notwithstanding any other provisions to the contrary in this section, the adoption of a child does not in any way change the status of the relationship between the child and any parent who is a petitioner and whose parental rights have not been terminated.

NRS 127A.165 When action to set aside adoption may be brought; presumption of child's best interest after adoption is granted.

1. A placing parent of a child may not bring an action to set aside an adoption after a petition for adoption has been granted, unless a court of competent jurisdiction has previously, in a separate action:

- (a) Set aside the specific consent to the adoption;
- (b) Set aside the relinquishment of the child for adoption; or
- (c) Reversed an order terminating the parental rights of the placing parent.

2. After a petition for adoption has been granted, there is a presumption for the purposes of this chapter that remaining in the home of the adoptive parents is in the child's best interest.

NRS 127A.171 Right to visitation of child by sibling and other relatives; limitations.

1. Except as otherwise provided in NRS 127A.187 to 127A.1895, inclusive, in a proceeding for the adoption of a child, the court may grant a reasonable right to visit to:

(a) A sibling of the child if the child is in the custody of a child welfare agency and a similar right has been granted previously pursuant to NRS 432B.580; and

(b) Certain relatives of the child only if a similar right had been granted previously pursuant to NRS 125C.050.

2. The child welfare agency shall provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580.

3. The court may not grant a right to visit the child to any person other than as specified in subsection 1.

NRS 127A.180 Appeals from orders, judgments or decrees. Any person against whom any order, judgment or decree is made or who is affected thereby may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution from any order, judgment or decree of the district court made under the provisions of this chapter, in the same manner as in other civil proceedings.

NRS 127A.186 Adoption of child with special needs; financial assistance to adoptive parents under certain circumstances; waiver of court costs of adoptive parents; regulations.

1. The child welfare agency may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical or mental problems who is in the custody of the child welfare agency by prospective adoptive parents when, in the judgment of the child welfare agency, it would be in the best interest of the child to be placed in that adoptive home.

2. The child welfare agency, shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child has any special needs:

(1) Notify the prospective adoptive parents:

(I) That they may be eligible for a grant of financial assistance pursuant to this section; and

(II) The manner in which to apply for such financial assistance; and

(2) Assist the prospective adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available.

3. The agency which provides child welfare services may grant financial assistance for attorney's fees in the adoption proceeding, for maintenance and for preexisting physical or mental conditions to the adoptive parents of a child with special needs out of money provided for that purpose if the head of the child welfare agency or their designee has reviewed and approved in writing the grant of financial assistance.

4. The grant of financial assistance must be limited, both as to amount and duration, by agreement in writing between the child welfare agency and the prospective adoptive parents. Such an agreement must not become effective before the entry of the order of adoption.

5. Any grant of financial assistance must be reviewed and evaluated at least once annually by the child welfare agency. The evaluation must be presented for approval to the head of the child welfare agency or their designee. Financial assistance must be discontinued immediately upon written notification to the adoptive parents by the child welfare agency that continued assistance is denied.

6. All financial assistance provided under this section ceases immediately when the child:

(a) Reaches 18 years of age, if the child is not enrolled in school, or 19 years of age, if the child is enrolled in school;

(b) Graduates from high school, if the child is at least 18 years of age;

(c) Becomes self-supporting;

(d) Is emancipated; or

(e) Dies.

7. Neither a grant of financial assistance pursuant to this section nor any discontinuance of such assistance affects the legal status or respective obligations of any party to the adoption.

8. A court shall waive all court costs of the prospective adoptive parents in an adoption proceeding for a child with special needs if the child welfare agency consents to the adoption of such a child pursuant to this section.

9. The Division, in consultation with each child welfare agency, shall adopt regulations regarding eligibility for and the procedures for applying for a grant of financial assistance pursuant to this section.

NRS 127A.1861 Petition to vacate order of adoption of Indian child.

1. A petition to vacate an order of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the order of adoption if:

(a) The petition is filed not later than 2 years following the date of the order; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates an order of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with a child welfare agency or with the parent.

NRS 127A.1863 Provision of notice upon order of adoption of Indian child being vacated; waiver of notice; revocation of waiver; intervention by and return of child to former parent or prior Indian custodian; transition plan.

1. *If an order of adoption of an Indian child under this chapter is vacated, the court vacating the order must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate child welfare agency.*

2. *The notice required under subsection 1 must:*

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. *An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:*

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. *After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.*

5. *At any time before the entry of an order of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a*

written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If an order of adoption of an Indian child under this chapter is vacated other than as provided in NRS 125E.360, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of NRS 125E.220 to:

- (a) The child welfare agency in the county in which the order was vacated;
- (b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;
- (c) The child's parents;
- (d) The child's Indian custodian, if applicable; and
- (e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

→ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the child's best interest, as described in NRS 125E.230. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) “Former parent” means a person who was previously the legal parent of an Indian child subject to an order of adoption under this chapter and whose parental rights have not been restored under NRS 127.1861.

(b) “Prior Indian custodian” means a person who was previously the custodian of an Indian child subject to an order of adoption of the child under this chapter.

NRS 127A.1865 Adoption records of Indian child to be provided to Indian child’s tribe or United States Secretary of the Interior upon request.

1. Notwithstanding any other provision of law, if an Indian child’s tribe or the United States Secretary of the Interior requests access to the adoption records of an Indian child, the court must make the records available not later than 14 days following the date of the request.

2. The records made available under subsection 1 must, at a minimum, include the petition, all substantive orders entered in the adoption proceeding, the complete record of the placement finding and, if the placement departs from the placement preferences under NRS 125E.350, detailed documentation of the efforts to comply with the placement preferences.

NRS 127A.1867 ICWA compliance reports; adoption of regulations by Division; assistance and trainings by Court Administrator.

