NFLR NEVADA FAMILY LAW REPORT

Volume 10, Number 4 Fall I, 1995

BEST INTEREST OF CHILD LEGISLATION

by Shawn B Meador

The recent Nevada Legislature adopted three bills affecting the welfare of children and rights of their natural parents. *See*, A.B. 177, A.B. 302 and A.B. 503. These bills amend various sections of NRS chapters 126, 127, 128 and 423 regarding termination of parental rights, plans for permanent placement of children placed in protective custody and the procedures for setting aside adoptions. The thrust of these amendments is to elevate the "best interest" of the child to the primary, or in one situation, "determining" consideration in making decisions regarding the child.

While well meaning, the application of these amendments in practice may well infringe upon parents' constitutional rights. Two aspects of these bills demonstrate this potential infirmity.

Both A.B. 177 and A.B. 302 amend NRS chapter 128 regarding termination of parental rights. They provide that the "primary consideration" in a termination proceeding is the best interest of the child. They further provide that a termination decision must be made in light of factors

con't page 4

LEGISLATIVE UPDATE 1995

Family Law and Related Bills Signed by the Governor

by Ann Price McCarthy

The 1995 Nevada Legislature again showed very little interest in substantively altering the statutes affecting family law. As Peter Jaquette, Esq., noted, following the last session, the Legislature seems to be "carrying on the pattern established in the last couple of sessions." There are a couple of exceptions, which are noted below.

The summary has been done in numerical order, Assembly first, then Senate. Thus, when you receive your Advance Sheets, you will be able to quickly locate each bill for closer scrutiny.

ASSEMBLY BILLS

AB 177 • Amends NRS 128.105, 106, 109, NRS 423B.540, 590 to reflect "best interests of child standard" in termination of parental rights cases. The bill also adds a presumption that the parent(s) only made token efforts to care for the child if the child has resided outside his home for 18 months of any consecutive 24 month period. No months prior to January 1, 1995 may be counted. **Effective on passage and approval.**

AB 226 • AG's office gets $20,000 from the general fund to utilize in applying for federal grants concerning family violence. **Effective on passage and approval.**

AB 255 • Amends Chapter 62, Juvenile Courts. Makes appropriation of $1,687,500 to division of child and family services for state automated child welfare information system and standardized system of information concerning

con't page 3

IN THIS ISSUE

NEVADA FAMILY LAW REPORT is a quarterly publication of the Family Law Section of the State Bar of Nevada.
Subscription price for non-section members is $35 payable in advance annually from January 1 to December 31. There are no prorations.
The *NEVADA FAMILY LAW REPORT* is intended to provide family law related material and information to the bench and bar with the understanding that neither the State Bar of Nevada, Family Law Section editorial staff nor the authors intend that its content constitutes legal advice. Services of a lawyer should be obtained if assistance is required. Opinions expressed are not necessarily those of the State Bar of Nevada or the editorial staff.
This publication may be cited as Nev. Fam. L. Rep, Fall, 1995, at ____.
Nevada Family Law Report is supported by the Family Law Section of the State Bar of Nevada and NFLR subscriptions.

Fall I, 1995

Legislature con't

juvenile justice. Contains details of information to be maintained in the systems. **Effective on passage and approval.**

AB 292 • Amends NRS 125 by adding an entirely new section which affects **only** PERS distributions upon divorce or legal separation. This bill will surely be the subject of a separate article. Read the bill carefully before you attempt your next PERS QDRO. **Effective on passage and approval.**

AB 293 • Amends NRS 33.100 and 125.560 to remove reference to county jail as place of imprisonment. **Effective on passage and approval.**

AB 297 • Amends NRS 62.211 by allowing juvenile courts, in cases where a child has committed a delinquent act, to order counseling for child and his/her parents and to impose civil monetary penalties or community service on parents of delinquent child. **Effective October 1, 1995.**

AB 302 • Companion "best interests of child" bill. Amends NRS 128.105 requiring court to find, based on evidence, that the "best interests of the child" will be served by the termination of parental rights. **Effective on passage and approval.**

AB 361 • Amends various NRS chapters/sections to reflect that Indian children are exempt from application of certain provisions governing child custody, adoption, termination of parental rights and placement in foster care. If your practice includes work with Indian families, please read this bill carefully.

