NFLR
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# Step-Parent Custodial/Visitation Rights

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This article will discuss the issue of step-parent rights regarding custody and visitation of step-children when there is a breakdown in the relationship and/or divorce between the natural parent and the step-parent. This article will review the statutes and case law of Nevada, the case law of other jurisdictions, and United States Supreme Court case law.

In general, most jurisdictions acknowledge the possibility of step-parent custody/visitation of step-children. Legal terms for said issue are "the doctrine of equitable parent," and "child's rights."

In Nevada there are miscellaneous provisions in the statutes, specifically chapters 125 and 125A, which can be interpreted to provide for the possibility of step-parent custody/visitation of step-children. These specific statutes are NRS 125.480, and NRS 125A.330. Each of these statutes will be individually discussed. There is no case law in Nevada regarding step-parent custody or visitation. Based on this, the "case law" discussion will include creative or semi-creative possibilities of stretching the current Nevada statutes to fit the idea of step-parent custody/visitation.

NRS 125.480(1) provides that the sole consideration of the Court in determining custody of a child is the best interest of the child. The court also, under NRS 125.480(3), shall award custody in the following order of preference, unless in a particular case the best interest of the child requires otherwise:

(a) To both parents jointly pursuant to NRS 125.490 or to either parent. If the court does not enter an order awarding joint custody of a child after either parent has applied for joint custody, the court shall state in its decision the reason for its denial of the parent's application.

(b) To a person or person in whose home the child has been living and where the child has had a wholesome and stable environment. This paragraph clearly paves the way for the court to award custody to a non-biological "parent".

(c) To any person related within the third degree of the child whom the court finds suitable,

(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance of the child. This paragraph also clearly paves the way for the court to award custody to a non-biological "parent".

NRS 125.480 provides:

4. In determining the best interest of the child, the court shall consider, among other things:

(a) The wishes of the child if the child is of sufficient age and capacity to form

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# From the Editor

*by Marshal S. Willick*

## Certification of Specialization

The Section has repeatedly expressed in votes of the membership, and of the Executive Council, that it desires Nevada to implement certification of specialization. The Section's position and recent events elsewhere, have apparently convinced the Board of Governors to examine the matter more closely. It appears that, with or without the Board of Governors' approval, certification will happen anyway; the Bar's refusal to embrace and attempt to control certification would leave the Bar without any control over matters it should be regulating.

The evidence is all around us. On April 30, 1993, the ABA Family Law Section met in San Diego. One break-out panel examining the "image of the family law attorney" dealt with specialization, and reported in part that:

> Specialization is a reality that state bar organizations ignore at their loss and peril. In 1990, the United States Supreme Court decided *Peel v. Attorney Registration and Disciplinary Committee of Illinois*, ___ U.S. ___, 110 S. Ct. 2281 (1990), holding that states may not impose blanket prohibitions on lawyers' truthful communication that they are certified as specialists by *bona fide* organizations.

After noting that private organizations were already "gearing up" to certify practitioners in many areas, and recounting various states' responses to specialization initiatives, the panel concluded:

> It seems clear that specialization and certification are taking place and will continue to do so irrespective of the wishes of state bar associations. A significant number of panel members, however, reported that their central state Bar authorities simply did not want to hear or think about certification of specialization. The panel was sure that if states do not take steps to regulate the process, they will simply be by-passed by private organizations. There was consensus that the ABA Family Law Section should not make the same mistake, and should treat this emerging reality as an opportunity in setting standards and in so doing put forward the concerns of the Section.

The Nevada Bar general membership apparently is in favor or certification. The July, 1993, *Nevada Lawyer* poll showed the large majority of those responding to be in favor of certifying specialists. In the same issue, the Bar's Executive Director ruminated about the concept of specialization that was being "imposed on the legal profession today," and wondered whether our Bar leadership was going to be proactive or reactionary.

The choice faced by the Nevada Bar therefore does not appear to be between allowing and not allowing certification of specialization in Nevada, but in being relevant or irrelevant to the form and process that certification takes in this state.