1. In a proceeding for the adoption of a child, within 90 days after service of a petition upon the appropriate agency which provides child welfare services as required pursuant to NRS 127A.115, the agency shall file with the court an ICWA compliance report, which must reflect the agency’s review of the petition and advise the court on whether the documentation submitted by the petitioner is sufficient and complete for the court to make the findings required pursuant to subsection 2. Nothing in this section requires the agency to make a determination of law regarding the documentation provided by the petitioner.

2. Upon receiving an ICWA compliance report, the court shall order the matter to proceed if the court finds that the petitioner satisfied the inquiry

requirements under subsection 1 of NRS 125E.210 and, if applicable, the notice requirements under subsection 2 of NRS 125E.220. If the court finds that:

(a) Subject to the procedures under subsection 3 of NRS 125E.210, the child is an Indian child, the court's order under this subsection must include a finding regarding whether the proposed adoptive placement complies with the preferences under NRS 125E.350. If the court finds that the proposed adoptive placement does not comply with such preferences or that the documentation provided by the petitioner is insufficient for the court to make a finding, the court shall direct the petitioner to amend the petition to cure the deficiency or file a motion under subsection 3 of NRS 125E.350, for authority to make the placement contrary to the placement preferences under NRS 125E.350.

(b) The petitioner failed to satisfy the inquiry requirements under subsection 1 of NRS 125E.210 or, if applicable, the notice requirements under subsection 2 of NRS 125E.220, or if the documentation supplied by the petitioner is insufficient for the court to make those findings, the court shall direct the petitioner to cure the inquiry or notice deficiency and file an amended petition. If the court directs the petitioner to file an amended petition pursuant to this subsection or a motion and the petitioner fails to do so within a reasonable amount of time, the court shall order the petitioner to appear and show cause why the court should not dismiss the petition.

3. The Division shall adopt regulations providing a nonexhaustive description of the documentation that petitioners or moving parties in proceedings under this chapter may submit to the court to document compliance with the inquiry requirements under subsection 1 of NRS 125E.210 and notice requirements under subsection 2 of NRS 125E.220 and the placement preferences under NRS 125E.350, including, without limitation:

(a) Descriptions of the consultations the petitioner or moving party made with the persons described in subsection 1 of NRS 125E.210 and subsection 3 of NRS 125E.220 and the responses the petitioner or moving party obtained;

(b) Descriptions of any oral responses and copies of any written responses the petitioner or moving party obtained from the persons described in subsection 1 of NRS 125E.210 and subsection 3 of NRS 125E.220;

(c) Copies of any identification cards or other records indicating the membership of the child or the child's parent in an Indian tribe;

(d) Copies of any tribal court records regarding the Indian child;

(e) Any reports, declarations or testimony on the record documenting the due diligence of the petitioner or moving party to identify and work with all of the tribes of which the petitioner or moving party has reason to know that the child may be a member or in which the child may be eligible for membership; and

(f) The declaration of compliance regarding the notices the petitioner sent, as described in NRS 127A.115.

4. The Division shall adopt any other regulations for the preparation of ICWA compliance reports that are necessary for agencies which provide child welfare services to carry out their duties under this chapter.

5. The Court Administrator may prepare and make available to the public forms and information to assist petitioners to comply with the requirements under this section and NRS 125E.210, 125E.220, 125E.350 and 127A.115 and any related rules or regulations, including, without limitation:

(a) Forms of petitions required under NRS 127A.115, motions to request a deviation from the placement preferences under subsection 3 of NRS 125E.350 and notices required under subsection 3 of NRS 125E.220; and

(b) Worksheets and checklists to assist petitioners with the inquiry required under subsection 1 of NRS 125E.210 and the notices required under subsection 2 of NRS 125E.220, and assessing whether proposed adoptive placements satisfy the preferences under NRS 125E.350.

6. The Court Administrator may design and offer trainings to courts having jurisdiction over adoption matters regarding the application of NRS 125E.010 to 125E.370, inclusive, and NRS 127A.041, 127A.115, 127A.151 and 127A.1861 to 127A.1869, inclusive, to adoptions of minor children, including, without limitation, identifying when there is reason to know that the child is an Indian child and making findings regarding the sufficiency of inquiry and notice and the appropriateness of adoptive placements.

7. As used in this section, “ICWA compliance report” means a written report prepared by an agency which provides child welfare services concerning compliance with the Indian Child Welfare Act.

NRS 127A.1869 Tribal customary adoptions; adoption of regulations by Division.

1. If the court determines that tribal customary adoption is in the best interest, as described in NRS 125E.230, of a ward who is an Indian child and the Indian child's tribe consents to the tribal customary adoption:

(a) The appropriate agency which provides child welfare services shall provide the Indian child's tribe and proposed tribal customary adoptive parents with a written report on the Indian child, including, without limitation, to the extent not otherwise prohibited by state or federal law, the medical background, if known, of the Indian child's parents, and the Indian child's educational information, developmental history and medical background, including all known diagnostic information, current medical reports and any psychological evaluations.

(b) The court shall accept a tribal customary adoptive home study conducted by the Indian child's tribe if the home study:

(1) Includes federal criminal background checks, including reports of child abuse, that meet the standards applicable under the laws of this State for all other proposed adoptive placements;

(2) Uses the prevailing social and cultural standards of the Indian child's tribe as the standards for evaluation of the proposed adoptive placement;

(3) Includes an evaluation of the background, safety and health information of the proposed adoptive placement, including the biological, psychological and social factors of the proposed adoptive placement and assessment of the commitment, capability and suitability of the proposed adoptive placement to meet the Indian child's needs; and

(4) Except where the proposed adoptive placement is the Indian child's current foster care placement, is completed before the placement of the Indian child in the proposed adoptive placement.