AB 378 • This bill was known, primarily, as the "dating relationship" bill. Actual language: "**with whom he had or is having a dating relationship.**" Adds that relationship to those protected from domestic violence in all the relevant NRS chapters. However, the bill also increases to 24 hours, from 4 hours, the time in which law enforcement can apprehend a perpetrator of domestic violence. Additionally, the act of domestic violence definition is further broadened by adding the following language to all relevant NRS sections: "A knowing, purposeful or reckless course of conduct **intended** to harass the other. **Such conduct may include, but is not limited to: (1) Stalking. (2) Arson. (3) Trespassing. (4) Larceny. (5) Destruction of private property. (6) Carrying a concealed weapon without a permit.**" Finally, the bill requires courts in counties where the population is 400,000 to be open 24 hours a day, every day, at least by telephone, in order to issue TPO's. Counties where the population is under 400,000, "may" be open 24 hours a day, etc.

AB 393 • This was one of the Governor's bills re: crime/firearms and juveniles. Makes parents liable, etc. It is quite lengthy and detailed. If you do juvenile law, you need to read this bill right away. For those of us who still have a sense of humor, the definition of firearm will technically include laundry markers, ballpoint pens, etc. "**Any device used to mark the clothing of a person with paint or any other substance;**" One section of interest to all of us: this bill keeps juveniles from driving, hunting, etc., through suspending or not issuing licenses. However, AB 425, summarized below, affects only the driver's licenses of those in arrears on child support; that's all, just driver's licenses. **Effective July 1, 1995.**

AB 395 • Amends NRS 125.480 to create "a rebuttable presumption that sole or joint custody of the child by the perpetrator of the domestic violence is not in the best interest of the child." While drastic, the bill does attempt to provide for due process protections for the perpetrator. The bill also amends NRS 125A.360 to say that sexual assault also creates the same rebuttable presumption.

AB 405 • Revises various provisions of NRS prohibiting sexual exploitation of children, i.e., child pornography. Does not apply to offenses committed before October 1, 1995.

AB 410 • Increases fee that can be charged for commencement of divorce action by $5. **Effective July 1, 1995.**

AB 425 • This is the bill that will require suspension of driver's licenses for all those who are in arrears on child support. Does allow restricted permits for driving under certain circumstances. No one could convince the Legislature that this bill should be broadened to affect hunting and other professional licenses, etc. Since many people simply continue

to drive on suspended licenses, this bill may be a waste of time and taxpayer money. Affects NRS 483 and 425. **Effective January 1, 1996.**

AB 427 • Amends NRS 178.5698 by requiring notification of victim and victim's immediate family when releasing convicted offender of specified crimes relating to children.

AB 503 • Another "best interests of the child" companion bill, that affects NRS 126 (parentage), and NRS 127 (adoption). An adoption may only be put aside if it is in the "best interest of the child" to do so. Contains a presumption that remaining in the home of the adopting parent is in the child's best interest.

AB 567 • Amends NRS chapters 62 and 174 to allow for the expedition of juvenile cases for children or child witnesses under the age of 16, with misc. details.

AB 575 • Amends NRS 159 (Guardianships) to allow the guardian to invest in money market mutual funds under certain circumstances. The original bill would have allowed the courts, upon the application of a guardian, to issue **any** order which it considers to be in the best interest of the child, including child support from the parents and visitation for the parents. However, the bill was gutted, and this is what was passed.

AB 621 • Amends various NRS chapters concerning child support, paternity, etc., to accomplish mostly "housekeeping" details. Assists with getting and keeping children covered on medical insurance, etc. Certain sections are effective July 1, 1995, others not until October 1, 1995.

