

CHAPTER 127 - ADOPTION OF CHILDREN AND ADULTS

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GENERAL PROVISIONS

SECTION 127.003 Definitions. As used in this chapter, unless the context otherwise requires:

1. “Department which provides child welfare services” has the meaning ascribed to it in [SECTION 432B.030](#).
2. “Indian child” has the meaning ascribed to it in 25 U.S.C. § 1903.
3. “Indian Child Welfare Act” means the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.

SECTION 127.005 Applicability. The provisions of [SECTION 127.010](#) to [127.1895](#), inclusive, govern the adoption of minor children, and the provisions of [SECTION 127.190](#), [127.200](#) and [127.210](#) and the provisions of [SECTION 127.010](#) to [127.1895](#), inclusive, where not inconsistent with the provisions of [SECTION 127.190](#), [127.200](#) and [127.210](#), govern the adoption of adults.

ADOPTION OF CHILDREN

PURSUANT TO **25 USCS** § 1911. Indian tribe jurisdiction over Indian child custody proceedings

(a) Exclusive jurisdiction. An Indian tribe shall have jurisdiction exclusive as to any State over any child custody proceeding involving an Indian child who resides or is domiciled

within the reservation of such tribe, except where such jurisdiction is otherwise vested in the State by existing Federal law. Where an Indian child is a ward of a tribal court, the Indian tribe shall retain exclusive jurisdiction, notwithstanding the residence or domicile of the child.

(b) Transfer of proceedings; declination by tribal court. In any State court proceeding for the foster care placement of, or termination of parental rights to, an Indian child not domiciled or residing within the reservation of the Indian child's tribe, the court, in the absence of good cause to the contrary, shall transfer such proceeding to the jurisdiction of the tribe, absent objection by either parent, upon the petition of either parent or the Indian custodian or the Indian child's tribe: *Provided*, that such transfer shall be subject to declination by the tribal court of such tribe.

(c) State court proceedings; intervention. In any State court proceeding for the foster care placement of, or termination of parental rights to, an Indian child, the Indian custodian of the child and the Indian child's tribe shall have a right to intervene at any point in the proceeding.

(d) Full faith and credit to public acts, records, and judicial proceedings of Indian tribes. The United States, every State, every territory or possession of the United States, and every Indian tribe shall give full faith and credit to the public acts, records, and judicial proceedings of any Indian tribe applicable to Indian child custody proceedings to the same extent that such entities give full faith and credit to the public acts, records, and judicial proceedings of any other entity.

SECTION 127.013 Transfer of proceedings to another Reservation.

1. If proceedings pursuant to this chapter involve the relinquishment of an Indian child who is a ward of a tribal court, resides on a reservation or is domiciled IN a service area, the court shall transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.

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

SECTION 127.020 Adoption of minor children; ages and consent. A minor child may be adopted by an adult person in the cases and subject to the rules prescribed in this chapter. The 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.

SECTION 127.030 Who may petition. Any adult person or any two persons married to each other may petition the tribal court of the reservation for leave to adopt a child. The petition by a person having a husband or wife shall not be granted unless the husband or wife consents thereto and joins therein.

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

1. Except as provided in [SECTION 127.090](#), written consent to the specific adoption 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) Both parents if both are living;
- (b) One parent if the other is dead; or
- (c) The guardian of the person of a 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.

SECTION 127.043 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 until a valid release for or consent to adoption is executed by the mother as provided by [SECTION 127.070](#).
2. The provisions of this section do not apply if one petitioner or the spouse of a petitioner is related to the child within the third degree of consanguinity.

SECTION 127.045 Release for or consent to adoption and investigation required before appointment of guardian for child to be adopted; exception.

1. Except as otherwise provided in subsection 2, until a valid release for or consent to adoption is executed by the mother as provided by [SECTION 127.070](#) and the investigation required by [SECTION 127.2805](#) is 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 to any person who is related or whose spouse is related to the child within the third degree of consanguinity.

SECTION 127.052 Agency to determine whether child is Indian child; notification of child's tribe.

1. The department which 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 Department 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.

SECTION 127.053 Consent to adoption: Requisites. No consent to a specific adoption executed on this Reservation, or executed outside this Reservation for use on this Reservation, is valid unless it:

1. Identifies the child to be adopted by name, if any, sex and date of birth.
2. Is in writing and signed by the person consenting to the adoption as required in this chapter.
3. Is acknowledged by the person consenting and signing the consent to adoption in the manner and form required for conveyances of real property.
4. Contains, at the time of execution, the name of the person or persons to whom consent to adopt the child is given.