(c) Notwithstanding subsection 2, the court may not accept the tribe's order or judgment of tribal customary adoption if any adult living in the proposed adoptive placement has a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or a crime involving violence. The Division shall, by regulation, define "crime involving violence" for the

purposes of this paragraph. The definition must include rape, sexual assault and homicide, but must not include other physical assault or battery.

2. The court shall accept an order or judgment for tribal customary adoption that is filed by the Indian child's tribe if:

(a) The court determines that tribal customary adoption is an appropriate permanent placement option for the Indian child;

(b) The court finds that the tribal customary adoption is in the Indian child's best interest, as described in NRS 125E.230; and

(c) The order or judgment:

(1) Includes a description of the modification of the legal relationship of the Indian child's parents or Indian custodian and the Indian child, including any contact between the Indian child and the Indian child's parents or Indian custodian, responsibilities of the Indian child's parents or Indian custodian and the rights of inheritance of the parents and Indian child;

(2) Includes a description of the Indian child's legal relationship with the tribe; and

(3) Does not include any child support obligation from the Indian child's parents or Indian custodian.

→ The court shall afford full faith and credit to a tribal customary adoption order or judgment that is accepted under this subsection.

3. A tribal customary adoptive parent is not required to file a petition for adoption when the court accepts a tribal customary adoption order or judgment under subsection 2. The clerk of the court may not charge or collect a fee for a proceeding under this subsection.

4. After accepting a tribal customary adoption order or judgment under subsection 2, the court that accepted the order or judgment shall proceed as provided in NRS 127A.150 and enter an order of adoption. In addition to the requirements under NRS 127A.151, the order of adoption must include a statement that any parental rights or obligations not specified in the order are transferred to the tribal customary adoptive parents and a description of any parental rights or duties retained by the Indian child's parents, the rights of inheritance of the

parents and Indian child and the Indian child's legal relationship with the child's tribe.

5. A tribal customary adoption under this section does not require the consent of the Indian child or the child's parents.

6. Upon the court's entry of an order of adoption under this section, the court's jurisdiction over the Indian child terminates.

7. Any parental rights or obligations not specifically retained by the Indian child's parents in the order of adoption are conclusively presumed to transfer to the tribal customary adoptive parents.

8. This section remains operative only to the extent that compliance with the provisions of this section do not conflict with federal law as a condition of receiving funding under Title IV-E of the Social Security Act, 42 U.S.C. §§ 601 et seq.

9. The Division shall adopt regulations requiring that any report regarding a ward who is an Indian child that an agency which provides child welfare services submits to the court, including any home studies, placement reports or other reports required by law must address tribal customary adoption as a permanency option. The Supreme Court may adopt rules necessary for the court processes to implement the provisions of this section, and the Court Administrator may prepare necessary forms for the implementation of this section.

10. As used in this section, "tribal customary adoption" means the adoption of an Indian child, by and through the tribal custom, traditions or law of the child's tribe, and which may be effected without the termination of parental rights.

AGREEMENTS FOR POSTADOPTIVE CONTACT

NRS 127A.187 Requirements; court to retain jurisdiction; no effect on rights of adoptive parent as legal parent.

1. The parent or parents and the prospective adoptive parent or parents of a child to be adopted may enter into an enforceable agreement that provides for postadoptive contact between:

(a) The child and their parent or parents;

(b) The adoptive parent or parents and the parent or parents; or

- (c) Any combination thereof.
- 2. An agreement that provides for postadoptive contact is enforceable if:
 - (a) The agreement is in writing and signed by the parties;
 - (b) The agreement is incorporated into an order of adoption; and
 - (c) The agreement is signed by a parent or parents prior to the termination or voluntary relinquishment of their parental rights or before they have executed a relinquishment or specific consent to adoption; and
 - (d) In the case of an agreement that concerns a child who was in the custody of child welfare agency before being adopted:
 - (1) The child welfare agency has determined that the agreement is in the best interest of the child; or
 - (2) The court has determined, after a hearing, that the agreement is in the best interest of the child.
- 3. The identity of a parent is not required to be included in an agreement that provides for postadoptive contact. If such information is withheld, an agent who may receive service of process for the parent must be provided in the agreement.
- 4. A parent or adoptive parent who enters into an agreement that provides for postadoptive contact shall include in the agreement an address at which the parent or adoptive parent may receive service of a petition filed pursuant to NRS 127A.1885. The parent or adoptive parent may elect to receive service by alternative means through email rather than by certified or registered mail by expressly stating so in the agreement. If a parent or adoptive parent refuses or fails to include such an address in an agreement that provides for postadoptive contact, the court may, on the date on which the court enters an order of adoption which incorporates the agreement, order the child welfare agency to provide the court with the contact information of the parent or adoptive parent who refused or failed to include their address. If a court so orders, the court shall:
 - (a) Append the address to the agreement for postadoptive contact; and
 - (b) Make the address available to any party to the agreement who wishes to file a petition pursuant to NRS 127.1885.
- 5. If a parent or adoptive parent changes their mailing address or email address that was included in an agreement that provides for postadoptive contact pursuant to subsection 4, the parent shall file with the clerk of the court notice of the change of address within 15 days after the change of address.
- 6. A court that enters an order of adoption which incorporates an agreement that provides for postadoptive contact shall retain jurisdiction to enforce, modify or terminate the agreement that provides for postadoptive contact until:
 - (a) The child reaches 18 years of age;
 - (b) The child becomes emancipated; or
 - (c) The agreement is terminated.

7. The establishment of an agreement that provides for postadoptive contact does not affect the rights of an adoptive parent as the legal parent of the child as set forth in NRS 127A.160.

NRS 127A.1875 Notice of agreement to court.