AB 650 • Amends NRS 125.510 to require that the court state that Nevada is the "habitual residence" of a child, adopting the terms of the Hague Convention, and requiring a parent who lives outside the U.S. or has strong contacts with a country outside the U.S. to post a bond, etc. Also amends 125A.290 to state the "habitual residence", and defines, for purposes of stating visitation, "sufficient particularity" as "a statement of the rights in absolute terms and not by the use of the word `reasonable' or other similar term which is susceptible to different interpretations by the parties." **Effective October 1, 1995.**

SENATE BILLS

SB 114 • This bill amends NRS 200 to expand the circumstances under which the crime of aggravated stalking may occur. Specifically mentions spouses/divorce and the person with whom the perpetrator has a child in common. Provides for TPO's and notification, etc. Makes violation of an extended TPO a felony.

SB 317 • Allows mothers to breast feed in public without criminal consequences. The "touchy/feely feel good" bill of the session.

SB 393 • This bill amends NRS 125.510 to require a clear definition of visitation, with "sufficient particularity" (see AB 650 for the exact language).

Best Interest con't

listed in NRS sections 128.106 to 128.109, but must be based upon a finding that termination of parental rights would be in the best interest of the child and that at least one of the factors listed in section 128.105 exists. One of those factors is that the parent has demonstrated only token efforts to care for the child. The bills go further, however, to provide that the parents have made only token efforts to care for the child if the child has been placed in protective custody pursuant to chapter 432B and has resided outside the parents' home for 18 of any 24 consecutive months. It is then presumed that termination of parental rights is in the best interest of the child who has resided in protective custody for 18 of any 24 months.

In other words, the bills provide that both prongs of section 128.105 are met by the 18 month rule. The bills are silent as to whether these presumptions are conclusive or what degree of proof is necessary to overcome them. The bills create an invitation to formulistic application of the amended statute to terminate parental rights in all cases where a child has been in protective custody for 18 of 24 months, regardless of what extenuating circumstances may exist.

A.B. 177 further provides that the presumption that termination is in the child's best interest cannot be overcome with evidence of the state's failure to provide appropriate services to the family. In fact, every permanent placement plan required by section 432B.540 must now contain a recommendation of termination of parental rights unless the agency "conclu-

Articles, Case Summaries Wanted for NFLR

The Nevada Family Law Report seeks to provide interesting and substantive family law material to educate both the bench and the bar. NFLR needs articles for upcoming issues. If you are interested in writing critiques of pertinent cases, reports/opinions of family law legislation or discussions of family law trends and issues, please request authors guidelines from Editor Mary Rose Zingale, 528 Commercial St., Elko, NV 89801.

Articles published in the NFLR are eligible for continuing legal education credits. Contact the MCLE Board, 329-4443, for applications.

The Section's publication needs your input and contributions. Please contact an editor to discuss any article topic, critique or book review.

sively" determines that termination is not in the child's best interest and fully explains the basis for that determination. This amendment apparently provides that a need for even temporary protective custody raises a presumption that termination of parental rights is in the best interest of the child.

The second troubling aspect of these bills involves efforts to set aside adoptions. A.B. 503 provides that the natural parent may not bring an action to set aside an adoption after the adoption has been granted unless a court, in a separate action, has set aside a consent to adoption, has set aside a relinquishment of the child for adoption or has reversed an order terminating parental rights. The bill amends chapter 128 to provide that in a petition to set aside an adoption, the best interest of the child must be the "primary and determining" consideration of the court. It additionally creates a presumption that it would be in the child's best interest to remain in the home of the adoptive parents. Again, there is no indication whether the presumption is conclusive or the degree of proof necessary to overcome the "primary and determining" presumption in favor of the adoption.