Where any parent or Indian custodian voluntarily consents to An ADOPTION, foster care placement or to termination of parental rights, **such consent shall not be valid unless executed in writing and recorded before a judge of a court of competent jurisdiction and accompanied by the presiding judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court shall also certify that either the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, birth of the Indian child shall not be valid.**

SECTION 127.055 Consent to adoption: Attesting witnesses may make self-proving affidavits to be attached to consent.

USE THE LANGUAGE REQUIRED BY THE INDIAN CHILD WELFARE ACT FOR THE TERMINATION OF PARENTAL RIGHTS

PURSUANT TO THE INDIAN CHILD WELFARE ACT §1913.

Parental rights; voluntary termination

(a) Consent; record; certification matters; invalid consents. Where any parent or Indian custodian voluntarily consents to An ADOPTION, to a foster care placement or to termination of parental rights, such consent shall not be valid unless executed in writing and recorded before a judge of a court of competent jurisdiction and accompanied by the presiding judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court shall also certify that either the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, birth of the Indian child shall not be valid.

(b) Foster care placement; withdrawal of consent. Any parent or Indian custodian may withdraw consent to a foster care placement under State law at any time and, upon such withdrawal, the child shall be returned to the parent or Indian custodian.

(c) Voluntary termination of parental rights or adoptive placement; withdrawal of consent; return of custody. In any voluntary proceeding for termination of parental rights to, or adoptive placement of, an Indian child, the consent of the parent may be withdrawn for any reason at any time prior to the entry of a final decree of termination or adoption, as the case may be, and the child shall be returned to the parent.

(d) Collateral attack; vacation of decree and return of custody; limitations. After the entry of a final decree of adoption of an Indian child in any State court, the parent may withdraw consent thereto upon the grounds that consent was obtained through fraud or duress and may petition the court to vacate such decree. Upon a finding that such consent was obtained through fraud or duress, the court shall vacate such decree and return the child to the parent. No adoption which has been effective for at least two years may be invalidated under the provisions of this subsection unless otherwise permitted under State law.

1. Any or all of the attesting witnesses to any 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 consent to adoption. The affidavit must be written on the 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 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:

Ely Shoshone Tribe }
 }ss.
County of White Pine..... }

(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 consent to adoption by (name of person or persons consenting); that she (he or they) subscribed the consent to adoption and declared the same to be a voluntary consent to adoption in their presence; that at the time the consent to adoption was executed it contained the names of the person or persons to whom consent was thereby given to adopt the child; that they thereafter subscribed the same as witnesses in the presence of (name of person or persons consenting) and in the presence of each other and at the request of (name of person or persons consenting); that at the time of the execution of the consent to adoption (name of person or persons consenting) acknowledged to them that she (he or they) was (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 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

SECTION 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 on this reservation or executed outside this reservation for use in this reservation or service area 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 professional or occupational capacity, the placement of a child for adoption in this reservation shall immediately notify the department which provides child welfare services of the impending adoption.

3. All information received by the department 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 [SECTION 432.035](#) of the Nevada Revised Statutes.

4. Any person who violates any of the provisions of this section is guilty of a **Category C offense**.

SECTION 127.060 Residence of petitioners: Adoption of two or more children.

1. The petition for adoption shall not be granted unless the petitioners have resided in the service area of White Pine County for a period of 6 months prior to the granting of the petition.

2. The same petitioners may, in one petition, petition for the adoption of two or more children, if the children be brothers or sisters or brother and sister.

SECTION 127.070 Validity of releases for and consents to adoption.

1. All releases for and consents to adoption executed on this reservation by the mother before the birth of a child or within 72 hours after the birth of a child are invalid.

2. A release for or consent to adoption may be executed by the father before the birth of the child if the father is not married to the mother. A release executed by the father becomes invalid if:

(a) The father of the child marries the mother of the child before the child is born;

(b) The mother of the child does not execute a release for or consent to adoption of the child within 6 months after the birth of the child; or

(c) No petition for adoption of the child has been filed within 2 years after the birth of the child.

SECTION 127.080 Consent to specific adoption or relinquishment for adoption cannot be revoked or nullified; exceptions.

1. Except as otherwise provided in [SECTION 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 [SECTION 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.

PURSUANT TO THE INDIAN CHILD WELFARE ACT §1913.