1. Each prospective adoptive parent of a child to be adopted who enters into an agreement that provides for postadoptive contact pursuant to NRS 127A.187 shall notify the court responsible for entering the order of adoption of the child of the existence of the agreement as soon as practicable after the agreement is established, but not later than the time at which the court enters the order of adoption of the child.

2. Each:

(a) Director or other authorized representative of the child welfare agency involved in the adoption proceedings concerning the child; and

(b) Attorney representing a prospective adoptive parent, the child, the child welfare agency in the adoption proceedings concerning the child,

→ shall, as soon as practicable after obtaining actual knowledge that the prospective adoptive parent or parents of the child and the parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to NRS 127A.187, notify the court responsible for entering the order of adoption of the child of the existence of the agreement.

NRS 127A.188 Inquiry by court before entering order of adoption; incorporation of agreement into such order.

1. Before a court may enter an order of adoption of a child, the court must address:

(a) Except as otherwise provided in subsection 2, each prospective adoptive parent of the child to be adopted;

(b) Each director or other authorized representative of the child welfare agency involved in the adoption proceedings concerning the child; and

(c) Each attorney representing a prospective adoptive parent, the child, the child welfare agency in the adoption proceedings concerning the child, and inquire whether the person has actual knowledge that the prospective adoptive parent or parents of the child and parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to NRS 127A.187.

2. If the court determines that the prospective adoptive parent or parents and the parent or parents have entered into an agreement that provides for postadoptive contact, the court shall:

- (a) Order the prospective adoptive parent or parents to provide a copy of the agreement to the court; and
- (b) Incorporate the agreement into the order of adoption.

NRS 127A.1885 Petitions to court by parents and adoptive parents: Requirements.

1. A parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127A.187 may, for good cause shown:

(a) Petition the court that entered the order of adoption of the child to prove the existence of the agreement that provides for postadoptive contact and to request that the agreement be incorporated into the order of adoption; and

(b) During the period set forth in subsection 2 of NRS 127.189, petition the court that entered the order of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of NRS 127.187.

2. An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to NRS 127A.187 may:

(a) During the period set forth in subsection 2 of NRS 127A.189, petition the court that entered the order of adoption of the child to enforce the terms of the agreement that provides for postadoptive contact if the agreement complies with the requirements of subsection 2 of NRS 127.187A; and

(b) Petition the court that entered the order of adoption of the child to modify or terminate the agreement that provides for postadoptive contact in the manner set forth in NRS 127A.1895.

3. A petition filed pursuant to this section must be:

(a) Filed under the same case number as the proceeding for adoption;

(b) Served by the parent or adoptive parent who filed the petition using certified or registered mail with return receipt requested, or if elected by any of the parties to the postadoptive contact agreement to receive service by alternate means through email, upon each other parent or adoptive parent, as applicable, who has entered into the agreement that provides for postadoptive contact at the address provided pursuant to subsection 4 or 5 of NRS 127A.187; and

(c) Heard by:

(1) If he or she is available, the judge who issued the order of adoption of the child;

(2) If the judge described in subparagraph (1) is unavailable and if a family court has been established in the judicial district, a judge of the family court; or

(3) If the judge described in subparagraph (1) is unavailable and if a family court has not been established in the judicial district, any district judge of the judicial district.

NRS 127A.189 Failure to comply; action to enforce terms.

1. Failure to comply with the terms of an agreement that provides for postadoptive contact entered into pursuant to NRS 127A.187 may not be used as a ground to:

- (a) Set aside an order of adoption;
- (b) Revoke, nullify or set aside a valid relinquishment for or specific consent to an adoption; or
- (c) Except as otherwise provided in NRS 41.509, award any civil damages to a party to the agreement.

2. Any action to enforce the terms of an agreement that provides for postadoptive contact must be commenced not later than 120 days after the date on which the agreement was breached.

NRS 127A.1895 Modification or termination: Conditions; presumptions and considerations; scope.

1. An agreement that provides for postadoptive contact entered into pursuant to NRS 127A.187 may only be modified or terminated by an adoptive parent petitioning the court that entered the order which included the agreement. The court may grant a request to modify or terminate the agreement only if:

(a) The adoptive parent petitioning the court for the modification or termination establishes that:

(1) A change in circumstances warrants the modification or termination; and

(2) The contact provided for in the agreement is no longer in the best interests of the child; or

(b) Each party to the agreement consents to the modification or termination.

2. If an adoptive parent petitions the court for a modification or termination of an agreement pursuant to this section:

(a) There is a presumption that the modification or termination is in the best interests of the child; and

(b) The court may consider the wishes of the child involved in the agreement.

3. *Any order issued pursuant to this section to modify an agreement that provides postadoptive contact:*

(a) May limit, restrict, condition or decrease contact between the parties involved in the agreement; and

(b) May not expand or increase the contact between the parties involved in the agreement or place any new obligation on an adoptive parent.

PLACEMENT OF CHILDREN FOR ADOPTION AND PERMANENT FREE CARE

NRS 127A.220 Definitions. *As used in NRS 127A.220 to 127A.310, inclusive, unless the context otherwise requires:*

1. *“Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.*

2. *“Arrange the placement of a child” means to make preparations for or bring about any agreement or understanding concerning the adoption of a child.*

3. *“Child-placing agency” means a nonprofit corporation organized pursuant to chapter 82 of NRS, and licensed by the Division to place children for adoption or permanent free care.*

4. *“Person” includes a hospital.*

5. *“Recommend the placement of a child” means to suggest to a child-placing agency that a prospective adoptive parent be allowed to adopt a specific child, born or in utero.*

NRS 127A.230 Standards for and regulation of child-placing agencies; regulation of agencies which provide child welfare services; regulation of adoption or placement of children.