The question is whether these bills, which are intended to protect children, go too far and result in a denial of parents' constitutionally protected rights. The fundamental liberty interest of parents to the companionship, custody, care and management of their children has been specifically and repeatedly recognized by the Supreme Court since the early part of this century. *See, e.g., Meyer v. Nebraska*, 262 U.S. 390, 399 67 L.Ed. 1042 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510, 534-535, 69 L.Ed. 1070 (1924); *Prince v. Commonwealth of Massachusetts*, 321 U.S. 158, 166, 88 L.Ed. 645 (1943)("It is cardinal with us that the custody, care and nurture of the child resides first in the parents."); *Wisconsin v. Yoder*, 406 U.S. 205, 232-233, 32 L.Ed.2d 15 (1972). The Court, in fact, has noted that this fundamental right has its origins in "intrinsic human rights" recognized in history and traditions that are even older than the Bill of Rights. *Smith v. Organization of Foster Families*, 431 U.S. 816, 845, 862, 53 L.Ed.2d 14 (1977). Similarly, in *Parham v. J.R.*, 442 U.S. 584, 602, 61 L.Ed.2d 101 (1979), the Court, citing Blackstone, noted that historically, jurisprudence "has recognized that natural bonds of affection lead parents to act in the best interests of their children."

The bills in question here, create a presumption that termination of parental rights is in the child's best interest if the child has resided in protective custody for 18 of 24 months. The bills, therefore, presumably shift the burden of proof to the parent to overcome the presumption, but do not state by what standard. This presumption and shifting of burdens is contrary to established constitutional protections.

It is well settled that parental rights cannot be terminated absent a showing, by at least clear and convincing evidence, that the parent is "unfit" and that the state's mere invocation that it is in the "best interest" of the child is insufficient to meet that standard. *See, Caban v. Mohammed*, 441 U.S. 380, 391, 60 L.Ed.2d 297 (1979); *Santowsky v. Kramer*, 455 U.S. 745, 71 L.Ed.2d 599 (1982).[1] As noted by the Court in *Santowsky*, "[t]he fundamental liberty interest of natural parents in the care, custody, and management of their child does not evaporate simply because they have not been model parents . . . . Even when blood relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family life." 455 U.S. at 753.

Justice Stewart, who was joined by Justices Burger and Rehmquist in his concurring opinion in *Smith*, wrote:

> If the State were to attempt to force the breakup of a natural family, over the objections of the parents and their children, without some showing of unfitness and for the sole reason that to do so was thought to be in the children's best interest, I should have little doubt that the State would have intruded impermissibly on "the private realm of family life which the State cannot enter." 431 U.S. at 862-863, *quoting*, *Prince v. Massachusetts*, 321 U.S. 158.

Nor is the creation of a legislative presumption a permissible method for determining whether termination of parental rights is in the child's best interest. In *Stanley v. Illinois*, 405 U.S. 645, 31 L.Ed.2d 551 (1972), the Court addressed a state statute which created a presumption that unwed fathers were unfit. As a result, Mr. Stanley, the natural father who had resided with the children's mother and helped raise the children and contribute to their support, lost custody when their mother died. The Supreme Court reversed the state's action and held that the children could not be taken away from their father absent a hearing at which the state demonstrated he was unfit. The Court explained that while the state may be right that most unwed fathers are unsuitable and neglectful parents, that clearly is not true of all unwed fathers, and therefore, the statutory presumption violated Mr. Stanley's constitutional rights. *Id.* at pp. 652-654.

The Court in *Stanley* reasoned that while "[p]rocedure by presumption is always cheaper and easier than individualized determinations," that does not make it right. *Id.* at pp. 656-657. Similarly, in *Parham, supra.*, the Court noted that "[t]he statist notion that governmental power should supersede parental authority in *all* cases because *some* parents abuse and neglect children is repugnant to American tradition." 442 U.S. at 603 (emphasis original).

The application of the presumptions contained in the bills here, like in *Stanley*, violates parents' constitutional rights. Even if it is true that in a majority of cases the best interests of a child who has been in protective custody for 18 of 24 months would be served by termination of parental rights, that does not absolve the state of the obligation to conduct a hearing and

demonstrate that the particular parent is unfit. The district courts should proceed with caution and assure that the record adequately demonstrates that in the specific case the parents are unfit and termination of parental rights truly is in the best interest of the child if the termination order is to be upheld.