The Board of Governors apparently now agrees. The body has formed a study committee to report to the Board in February. This is a positive step, if the committee proves to be functional. It is certainly in the best interest of all us if our Bar leaders choose to become involved in constructively guiding a process that can help — or harm — the substance and image of practice in this state.

## Bits and Pieces

The federalization of all family law

topics continues — the federal "Commission on Child and Family Welfare" will, within six months, report on matters concerning family courts, child custody and visitation, spousal abuse, and other matters. Watch for legislation to be introduced in Congress as early as mid-1994.

A survey of attendees of April's Fourth Annual Family Law Showcase, conducted by Executive Council member William Phillips, showed a two-to-one majority in favor of leaving the Showcase at Tonopah. The 51 people responding also had a great number of suggestions for what should be instituted or discontinued; the Council is reviewing that input, and hoping to make next year's Showcase even more responsive to the desires of the Section's membership. Brilliant ideas in that regard should be forwarded to Mr. Phillips, who is coordinating next year's seminar. For those who like to plan ahead, the dates and times will be from 1:00 p.m. on Thursday, March 17, through 1:00 p.m. Saturday, March 19.

The ABA has a new book out that could be of interest to those handling one increasingly-common kind of case. Called "Representing the Older Client in Divorce: What the Lawyer Needs to Know," it contains chapters dealing with many of the problems common to divorces of elderly clients. It sells for $39.95 for members of the General Practice Section of the ABA; phone (312) 988-5555 for details.

This issue of the NFLR again contains a "fall-out" page, this time a copy of the membership application form. Please make a few copies, and pass them along to practitioners who are active in this area, but not section members.

Also in this issue is the inaugural column of "reported" district court opinions for reference. Again, I urge you to fill out the "Judgment, Order, and Settlement" report forms when a case strikes you as interesting, for the edification of other practitioners. If you need more forms, please contact the editor.

## Step-Parent from page 1

an intelligent preference as to his custody;

(b) Any nomination by a parent of a guardian for the child; and

(c) Whether either parent or any other person seeking custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child. As used in this paragraph, "domestic violence" means the commission of any act described in NRS 33.018.

NRS 125A.330 provides as follows:

1. Except as otherwise provided in subsection 2, if a parent of an unmarried minor child is deceased or divorced or separated from the parent who has custody of the child, or his parental rights have been relinquished or terminated, the district court in the county in which the child resides may grant to the grandparents, parents and other children of either parent of the child a reasonable right to visit the child during his minority, if the court finds that the visits would be in the best interest of the child. In determining whether to grant this right to a petitioner, the court shall consider:

(a) The love, affection and other emotional ties existing between the party seeking visitation and the child.

(b) The capacity and disposition of the party seeking visitation to:

(1) Give the child love, affection and guidance;

(2) Cooperate in providing the child with food, clothing and other material needs during visitation; and

(3) Cooperate in providing the child with health care or alternative care recognized and permitted under the laws of this state in lieu of health care.

(c) The prior relationship between the child and the party seeking visitation.

(d) The moral fitness of the party seeking visitation.

(e) The mental and physical health of the party seeking visitation.

(f) The reasonable preference of the child, if the child has a preference, and if the child is determined to be of sufficient maturity to express a preference.

(g) The willingness and ability of the party seeking visitation to facilitate and encourage a close and continuing relationship between the child and the parent or parents.

(h)The medical and other needs of the child related to health as affected by the visitation.

(i)Any other factor considered relevant by the court to a particular dispute.

2. If the parental rights of either or both natural parents of a child are relinquished or terminated, and the child is placed in the custody of a public agency or a private agency licensed to place children in homes, the district court in the county in which the child resides may grant to the grandparents, parents and other children of either parent a reasonable right to visit the child during his minority if a petition therefore is filed with the court before the date on which the parental rights are relinquished or terminated. In determining whether to grant this right to a petitioner, the court must find that the visits would be in the best interests of the child in light of the considerations set forth in subsection 1.