1. *The Division shall:*

(a) Establish reasonable minimum standards for child-placing agencies.

(b) In consultation with each agency which provides child welfare services, adopt:

(1) Regulations concerning the operation of an agency which provides child welfare services.

(2) Regulations establishing the procedure to be used by an agency which provides child welfare services in placing children for adoption, which must allow the parent or parents and the prospective adoptive parent or parents to determine, by mutual agreement, the amount of identifying information that will be communicated concerning each of them.

(3) Any other regulations necessary to carry out its powers and duties regarding the adoption of children or the placement of children for adoption or permanent free care, including, without limitation, such regulations necessary to ensure compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

2. Each agency which provides child welfare services shall conform to the standards established and the regulations adopted pursuant to subsection 1.

NRS 127A.2805 Home study of prospective adoptive parents.

1. The child welfare agency shall complete a home study investigating the medical, mental, financial and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption. The investigation must also address any other relevant factor relating to the qualifications of the prospective adoptive parent or parents

2. If the placement is to be made in a home outside of this state, the child welfare agency must receive a copy of the home study report, completed by the appropriate authority, of an investigation of the home and the medical, mental, financial and moral backgrounds of the prospective adoptive parent or parents to determine the suitability of the home for placement of the child for adoption.

NRS 127A.281 Search for criminal record of prospective adoptive parent.

1. A prospective adoptive parent who is subject to a home study by the child welfare agency must submit as part of the home study a complete set of their fingerprints and written permission authorizing the child welfare agency to

forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation.

2. The child welfare agency may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

3. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the child welfare agency that submitted the fingerprints.

4. Any fees for fingerprinting and submission to the Central Repository and the Federal Bureau of Investigation must be paid by the prospective adoptive parent, except that:

(a) In a county whose population is less than 100,000, the Division may adopt regulations providing for the payment of those fees by the Division; or

(b) In a county whose population is 100,000 or more, the board of county commissioners may provide by ordinance for the payment of those fees by the child welfare agency.

NRS 127A.2817 Criteria for determination of suitability of prospective adoptive home; opportunity for prospective adoptive parents to review and respond to unfavorable home study.

1. The Division, in consultation with each child welfare agency, shall adopt regulations setting forth the criteria to be used by a child welfare agency for determining whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption.

2. Upon the completion of a home study conducted by a child welfare agency pursuant to NRS 127A.2805, the child welfare agency shall inform the prospective adoptive parent or parents of the results of the home study. If, pursuant to the home study, a determination is made that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child, the child welfare agency shall provide the prospective adoptive parent or parents with an opportunity to review and respond to the home study with the child welfare agency before the issuance of the results of the home study. Except as otherwise provided

in NRS 239.0115, the identity of those persons who are interviewed or submit information concerning the investigation must remain confidential.

3. A child welfare agency shall not determine that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child solely because the prospective adoptive parent or parents:

- (a) Are deaf, are blind or have another physical disability; or
- (b) Are the holders of a valid registry identification card.

4. As used in this section:

(a) “Blind” has the meaning ascribed to it in NRS 426.082.

(b) “Holder of a valid registry identification card” means a person who holds a valid registry identification card as defined in NRS 678C.080 that identifies the person as:

(1) Exempt from state prosecution for engaging in the medical use of cannabis; or

(2) A designated primary caregiver as defined in NRS 678C.040.

NRS 127A.282 Petition for order to restrain and enjoin violation or threatened violation of chapter; investigation of unreported adoption or permanent free care of unrelated child.

1. Whenever the child welfare agency believes that anyone has violated or is about to violate any of the provisions of this chapter, in addition to any other penalty or remedy provided:

(a) The child welfare agency may petition the appropriate district court for an order to restrain and enjoin the violation or threatened violation of any of the provisions of this chapter, or to compel compliance with the provisions of this chapter; and

(b) The court shall, if a child has been or was about to be placed in a prospective adoptive home in violation of the provisions of this chapter:

(1) Prohibit the placement if the child was about to be so placed, or order the removal of the child if the child was so placed within 6 months before the filing

of the petition by child welfare agency and proceed pursuant to paragraph (b) of subsection 2 of NRS 127A.2815; or

(2) Proceed pursuant to paragraph (b) of subsection 2 of NRS 127A.2815 in all other cases if the court determines that it is in the best interest of the child that the child should be removed.

2. Whenever the child welfare agency believes that a person has received for the purposes of adoption or permanent free care a child not related by blood, and the required written notice has not been given, if the child welfare agency does not proceed pursuant to subsection 1, it shall make an investigation. Upon completion of the investigation, if the home is found suitable for the child, the prospective adoptive parents must be allowed 6 months from the date of completion of the investigation to file a petition for adoption. If a petition for adoption is not filed within that time a license as a foster home must thereafter be issued pursuant to NRS 424.030 if the home meets established standards. If, in the opinion of the child welfare agency, the placement is detrimental to the interest of the child, the child welfare agency shall file an application with the district court for an order for the removal of the child from the home. If the court determines that the child should be removed, the court shall proceed pursuant to paragraph (b) of subsection 2 of NRS 127.2815.

NRS 127A.2825 Child-placing agency required to give preference to placement of child with siblings of child. A child welfare agency shall, to the extent practicable, give preference to the placement of a child for adoption or permanent free care together with their siblings.

NRS 127A.2827 Orders for visitation with sibling of child in custody of child welfare agency: Previous orders of such visitation to be provided to court during adoption proceedings; court required to incorporate order for visitation into order of adoption; exceptions; hearing required; participation of interested parties; notice; best interest of child sole consideration; enforcement.

1. If a child who is in the custody of a child welfare agency is placed for adoption, the agency must provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580.