In apparent deference to the strong public opinion arising out of the "Baby Richard" case, the Nevada legislature adopted A.B. 503, which makes it substantially more difficult for a natural parent to set aside a decree of adoption. As the facts of "Baby Richard" demonstrate, however, the failure to set aside an adoption can have the same practical effect as an improper termination of parental rights, and therefore, should be subject to the same exacting constitutional protections. *See*, *In re Kirchner*, 649 N.E.2d 324 (Ill. 1995).[2]

The public outrage regarding the "Baby Richard" case arose by virtue of the presentation by the popular media of the fact that a four year old child was taken from his adoptive parents, the only parents he had ever known, and returned to his biological parents who were strangers to him and with whom he had no emotional ties. The resulting hue and cry was that it was not in the child's "best interest" to be taken from his adoptive parents. Under Nevada's recently enacted legislation, the child presumably would have remained with the adoptive parents. This scenario, however, presents only a small part of the picture and illustrates the danger of placing undue emphasis on the "best interest" rubric.

Otto Kirchner and Daniella Janikova, Czechoslovakian immigrants, are the biological parents of Baby Richard. They began dating and living together before his birth. After Daniella became pregnant, they obtained a marriage license but did not go forward with the marriage. Shortly before the child's birth, Otto returned to Czechoslovakia to visit a dying relative. While he was there, a relative phoned Daniella and told her that Otto had resumed a relationship with a former girlfriend. Therefore, Daniella tore up the marriage license and moved out of Otto's apartment.

A friend of Daniella's then encouraged her to put the baby up for adoption. Ultimately, the lawyer for the Does, the potential adoptive parents, contacted Daniella and made arrangements for a private adoption. Both the Does' lawyer and the Does were aware that Daniella knew who the father was. Daniella told the Does' lawyer that the father would never consent to the adoption and in fact, asked if he knew how to fake a death certificate. He advised her that he did not and that he could not be a party to doing so. Nevertheless, rather than insist that Daniella identify the father so that he could be notified, the Does and their attorney acquiesced to Daniella's scheme to tell Otto that his child died at birth.

In the meantime, Otto returned from Czechoslovakia and, at least for a brief time, resumed his relationship with Daniella. She, however, did not tell him of her plans to put the child up for adoption. They apparently separated again and both Daniella and her relatives told Otto that the child died at birth. Daniella gave birth at a hospital some distance from the one she and Otto had planned to use.

Meanwhile, in the adoption proceeding, the Does' lawyer filed a false "Affidavit for Service by Publication" stating that after due inquiry the father of the child could not be found and, in the adoption petition, the Does alleged that the father was unknown. There was no evidence the lawyer made any reasonable inquiry with respect to who the father was. He did not contact Daniella's friends or relatives to make inquiries. He made no investigation of the residence where Daniella and Otto had lived for over a year prior to the child's birth.

Within 30 days after the birth of the child, Otto became suspicious of Daniella's claim that the child died at birth. He phoned and visited in person the hospital where they had planned to have the delivery as well as other local hospitals. Finding no record of the birth, he rooted through the garbage cans where Daniella was staying, looking for diapers or other evidence the child was alive.

On May 12, 1991, 57 days after the birth of the child, Daniella confessed her scheme to Otto. He immediately contacted a lawyer. On June 6, 1991, Otto's lawyer made an appearance in the adoption proceeding, seeking to protect Otto's rights. As noted by the Illinois Supreme Court, on that date, when the child was less than three months old, the Does had a legal and moral obligation to return the child to his father, who had never been notified of or consented to the adoption proceeding. They refused to do so, and instead, maintained the legal battle over the child for four more years, during which time, they deprived Otto of all access to his son. In September of 1991, Otto and Daniella were married.

It was undisputed that Otto received no notice and did not consent to the adoption. The Does petitioned the trial court for a finding that Otto was unfit, and therefore, his consent was unnecessary. The trial court found that Otto was unfit under an Illinois statute that defined unfitness as a failure "to demonstrate a reasonable degree of interest, concern or responsibility as to the welfare of a new born child during the first 30 days after birth." The trial court reasoned that Otto's failure to contact a lawyer within the first 30 days was sufficient to meet this standard.