Parental rights; voluntary termination

(a) Consent; record; certification matters; invalid consents. Where any parent or Indian custodian voluntarily consents to An ADOPTION, to a foster care placement or to termination of parental rights, such consent shall not be valid unless executed in writing and recorded before a judge of a court of competent jurisdiction and accompanied by the presiding judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court shall also certify that either the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, birth of the Indian child shall not be valid.

(b) Foster care placement; withdrawal of consent. Any parent or Indian custodian may withdraw consent to a foster care placement under State law at any time and, upon such withdrawal, the child shall be returned to the parent or Indian custodian.

(c) Voluntary termination of parental rights or adoptive placement; withdrawal of consent; return of custody. In any voluntary proceeding for termination of parental rights to, or adoptive placement of, an Indian child, the consent of the parent may be withdrawn for any reason at any time prior to the entry of a final decree of termination or adoption, as the case may be, and the child shall be returned to the parent.

(d) Collateral attack; vacation of decree and return of custody; limitations. After the entry of a final decree of adoption of an Indian child in any State court, the parent may withdraw consent thereto upon the grounds that consent was obtained through fraud or duress and may petition the court to vacate such decree. Upon a finding that such consent was obtained through fraud or duress, the court shall vacate such decree and return the child to the parent. No adoption which has been effective for at least two years may be invalidated under the provisions of this subsection unless otherwise permitted under State law.

SECTION 127.090 When consent unnecessary. 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.

SECTION 127.100 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.

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

(a) The full name and age of the petitioners and the period the petitioners have resided in the service area before the filing of the petition.

(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.

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

(d) 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 adoption.

(h) That there has been a full compliance with [SECTION 127.220](#) to [127.310](#), inclusive.

(i) Whether the child is known to be an Indian child.

3. No order of adoption may be entered unless there has been full compliance with the provisions of [SECTION 127.220](#) to [127.310](#), inclusive.

SECTION 127.120 Petition to be filed in duplicate; investigation, report and recommendation; court may order independent investigation; costs.

1. A petition for adoption of a child must be filed in duplicate with the county clerk. 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.

3. The agency which provides child welfare services:

(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 adopting parents are suitable for the child.

4. The agency which provides child welfare services 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 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.

SECTION 127.123 Notice of filing of petition to be provided legal custodian or guardian of child. Notice of the filing of a petition for the adoption of a child must be provided to the legal custodian or guardian of the child if that custodian or guardian is a person other than the natural parent of the child.

SECTION 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 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 agency which provides child welfare services. If one petitioner or the spouse of a petitioner is related to the child within the third degree of consanguinity, the court may waive the filing of the affidavit.

SECTION 127.130 Confidentiality of reports; petitioner may rebut adverse report. The report of the department which provides child welfare services designated by the court must not be made a matter of public

record, but must be given in writing and in confidence to the tribal 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 tribal 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.

SECTION 127.140 Confidentiality of hearings, files and records.

1. 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) As provided pursuant to subsections 3, 4 and 5.

3. An adoptive parent who intends to file a petition pursuant to [SECTION 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 [SECTION 127.1885](#) to prove the existence of or to enforce an agreement that provides for postadoptive contact or to file an action pursuant to [SECTION 41.509](#) of the Nevada Revised Statutes may inspect only the portions of the files or records of the court concerning the agreement for postadoptive contact.

5. The portions of the files and records which are made available for inspection by an adoptive parent or natural parent pursuant to subsection 3 or 4 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.

SECTION 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 foster parent, the court shall give strong consideration to the emotional bond between the child and the 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 the court may change the name of the child, if desired. No order or decree of adoption may be made until after the child has lived for 6 months in the home of the petitioners.

2. 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.

3. 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.

SECTION 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 department which provides child welfare services shall provide the 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 department which provides child welfare services.

(b) Any information obtained by the department which provides child welfare services 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 department which provides child welfare services.

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

2. The department which provides child welfare services shall obtain from the adopting parents written confirmation that the 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.

SECTION 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 his attorney to prepare a report of adoption on a form prescribed and furnished by the State Registrar of Vital Statistics. 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 or decree of adoption; and
- (d) Be certified by the clerk of the court.

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

3. If an order or decree of adoption is amended or annulled, the petitioner or his 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 decree which were amended or annulled.

