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March 14, 2013

Assembly Judiciary Committee
Chair Frierson, Vice-Chair Ohrenschall
Members Carillo, Cohen, Diaz, Dondero Loop, Martin, Spiegel, Duncan, Fiore, Hansen, Wheeler
Legislative Building, Room 3138
401 S. Carson St
Carson City, NV 89701

Sent via email to Committee Members, the Committee Manager and facsimile to 775-684-8533

RE: AB 203; Revises provisions governing the granting of the right to visit a child to grandparents and great-grandparents of the child. (BDR 11-750)

Dear Members of the Assembly Judiciary Committee,

By way of introduction, Nevada Homeschool Network (NHN) advocates for Nevada families who have chosen to direct the education of their children. However, today we are writing regarding a matter of importance to all Nevada parents and families.

[AB 203](#) would modify state law to permit grandparents or great-grandparents to sue for visitation of a child against the parents' wishes. This bill will cause intact families, including perfectly fit parents, to face potential court challenges to their parenting decisions whenever they limit or restrict their child's visitation from grandparents or great-grandparents. Further, the bill as proposed would force parents to defend their parental rights if they simply deny visitation to a grandparent. AB 203 could have a detrimental effect on many Nevada homeschool families when grandparent or great-grandparents object to the homeschooling and demand visitation against the parent's wishes.

Under current law these relatives can only seek visitation when the parents of the child consent, or via the court system when the marriage is no longer intact due to separation or divorce; the parents were never legally married; a parent is deceased; a parent has relinquished parental rights; or the parental rights have been terminated.

Ideally, families get along; parents, grandparents, and even great-grandparents work together to raise well-adjusted kids. But that is not always the case. Regardless of how healthy these relationships are, it falls to fit and loving parents to make decisions regarding the care, custody, and control of the child – including decisions regarding who has contact with that child.

With this in mind, we would like to direct you to the 74th Session of the Nevada Legislature (2007) specifically, [SB 204](#) . During the 2007 session, the exact same language that is in this session's AB 203

was proposed in SB 204 (that is the last time the issue was raised. It was also raised in 2005 and 2001). In a review of the testimony for and against SB 204 in 2007, we found **that a judge, lawyers and civic groups overwhelmingly opposed SB 204, primarily because of the unconstitutionality of the bill. Testimony in 2007 referenced the U.S. Supreme Court case of Troxel v. Granville, 530 U.S. 57 (2000) and we believe that amending NRS 125C.050 would be unconstitutional today as well.**

We believe that current Legislators may not be aware of the history of this legislation and as such we seek to advise you of the fate of the proposed language in 2007.

Legislative Background: SB 204 was initially heard in the Senate Judiciary Committee on [March 15, 2007](#) (pages 14-16) and continued on [March 20, 2007](#) (pages 2-9). There was a proposal to amend the bill during a Senate Judiciary Committee Work Session on [April 4, 2007](#) (pages 10-11) and the bill was continued to the next work session. At the committee work session on [April 10, 2007](#) (pages 6-7) the sponsoring Senator withdrew the proposed amendment, requested a “Do pass” on the bill as originally proposed, no second on the motion was received and the bill died in committee.

Again, please note that the language in this year’s bill, AB 203, is exactly the same as in 2007. We believe that nothing has changed as to the constitutional, financial and court case loads issues on this session’s proposed language **and we therefore oppose AB 204 on these grounds:**

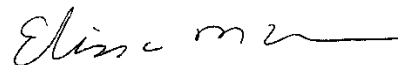
- **AB 203 is unconstitutional** based on the U.S. Supreme Court’s ruling in *Troxel v. Granville*, 539 U.S. 57 (2000). Nothing has changed since that ruling overturned a Washington state law like this proposed bill. Intact families have a fundamental right to deny visitation with grandparents, and any law to the contrary would likely be struck down by the Nevada Supreme Court. Current law already correctly interprets this Supreme Court case.
- **AB 203 would create a financial burden on intact families** having to defend their private family decisions regarding who has contact with their children. Some families simply could not afford to defend themselves, some bad decisions can be handed down, and *children will be harmed as a result.*
- **AB 203 would significantly increase the caseload burden** on an already overburdened District Court, increasing costs and delays. Many more cases could also be appealed to the Supreme Court.

Thank you for your time and consideration in this matter. **Please vote no on AB 203.**

Sincerely,



Frank Schnorbus, Chair
Minden, NV
775/220-1492



Elissa Wahl, Vice-Chair
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702/241-6170

NHN Officers: Barbara Dragon, Treasurer (Gardnerville, NV) 775/721-9202
Kelley Millard Radow, Officer (Reno, NV)
Laura Siegal, Officer (Las Vegas, NV)
Ray Poole, Secretary (Gardnerville, NV)