The Illinois Supreme Court ultimately rejected this finding noting that "[t]hrough lies, deceit and subterfuge, Otto was denied any opportunity to establish any involvement with his child during the first 57 days of his life. His activities, however, showed an intense interest and concern for both the truth and his child." The Illinois Court, applying Supreme Court precedent, held that absent a showing of unfitness a parent cannot be deprive of his parental rights, even though it may be in the best interest of the child.

In conclusion, the Illinois Supreme Court wrote:

> It would be a grave injustice not only to Otakar Kirchner, but to all mothers, fathers and children, to allow deceit, subterfuge and the erroneous rulings of two lower courts, together with the passage of time resulting from the Does' persistent and intransigent efforts to retain custody of Richard, to inure to the Does' benefit at the expense of the right of Otto and Richard to develop and maintain a family relationship.

Therefore, the Court issued a writ of habeas corpus compelling Richard to be turned over to his father.

The result in a case with a similar fact pattern under the recent amendments to Nevada's adoption laws cannot be predicted with absolute certainty. However, combining the standard that the child's best interest is the primary and determining factor in setting aside an adoption with the presumption that remaining with the adoptive parents is in the child's best interest, suggests that the deceived and defrauded father, who did all in his power to protect his interests in his relationship with his son, would lose all parental rights. The result would be no different than a termination of parental rights without a finding of unfitness, contrary to the father's constitutional rights.

Such a result could also have the effect of encouraging others in the adoption process to defraud the court and the father, knowing that time alone will accomplish what they want; the deprivation of the natural father's rights against his will. Such behavior, clearly is not in the best interest of society or children in general, even though in a given case, it arguably may be in the specific child's best interest. For these reasons, courts should apply the best interest standard with care and caution.

Notes

[1] Absentee fathers of illegitimate children, fathers of children born out of wedlock who have not availed themselves of statutory protections, and putative fathers of children born to intact marriages are afforded lesser constitutional protection. *See, Quilloin v. Walcott*, 434 U.S. 246, 55 L.Ed.2d 511 (1978); *Michael H. v. Gerald D.*, 491 U.S. 110, 105 L.Ed.2d 91 (1989); *Lehr v. Robertson*, 463 U.S. 248, 77 L.Ed.2d 614 (1983).

[2] There is substantial dispute regarding the "facts" of the "Baby Richard" case. The majority of the Illinois Supreme Court decided "facts" quite contrary to the "facts" relied upon by those in dissent. The emotions on the Court obviously were quite high. The majority opinion states that "[t]he dissent by Justice McMorrow departs from the record, misstates the facts and misinterprets the law. It is, quite simply, wrong in its assertions and wrong in its conclusions." For purposes of this article, the author simply assumes that the majority's opinion reflects the true or actual facts.

Meet Some of Your Executive Council

KATHRYN E. STRYKER

Kathryn E. Stryker practices primarily in the field of family law. Kathryn is a shareholder in the Las Vegas firm of Jolley, Urga, Wirth & Woodbury.

Kathryn grew up in Michigan, and obtained her undergraduate degree in political science at the University of Michigan. She then moved to New Mexico, where she obtained a J.D. from the University of New Mexico in Albuquerque. She has lived and practiced in the Las Vegas area since 1985, and has been with Jolley, Urga, Wirth & Woodbury since 1987. Kathryn has published several articles and frequently lectures on family law matters. Kathryn is presently serving as co-author of a chapter of the Nevada Family Practice Manual, and is a member of the ABA Family Law Section and the Family Law Section of the State Bar.

ROGER A. WIRTH

Roger Wirth came to Nevada to clerk for Chief Justice David Zenoff in 1970, after graduating from the University of Wisconsin Law School. He began practicing with Lionel, Sawyer, Collins & Wartman and has been a partner with Jolley, Urga, Wirth & Woodbury since 1977. A substantial portion of Roger's practice is in the Family Law area, in which he has lectured frequently, but he also handles a general practice including general business litigation, real estate and construction litigation, and real estate transactions.