2. The court shall incorporate an order for visitation provided to the court pursuant to subsection 1 into the order of adoption unless, not later than 30 days after notice of the filing of the petition for adoption is provided to the legal custodian or guardian of the child pursuant to NRS 127A.123, any interested party in the adoption, including, without limitation, the prospective adoptive parent, the adoptive child, a sibling of the adoptive child, the child welfare agency petitions the court to exclude the order of visitation with a sibling from the order of adoption or amend the order for visitation before including the order in the order of adoption.

3. The hearing on a petition submitted pursuant to subsection 2 must be held on the same date as the hearing on the petition for adoption. Any interested party is entitled to participate in the hearing. The clerk of the court shall give written notice of the time and place of the hearing to the prospective adoptive parent, the adoptive child, a sibling of the adoptive child, the attorney for the adoptive child or a sibling of the adoptive child, the child welfare agency. Upon the petition of a sibling requesting the inclusion of an order for visitation in the order of adoption, the court may require the child welfare agency to provide the clerk of the court with the contact information of the prospective adoptive parent, the adoptive child and the attorney for the adoptive child. If so ordered, the child welfare agency must provide such contact information under seal.

4. The sole consideration of the court in making a determination concerning visitation with a sibling pursuant to this section is the best interest of the child. If a petition is submitted pursuant to subsection 2, the court must not enter an order of adoption until the court has made a determination concerning visitation with a sibling.

5. If an order for visitation with a sibling is included in an order of adoption, the court shall, upon the request of a party to the order, provide to the party the case number of the adoption proceeding and any documents or records necessary to enforce, modify, or terminate the order.

6. A party to an order for visitation may petition for enforcement, modification, or termination of the order at any time while the order is in effect. A person who fails to comply with the order is in contempt of court. If a party to an order for visitation withholds the contact information of any person in violation of the order, the court may order the child welfare agency to provide such contact information to the court under seal.

NRS 127A.283 Publication or broadcast of information concerning child.

1. A child welfare agency may publish on a website, in any newspaper published in this state or broadcast by television a photograph of and relevant

personal information concerning any child for whom an adoptive resource is needed.

NRS 127.320 to NRS 127.410 moved (VERBATIM) to New Chapter 127B

CHAPTER 127B - INTERSTATE COMPACT ON PLACEMENT OF CHILDREN

NRS 127B.320 Enactment. *The Interstate Compact on the Placement of Children, set forth in NRS 127.330, is hereby enacted into law and entered into with all other jurisdictions substantially joining therein.*

NRS 127B.330 Text of compact. *The Interstate Compact on the Placement of Children is as follows:*

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

ARTICLE I. Purpose and Policy

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement receives the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.

(d) Appropriate jurisdictional arrangements for the care of children are promoted.

ARTICLE II. Definitions

As used in this compact:

(a) *“Child” means a person who, by reason of minority, is legally subject to parental control, guardianship or similar control.*

(b) *“Placement” means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.*

(c) *“Receiving state” means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.*

(d) *“Sending agency” means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings or causes to be sent or brought any child to another party state.*

ARTICLE III. Conditions for Placement

(a) *A sending agency shall not send, bring or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency complies with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.*

(b) *Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring or place the child in the receiving state. The notice must contain:*

(1) The name, date and place of birth of the child.

(2) The identity and address or addresses of the parents or legal guardian.

(3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring or place the child.

(4) A full statement of the reasons for the proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) *Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency’s state, and is entitled to receive therefrom, such supporting or additional information as it considers necessary under the circumstances to carry out the purpose and policy of this compact.*

(d) The child must not be sent, brought or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

ARTICLE IV. Penalty for Illegal Placement

The sending, bringing or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact is a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such a violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, the violation constitutes full and sufficient grounds for the suspension or revocation of any license, permit or other legal authorization held by the sending agency which empowers or allows it to place or care for children.

ARTICLE V. Retention of Jurisdiction

(a) The sending agency retains such jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child as it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. That jurisdiction also includes the power to effect or cause the return of the child or the transfer of the child to another location and custody pursuant to law. The sending agency continues to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained in this article defeats a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state to provide one or more services to the child as the agent for the sending agency.

(c) Nothing in this compact prevents a private charitable agency authorized to place children in the receiving state from performing services or acting as the agent in that state for a private charitable agency of the sending state, or to prevent the agency in the receiving state from discharging its financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a).

ARTICLE VI. Institutional Care of Delinquent Children

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement may be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to the child being sent to the other party jurisdiction for institutional care and the court finds that:

(a) Equivalent facilities for the child are not available in the sending agency's jurisdiction; and

(b) Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

ARTICLE VII. Compact Administrator

The executive head of each jurisdiction party to this compact shall designate an officer to act as the administrator and general coordinator of activities under this compact in his or her jurisdiction and who, acting jointly with like officers of other party jurisdictions, may adopt regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE VIII. Limitations

This compact does not apply to:

(a) The sending or bringing of a child into a receiving state by his or her parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt or his or her guardian and leaving the child with any such relative or nonagency guardian in the receiving state.

(b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are parties, or to any other agreement between the states which has the force of law.

ARTICLE IX. Enactment and Withdrawal

This compact is open to joinder by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and, with the consent of Congress, the Government of Canada or any province thereof. It becomes effective with respect to any jurisdiction when the jurisdiction has enacted it into law. Withdrawal from this compact must be by the enactment of a

statute repealing it, but does not take effect until 2 years after the effective date of the statute and until written notice of the withdrawal has been given by the withdrawing jurisdiction to the executive head of each other party jurisdiction. Withdrawal of a party jurisdiction does not affect the rights, duties and obligations under this compact of any sending agency in that jurisdiction with respect to a placement made prior to the effective date of withdrawal.