3. Rights to visit a child may be granted:

(a) In a divorce decree;

(b) In an order of separate maintenance; or

(c) Upon a petition filed by an eligible person after a divorce or separation or after the death of the parent to whom the person was related, or upon the relinquishment or termination of a parental right.

4. Termination of the parental rights of a parent who is divorced or separated also terminates any rights previously granted pursuant to subsection 1, unless the court finds that visits by those persons would be in the best interests of the child.

Although NRS 125A.330 does not mention step-parents of the child, it would appear that the factors used to determine if it is in the best interest of the child for other relatives to visit with the child,

would also apply in the case of a step-parent. This is an argument construing NRS 125.480(3)(b) which provides for other individuals not biologically related as having a possible right to custody of a child, and common sense factors of biologically related individuals having a right to continue a relationship with a child if it is in the best interests of the child.

A review of the case law in other jurisdictions can be helpful in interpreting the Nevada statutory law. At common law there were no rights or duties concerning the relationship between step-parents and step-children. The issue is therefore one of legislative creation. The issues of custody, support and visitation rights and duties of the step-parents have become significant as divorce becomes the norm rather than the exception.

## Visitation Cases

The standard set for allowing visitation rights with a child to one who is not a natural or adoptive parent or grandparent is a more lenient one than that for custody, yet the courts regard "the child's best interest" as the final criterion. Recently the courts have been forced to look at the effects of divorce on children who have resided with a step-parent for a long period of time.

In *Bryan v. Bryan*, 645 P.2d 1267 (Ariz. Ct. App. 1982), the court discussed the issue of whether a step-parent who stands *in loco parentis* to a stepchild may be granted visitation rights when the marriage of the step-parent and the child's natural parent is dissolved. In *Bryan* the mother of the child was pregnant by another man when she married. After a two year marriage the parties were divorced. The court found that the stepfather had in all respects cared for and treated the child as his own and that the best interest of the child would be served by granting him visitation rights. *Id.* at 1267-1268. In finding that the stepfather was entitled to visitation, the court in *Bryan*, looked to an earlier case *Clifford v. Woodford*, 320 P.2d 452, 457 (Ariz. Ct. App. 1957), wherein they described the relationship that often exists between child and step-parent:

> The ties that cement the members of a family into a unit of solidarity is not necessarily the result of blood relation, but they arise out of and are formed by an intimate association sharing with each other the joys and sorrows, the fears and hopes, the successes and failures of each and all. There is a deep seated desire in the breast of every person, whether child or adult, to have some one care about their welfare to whom they may anchor and find peace and contentment in the knowledge that they do care.

The Oklahoma court has also considered the issue of visitation privileges as they apply to step-parents. In *Looper v. McManus*, 581 P.2d 487, Okl. App., p. 487, the court stated,

> Visitation is not solely for the benefit of the adult visitor but is aimed at fulfilling what many conceive to be a vital, or a least a wholesome contribution to the child's emotional well-being by permitting partial continuation of an earlier established close relationship.

The *Looper* court went on to note that there are

> situations where one who is not a natural parent is thrust into a parent-figure role, and through superior and faithful performance produces a warm and deeply emotional attachment. In such a situation the court should be mindful of the affectionate bond and take care in case of a major custodial change to minimize the severity of consequences through the rational use of reasonable visitational access.

*Id.* at 488-489.

The Alaska court, in *Carter v. Broderick*, 644 P.2d 850 (1992) determined whether or not a step-parent had assumed *in loco parentis* status to be the issue in deciding whether or not to give visitation rights to the step-parent.

The California courts do grant visitation to third parties on the basis of the best interest of the child and on the basis of a "de facto" parent being at issue, even if the natural parent is objecting to the same. *In Re Robin N.*, 9 Cal.Rptr.2d 512, 7 Cal. App. 4th 1140 (1992).