Roger is particularly attuned to Family Law since he has a number of children (he declines to give the number or their ages). He enjoys outdoor activities, including hiking, camping, and boating, particularly with his teenage children. He has been active in various bar and civic activities, including the Disciplinary Committee, Business Law Executive Council, Civil Practice Procedure Committee Chairman, and local rule drafting committees, as well as Boy Scouts, the Arthritis Foundation and lecturing at Community College. He was elected to the Family Law Executive Council at the 1995 Tonopah meeting.

MURIEL SKELLY

Muriel Skelly is a partner in the Reno firm of Skelly & Sheehan, emphasizing domestic and personal injury law. Along with her partner, she is also a shareholder in Court Street Legal Clinic, the first true self-help legal clinic in Northern Nevada which prepares and sells legal packets for persons that want to represent themselves in routine matters. The Clinic also provides quality legal representation for a reasonable flat fee rate.

Muriel served on the committee that developed the Court Rules for the Family Division of the Second Judicial District Court, the Board of Directors of Committee To Aid Abused Women in Reno, and Reno's Commission On The Status Of Women (4 years including a term as Vice-Chairman and Chairman of the Gender Bias Committee). She has lectured on domestic abuse and women's issues for CAAW and the Commission on the Status of Women. Muriel also worked as an instructor in the Legal Assistant/Paralegal Program at Truckee Meadows Community College. She is a member of the State Bar of Nevada, State Bar Family Law Section, Washoe County Bar Association, American Trial Lawyers Association, Northern Nevada Women Lawyers, American Bar Association and American Bar Association Family Law Division.

DARA CAPLAN MARIAS

Dara Caplan Marias is a native of Las Vegas, Nevada. In 1994, Ms. Marias graduated from the University of Southern California with both a Juris Doctorate and a Masters in social work. In 1990,

she graduated Summa Cum Laude and Phi Beta Kappa from the Georgetown University School of Foreign Service with a Bachelor of Science in Economics. Ms. Marias was admitted to the Nevada State Bar in 1994.

While at USC, Ms. Marias focused her studies in the area of Family Law and worked as a Child Custody Mediator at the Los Angeles Conciliation Court. Ms. Marias also co-facilitated the Contemnor's Diversion Program for the Los Angeles Superior Court and interned as a pro-bono advocate at the Maynord Toll Family Law Center. As part of her Master's thesis, Ms. Marias developed a co-parenting education seminar for divorcing parents. A finalist in the Moot Court Competition, Ms. Marias served as an Editor on the Moot Court Executive Board in her final year of law school.

Ms. Marias currently clerks for the Honorable Frances-Ann Fine in the Eighth Judicial District Family Court. In September, she will join the law firm of Marquis & Aubach as an associate.

On a personal note, Ms. Marias was recently married to Las Vegas attorney, Ken Marias. In her spare time she enjoys flying, traveling, baking and being a newlywed!

SHAWN B. MEADOR

Shawn B. Meador is a partner in the Reno law firm of Woodburn and Wedge where he practices in the areas of family law and general civil litigation. He received his B.S. decree, cum laude, from Utah State University in 1980 and his J.D. degree from the University of Utah in 1983 where he was a member of Law Review and Order of the Coif. Mr. Meador is a member of the Washoe County and American Bar associations and the State Bar of Nevada.

ANN PRICE McCARTHY

Ann Price McCarthy practices primarily family law from her office in Carson City. Her cases also take her to the Ninth Judicial District (Douglas County), Second Judicial District (Family Court, Washoe County), Third Judicial District (Fallon and Yerington), and occasionally to the Fifth Judicial District (Hawthorne). Ann is a partner in the law firm of Aebi & McCarthy.

Her volunteer efforts include participating as a Pro Tem Domestic Master in the Second Judicial District Family Court system, and family law lobbying during the legislative sessions through the auspices of the Nevada Trial Lawyers Association. She lectures on child support and child custody and taught juvenile legal rights through the Carson City Alcohol and Drug Education program.