ARTICLE X. Construction and Severability

The provisions of this compact must be liberally construed to effectuate the purposes thereof. The provisions of this compact are severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance are not affected thereby. If this compact is held contrary to the constitution of any state party thereto, the compact remains in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

NRS 127B.340 Administrator of compact: Service at pleasure of Governor; cooperation with all departments, agencies and officers. *The administrator of the compact shall serve at the pleasure of the Governor. The administrator shall cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state under the compact.*

NRS 127B.350 Supplementary agreements. *The administrator of the compact shall enter into supplementary agreements with appropriate officials of other states pursuant to the compact. If a supplementary agreement requires or contemplates the use of any institution or facility of this state or the provision of any service by this state, the supplementary agreement has no force or effect until approved by the head of the department or agency under whose jurisdiction the institution or facility is operated or whose department or agency will be charged with the rendering of the service.*

NRS 127.400 to NRS 127.420 moved (VERBATIM) to new chapter NRS 127C

CHAPTER 127C - INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE

NRS 127C.400 Enactment. *The Interstate Compact on Adoption and Medical Assistance, set forth in NRS 127.410, is hereby enacted into law and entered into with all other jurisdictions substantially joining therein.*

NRS 127C.410 Text of compact. *The Interstate Compact on Adoption and Medical Assistance is as follows:*

INTERSTATE COMPACT ON ADOPTION

AND MEDICAL ASSISTANCE

ARTICLE I. FINDINGS

The states which are parties to this compact find that:

(a) In order to obtain adoptive families for children with special needs, states must assure prospective adoptive parents of substantial assistance (usually on a continuing basis) in meeting the high costs of supporting and providing for the special needs and the services required by such children.

(b) The states have a fundamental interest in promoting adoption for children with special needs because the care, emotional stability, and general support and encouragement required by such children can be best, and often only, obtained in family homes with a normal parent-child relationship.

(c) The states obtain fiscal advantages from providing adoption assistance because the alternative is for the states to bear the higher cost of meeting all the needs of children while in foster care.

(d) The necessary assurances of adoption assistance for children with special needs, in those instances where children and adoptive parents live in states other than the one undertaking to provide the assistance, include the establishment and maintenance of suitable substantive guarantees and workable procedures for interstate cooperation and payments to assist with the necessary costs of child maintenance, the procurement of services, and the provision of medical assistance.

ARTICLE II. PURPOSES

The purposes of this compact are to:

(a) Strengthen protections for the interests of children with special needs on behalf of whom adoption assistance is committed to be paid, when such children are in or move to states other than the one committed to provide adoption assistance.

(b) Provide substantive assurances and operating procedures which will promote the delivery of medical and other services to children on an interstate basis through programs of adoption assistance established by the laws of the states which are parties to this compact.

ARTICLE III. DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

(a) “Child with special needs” means a minor who has not yet attained the age at which the state normally discontinues children’s services, or a child who has not yet reached the age of 21 where the state determines that the child’s mental or physical handicaps warrant the continuation of assistance beyond the age of majority, for whom the state has determined the following:

(1) That the child cannot or should not be returned to the home of his or her parents;

(2) That there exists with respect to the child a specific factor or condition (such as his or her ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical condition or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance; or

(3) That, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in their care as a foster child, a reasonable but unsuccessful effort has been made to place the child with appropriate adoptive parents without providing adoption assistance.

(b) “Adoption assistance” means the payment or payments for the maintenance of a child which are made or committed to be made pursuant to the program of adoption assistance established by the laws of a party state.

(c) *“State” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a territory or possession of the United States.*

(d) *“Adoption assistance state” means the state that is signatory to an agreement of adoption assistance in a particular case.*

(e) *“Residence state” means the state in which the child is a resident by virtue of the residence of the adoptive parents.*

(f) *“Parents” means either the singular or plural of the word “parent.”*

ARTICLE IV. ADOPTION ASSISTANCE

(a) *Each state shall determine the amounts of adoption assistance and other aid which it will give to children with special needs and their adoptive parents in accordance with its own laws and programs. The adoption assistance and other aid may be made subject to periodic reevaluation of eligibility by the adoption assistance state in accordance with its laws.*

(b) *The adoption assistance, medical assistance, and other services and benefits to which this compact applies are those provided to children with special needs and their adoptive parents from the effective date of the agreement for adoption assistance.*

(c) *Every case of adoption assistance must include a written agreement for adoption assistance between the adoptive parents and the appropriate agency of the state undertaking to provide the adoption assistance. Every such agreement must contain provisions for the fixing of actual or potential interstate aspects of the assistance so provided as follows:*

(1) *An express commitment that the assistance so provided must be payable without regard for the state of residence of the adoptive parents, both at the outset of the agreement and at all times during its continuance;*

(2) *A provision setting forth with particularity the types of care and services toward which the adoption assistance state will make payments;*

(3) *A commitment to make medical assistance available to the child in accordance with Article V of this compact;*

(4) An express declaration that the agreement is for the benefit of the child, the adoptive parents and the state and that it is enforceable by any or all of them; and

(5) The date or dates upon which each payment or other benefit provided thereunder is to commence, but in no event prior to the effective date of the agreement for adoption assistance.

(d) Any services or benefits provided for a child by the residence state and the adoption assistance state may be facilitated by the party states on each other's behalf. To this end, the personnel of the child welfare agencies of the party states will assist each other, as well as the beneficiaries of agreements for adoption assistance, in assuring prompt and full access to all benefits expressly included in such agreements. It is further recognized and agreed that, in general, all children to whom agreements for adoption assistance apply will be eligible for benefits under the child welfare, education, rehabilitation, mental health, and other programs of their state of residence on the same basis as other resident children.

(e) Payments for adoption assistance on behalf of a child in another state shall be made on the same basis and in the same amounts as they would be made if the child were living in the state making the payments, except that the laws of the adoption assistance state may provide for the payment of higher amounts.