4. The petitioner or his 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.

SECTION 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 him, and they shall become his legal parents with all the rights and duties between them of natural parents and legitimate child. By virtue of such adoption he shall inherit from his adoptive parents or their relatives the same as though he were the legitimate child of such parents, and in case of his death intestate the adoptive parents and their relatives shall inherit his estate as if they had been his natural parents and relatives in fact. After a decree of adoption is entered, the natural parents of an adopted child shall be relieved of all parental responsibilities for such child, and they shall not exercise or have any rights over such adopted child or his property. The child shall not owe his natural parents or their relatives any legal duty nor shall he inherit from his natural parents or kindred. Notwithstanding any other provisions to the contrary in this section, the adoption of a child by his stepparent shall not in any way change the status of the relationship between the child and his natural parent who is the spouse of the petitioning stepparent.

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

1. The natural 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 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 natural 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 parent is in the child's best interest.

SECTION 127.171 Right to visitation of child by relatives; limitations.

1. Except as otherwise provided in [SECTION 127.187](#) to [127.1895](#), inclusive, in a proceeding for the adoption of a child, the court may grant a reasonable right to visit to certain relatives of the child only if a similar right had been granted previously pursuant to [SECTION 125C.050](#).

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

SECTION 127.180 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 Inter Tribal Council of Nevada Court of Appeals 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.

SECTION 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 department which provides child welfare service 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 department which provides child welfare services by proposed adoptive parents when, in the judgment of the agency which provides child welfare services, it would be in the best interests of the child to be placed in that adoptive home.

2. The department which provides child welfare services 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 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 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. A court may 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 child-placing agency consents to the adoption of such a child pursuant to this section.

AGREEMENTS FOR POSTADOPTIVE CONTACT

SECTION 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 his 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 the agreement:

(a) Is in writing and signed by the parties; and

(b) Is incorporated into an order or decree of adoption.

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 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 agreement is terminated.

5. 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 [SECTION 127.160](#).

SECTION 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 [SECTION 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 department which provides child welfare services involved in the adoption proceedings concerning the child; and

(b) Attorney representing a prospective adoptive parent, the child, the department which provides child welfare services 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 [SECTION 127.187](#), notify the court responsible for entering the order or decree of adoption of the child of the existence of the agreement.

SECTION 127.188 Inquiry by court before entering order or decree of adoption.

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

(a) Each prospective adoptive parent of the child to be adopted;

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

(c) Each attorney representing a prospective adoptive parent, the child, the department which provides child welfare services 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 [SECTION 127.187](#).

2. 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.

SECTION 127.1885 Petitions to court by natural parents and adoptive parents.

1. A natural parent who has entered into an agreement that provides for postadoptive contact pursuant to [SECTION 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 [SECTION 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 [SECTION 127.187](#).

2. An adoptive parent who has entered into an agreement that provides for postadoptive contact pursuant to [SECTION 127.187](#) may:

(a) During the period set forth in subsection 2 of [SECTION 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 [SECTION 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 [SECTION 127.1895](#).

SECTION 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 [SECTION 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 for or consent to an adoption or a relinquishment for adoption; or

(c) Except as otherwise provided in [SECTION 41.509](#), of the Nevada Revised Statutes 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.

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

1. An agreement that provides for postadoptive contact entered into pursuant to [SECTION 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

SECTION 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 younger than himself, except the spouse of the adopting person, by an agreement of adoption approved by a decree of adoption of the tribal court in the service area 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.

SECTION 127.200 Adoption of adults: Consent required.

1. A married person not lawfully separated from his spouse may not adopt an adult person without the consent of the spouse of the adopting person, if such spouse is capable of giving such consent.

2. A married person not lawfully separated from his spouse may not be adopted without the consent of the spouse of the person to be adopted, if such spouse is capable of giving such consent.

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

SECTION 127.210 Petition for approval of agreement of adoption; notice, investigation and hearing; decree of adoption.

1. The adopting person and the person to be adopted may file in the tribal court in the service area in which either resides a petition praying for approval of the agreement of adoption by the issuance of a decree of adoption.

2. 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, 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.

3. 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 department to investigate the circumstances and report thereon, with recommendations, to the court before the hearing.

5. At the hearing the tribal court shall examine the parties, or the counsel of any party not present in person. 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 of adoption declaring that the person adopted is the child of the person adopting him. 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

§ 1915. Placement of Indian children

(a) **Adoptive placements; preferences.** In any adoptive placement of an Indian child under State law, a preference shall be given, in the absence of good cause to the contrary, to a placement with

- (1) a member of the child's extended family;
- (2) other members of the Indian child's tribe; or
- (3) other Indian families.