Prior to entering private practice, Ann served as law clerk to the Honorable Justice John C. Mowbray, of the Nevada Supreme Court. She served two years as President of the First Judicial District Bar Association and now serves as Treasurer. She is a member of the Washoe County Bar, the State Bar of Nevada (Member, Family Law Section), the Nevada Trial Lawyers Association, the State Bar of California (Member, Family Law and Law Practice Management Sections), the American Trial Lawyers Association and American Bar Association (Member, Family Law Section).

Most of Ann's undergraduate work was completed at the State University of New York, New Paltz. She obtained her law degree in 1987 from Old College Nevada School of Law, Reno, Nevada. Ann began working in law offices in 1983, and continued to do so, as a legal assistant/law clerk/office manager, while attending law school.

Ann has been married for nearly 21 years the last sixteen of which have been spent in Nevada. She has two children; the youngest begins college this fall.

In her "Other Life", she fancies herself a musical comedy star. Ann starred as Sister Mary Hubert in last season's Proscenium Player's production of "Nunsense", which ran for 15 sold out performances in January and February. She will reprise that role in the sequel, "Nunsense, The Second Coming", which opens on September 15, 1995. Ann is an avid advocate for the arts and has just finished her second term as president of the board of directors of the Brewery Arts Center, Carson City's premier arts organization. She also coordinates and stage manages Carson City's annual presentation of "The Nutcracker" ballet.

LAMOND R. MILLS

Lamond R. Mills was born and raised in Moapa Valley, graduating from Moapa Valley High School in 1960. Following high school, he attended and graduated from Brigham Young University and then entered the United States Army as an infantry officer. Mr. Mills served in the Republic of Vietnam as a platoon leader and company commander where he was decorated for heroism in combat and for combat wounds. After Vietnam, he attended the University of Utah College of Law where he was the recipient of the Justice George Sutherland Scholarship, graduating in the top ten percent of his class and Board of Editors of the Utah Law Review. Following law school he and his family came back to Southern Nevada where he was in private practice until 1981 when he was selected by President Ronald Reagan to serve as the United States Attorney for the District of Nevada. Following his four year term as the United States Attorney he returned to private practice where he remains today. Mr. Mills has been active in community affairs, serving as chairman of the Moapa Valley Town Board as well as other boards in Moapa Valley. Mr. Mills has always maintained an interest in youth, serving as Scout Master, Venture Leader and Explorer Advisor. He and has wife have also been active in his church holding numerous positions including Bishop of the Logandale First Ward. He and his wife are the parents of four sons.

MISSION AND GOALS OF THE STATE BAR OF NEVADA
FAMILY LAW SECTION

The mission statement:
THE MISSION OF THE STATE BAR OF NEVADA FAMILY LAW SECTION IS TO SERVE AS THE LEADING FORCE IN THIS STATE FOR THE PROFESSIONAL AND ETHICAL ADVANCEMENT OF POLICIES, PROCEDURES, AND ACTIONS IN THE FIELD OF MARITAL AND FAMILY LAW.
To accomplish its mission, the Council has adopted the following six goals for the Section:

I. TO PROMOTE AND IMPROVE THE FAMILY.
II. TO BE THE PRE-EMINENT LEGAL VOICE IN THE STATE ON MARITAL AND FAMILY ISSUES.
III. TO SERVE OUR MEMBERS.
IV. TO IMPROVE PUBLIC AND PROFESSIONAL UNDERSTANDING ABOUT MARITAL AND FAMILY LAW ISSUES AND PRACTITIONERS.
V. TO INCREASE THE DIVERSITY AND PARTICIPATION OF OUR MEMBERSHIP.
VI. TO IMPROVE PROFESSIONALISM OF ALL PARTICIPANTS IN THE ADMINISTRATION AND PRACTICE OF MARITAL AND FAMILY LAW.

Nevada Family Law Report
State Bar of Nevada Family Law Section
1325 Airmotive Way, Ste. 140
Reno, NV 89502

002515
Marshal Willick
330 S. Third St. #960
Las Vegas, NV 89101