ARTICLE V. MEDICAL ASSISTANCE

(a) Children for whom a party state is committed, in accordance with the terms of an agreement of adoption assistance to provide federally aided medical assistance under Title XIX of the Social Security Act, are eligible for such medical assistance during the entire period for which the agreement is in effect. Upon application therefor, the adoptive parents of a child who is the subject of an agreement of adoption assistance must receive a document of identification for medical assistance made out in the child's name. The identification must be issued by the program of medical assistance of the residence state and must entitle the child to the same benefits, pursuant to the same procedures, as any other child who is covered by the program of medical assistance in that state, whether or not the adoptive parents are themselves eligible for medical assistance.

(b) The document of identification must bear no indication that an agreement of adoption assistance with another state is the basis for its issuance. However, if the document of identification is issued pursuant to an agreement for adoption assistance, the records of the issuing state and the adoption assistance state must

show the fact, and must contain a copy of the agreement for adoption assistance and any amendment or replacement thereof, as well as all other pertinent information. The adoption assistance and programs of medical assistance of the adoption assistance state shall be notified of the issuance of such identification.

(c) A state which has issued a document of identification for medical assistance pursuant to this compact, which identification is valid and currently in force, shall accept, process and pay claims for medical assistance thereon as it would with other claims for medical assistance by eligible residents.

(d) The federally aided medical assistance provided by a party state pursuant to this compact must be in accordance with paragraphs (a) through (c) of this Article. In addition, when a child who is covered by an agreement of adoption assistance is living in another party state, payment or reimbursement for any medical services and benefits specified under the terms of the agreement of adoption assistance, which are not available to the child under the Title XIX program of medical assistance of the residence state, must be made by the adoption assistance state as required by its law. Any payments so provided must be of the same kind and at the same rates as provided for children who are living in the adoption assistance state. However, where the payment rate authorized for a covered service under the program of medical assistance of the adoption assistance state exceeds the rate authorized by the residence state for that service, the adoption assistance state shall not be required to pay the additional amounts for the services or benefits covered by the residence state.

(e) A child referred to in paragraph (a) of this Article, whose residence is changed from one party state to another party state is eligible for federally aided medical assistance under the program of medical assistance of the new state of residence.

ARTICLE VI. COMPACT ADMINISTRATION

(a) In accordance with its own laws and procedures, each state which is a party to this compact shall designate an administrator of the compact and such deputy administrators of the compact as it deems necessary. The administrator of the compact shall coordinate all activities under this compact within his or her state. The administrator of the compact shall also be the principal contact for officials and agencies within and without the state for the facilitation of interstate relations involving this compact and the protection of benefits and services provided pursuant thereto. In this capacity, the administrator of the compact will be responsible for

assisting the personnel of the child welfare agencies from other party states and adoptive families receiving adoption and medical assistance on an interstate basis.

(b) Acting jointly, the administrators of the compact shall develop uniform forms and administrative procedures for the interstate monitoring and delivery of adoption and medical assistance benefits and services pursuant to this compact. The forms and procedures so developed may deal with such matters as:

- (1) Documentation of continuing eligibility for adoption assistance;*
- (2) Interstate payments and reimbursements; and*
- (3) Any and all other matters arising pursuant to this compact.*

(c) (1) Some or all of the parties to this compact may enter into supplementary agreements for the provision of or payment for additional medical benefits and services, as provided in Article V(d); for interstate service delivery, pursuant to Article IV(d); or for matters related thereto. Such agreements must not be inconsistent with this compact, nor may they relieve the party states of any obligation to provide adoption and medical assistance in accordance with applicable state and federal law and the terms of this compact.

(2) Administrative procedures or forms implementing the supplementary agreements referred to in paragraph (c)(1) of this Article may be developed by joint action of the administrators of the compact of those states which are party to such supplementary agreements.

(d) It shall be the responsibility of the administrator of the compact to ascertain whether and to what extent additional legislation may be necessary in his or her own state to carry out the provisions of this Article or Article IV or any supplementary agreements pursuant to this compact.

ARTICLE VII. JOINDER AND WITHDRAWAL

(a) This compact must be open to joinder by any state. It must enter into force as to a state when its duly constituted and empowered authority has executed it.

(b) In order that the provisions of this compact may be accessible to and known by the general public, and so that they may be implemented as law in each of the party states, the authority which has executed the compact in each party state shall cause the full text of the compact and a notice of its execution to be published in his

or her state. The executing authority in any party state shall also provide copies of the compact upon request.

(c) Withdrawal from this compact must be by written notice, sent by the authority which executed it, to the appropriate officials of all other party states, but no such notice may take effect until one year after it is given in accordance with the requirements of this paragraph.

(d) All agreements for adoption assistance outstanding and to which a party state is a signatory at the time when its withdrawal from this compact takes effect continue to have the effects given to them pursuant to this compact until they expire or are terminated in accordance with their provisions. Until such expiration or termination, all beneficiaries of the agreements involved shall continue to have all rights and obligations conferred or imposed by this compact, and the withdrawing state shall continue to administer the compact to the extent necessary to accord and implement fully the rights and protections preserved hereby.

ARTICLE VIII. CONSTRUCTION AND SEVERABILITY

The provisions of this compact must be liberally construed to effectuate the purposes thereof. The provisions of this compact must be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the Constitution of the United States or of any party state, or where the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance must not be affected thereby. If this compact is held contrary to the Constitution of any state party thereto, the compact may remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

NRS 127C.420 Administrator of compact: Service at pleasure of Governor; cooperation with all departments, agencies and officers. The administrator of the compact shall serve at the pleasure of the Governor. The administrator shall cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state under the compact.