(b) **Foster care or preadoptive placements; criteria; preferences.** Any child accepted for foster care or preadoptive placement shall be placed in the least restrictive setting which most approximates a family and in which his special needs, if any, may be met. The child shall also be placed within reasonable proximity to his or her home, taking into account any special needs of the child. In any foster care or preadoptive placement, a preference shall be given, in the absence of good cause to the contrary, to a placement with--

- (i) a member of the Indian child's extended family;
- (ii) a foster home licensed, approved, or specified by the Indian child's tribe;
- (iii) an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- (iv) an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

(c) **Tribal resolution for different order of preference; personal preference considered; anonymity in application of preferences.** In the case of a placement under subsection (a) or (b) of this section, if the Indian child's tribe shall establish a different order of preference by resolution, the agency or court effecting the placement shall follow such order so long as the placement is the least restrictive setting appropriate to the particular needs of the child, as provided in subsection (b) of this section. Where appropriate, the preference of the Indian child or parent shall be considered: *Provided*, That where a consenting parent evidences a desire for anonymity, the court or agency shall give weight to such desire in applying the preferences.

(d) **Social and cultural standards applicable.** The standards to be applied in meeting the preference requirements of this section shall be the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or with which the parent or extended family members maintain social and cultural ties.

(e) **Record of placement; availability.** A record of each such placement, under State law, of an Indian child shall be maintained by the State in which the placement was made, evidencing the efforts to comply with the order of preference specified in this section. Such record shall be made available at any time upon the request of the Secretary or the Indian child's tribe.

SECTION 127.280 Requirements for placement of child in home of prospective 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 department which provides child welfare services 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 [SECTION 127.2805](#) has been completed; and

(c) In the case of a specific 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.

2. Upon receipt of written notice from any person other than the natural parent, the department which provides child welfare services shall communicate with the natural parent to confirm his intention to place the child for adoption with the prospective adoptive parents identified in the written notice.

SECTION 127.2805 Investigation of prospective adoptive parents.

1. The department which provides child welfare services 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 parents, complete an investigation of 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 department 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 at any time, the department 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 service area, the department which provides child welfare services 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.

SECTION 127.281 Search for criminal record of prospective adoptive parent.

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

2. The department which provides child welfare services 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 department which provides child welfare services 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.

SECTION 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 department which provides child welfare services and placed by the department which provides child welfare services in a foster home licensed pursuant to [SECTION 424.030](#) of the Nevada Revised Statutes.

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

2. Upon completion of the investigation, the department which provides child welfare services 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 consent to a specific adoption pursuant to [SECTION 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 department which provides child welfare services shall file an application in the tribal court for an order prohibiting the placement. If the court determines that the placement should be prohibited, the court may nullify the written consent to the specific adoption and order the return of the child to the care and control of the parent who executed the 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 department which provides child welfare services for adoption.

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

1. Upon the completion of an investigation conducted by an department which provides child welfare services pursuant to [SECTION 127.120](#) or [127.2805](#), the department which provides child welfare services 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 department which provides child welfare services shall provide the prospective adoptive parent or parents with an opportunity to review and respond to the investigation with the department which provides child welfare services before the issuance of the results of the investigation. The identity of those persons who are interviewed or submit information concerning the investigation must remain confidential.

SECTION 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 department 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 department which provides child welfare services may petition the tribal 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 department which provides child welfare services and proceed pursuant to paragraph (b) of subsection 2 of [SECTION 127.2815](#); or

(2) Proceed pursuant to paragraph (b) of subsection 2 of [SECTION 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 department 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 [SECTION 424.030](#) if the home meets established standards. If, in the opinion of the department which provides child welfare services, the placement is detrimental to the interest of the child, the department which provides child welfare services shall file an application with the tribal 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 [SECTION 127.2815](#).

SECTION 127.2825 Department required to give preference to placement of child with his siblings. The department which provides welfare services shall, to the extent practicable, give preference to the placement of a child for adoption or permanent free care together with his siblings.

SECTION 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 department which provides child welfare services 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 **Category C offense**.

SECTION 127.287 Payment to or acceptance by natural parent of compensation in return for placement for or 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 or consent to or 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 consenting 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 or consent to or 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 surrogate, be inseminated and give birth to the child of a man who is not her husband.

SECTION 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 [SECTION 127.287](#) is guilty of a **Category A offense** and shall be punished as provided in [SECTION 193.130](#).
2. Subsection 2 of [SECTION 127.287](#) is guilty of a **Category B offense**.