## Custody Cases Allowing for Custody to Nonparent

In *Gorman v. Gorman*, 400 So. 2d 75, Fla.App. (1981), the Florida court awarded custody to the stepmother rather than to the natural father. The court, while recognizing its sensitivity to the rights of the natural parent, held that the ultimate test in determining the custody award should be the best interests and welfare of the child. The court in awarding the child to the stepmother noted that the child's natural mother had died from complications of childbirth and the child was unaware that the stepmother was not his natural mother until he was ten or more years of age. The court further noted the child expressed great love and devotion toward his stepmother—the stepmother was obviously the child's psychological parent. The father on the other hand was often away from home and the child felt like he had no father. The father was frequently intoxicated, abusive and blamed the child for his mother's death.

In *Patrick v. Byerley*, 325 S.E. 2d 99 (Va. 1985), the Virginia court gave custody to the stepmother over the natural mother. In *Patrick* the natural mother abandoned her son when he was approximately four and one-half months old. The natural mother visited sporadically with the child thereafter and in the divorce custody was granted to the father. When the child was approximately five years old his father started seeing his stepmother. They were married the next year and divorced a year later. The child lived with the stepmother after the marriage and the father disappeared. The stepmother raised the child as if he were her own. After nearly five years of the child living with the stepmother, the natural mother brought a suit for custody.

In awarding custody to the stepmother the court found the natural mother to be

unfit because she had abandoned the child without justification. The court also found the best interests of the child would be served by his remaining in the care and custody of his stepmother. The Virginia court stated

> The child's welfare is the court's primary, paramount and controlling consideration...in all controversies between parents over the custody of their minor children. However, the rule is subject to the exception that a fit parent with a suitable home has a superior right to custody of his child. The burden on the opposing party is to prove by clear, cogent and convincing evidence that the parent either voluntarily relinquished the right to custody or the parent is unfit.

*Id.* at 101.

In *Bailes v. Sours*, 340 S.E. 2d 824 (1986), the Virginia court found that the evidence established that both the natural mother and the stepmother were fit and proper persons to have custody of the child. The court stated that in all custody cases, including those between an parent and a non-parent, the best interests of the child are paramount and form the lodestar for the guidance of the court in determining the dispute. The Virginia court stated there was a strong presumption favoring a parent over a non-parent that is rebutted when certain factors are established by clear and convincing evidence. The factors the court considered were: 1) parental unfitness; 2) a previous order of divestiture; 3) voluntary relinquishment; 4) abandonment and finding of special facts and circumstances constituting an extraordinary reason for taking a child from its parent, or parents. In awarding custody to the stepmother the court took into consideration the wishes of the child who had reached the age of discretion and the fact that the child had known no other home than that of his stepmother. The court found the stepmother was the child's "mother."

In *Cebrzynski v. Cebrzynski*, 379 N.E.2d 713, 63 Ill.App. 66 (1978) the court awarded custody to the stepmother over the natural mother without finding the natural mother unfit. Again the best interests of the child standard prevailed and the court considered the stability of the environment for the children to be the overriding factor.

In *McKee v. Bates*, 661 S.W.2d 415 (Ark.App. 1983) the court awarded custody to the stepfather. The biological father and the mother separated after one day of marriage. The mother gave consent to the stepfather to adopt the child. The court looked to the best interest of the child and while recognizing there is

> a presumption that the child should be with his natural parent decided it was in the child's best interest to place him with his stepfather.

In Utah the courts have consistently held that while there is a presumption that the child is better with the natural parent, it can be rebutted by evidence establishing that

> ...no strong mutual bond exists, that the parent has not demonstrated a willingness to sacrifice his or her own interest and welfare for the child's and that the parent lacks the sympathy for and understanding of the child that is characteristic of parents generally." After the parental presumption has been rebutted the parties compete on equal footing and the party who will most adequately protect and promote the best interests of the child is granted custody.

*Cooper v. Deland*, 652 P.2d 907, (Utah, 1982).

In *Hodge v. Hodge*, 733 P.2d 458 (Or.App. 1987), an Oregon paternity case, the wife represented the husband to be the father and when the parties divorced the wife brought a paternity case. The court held that the wife could not, three years after the birth of the child, raise the question of paternity when she had allowed the husband to establish the emotional ties of child-parent relationship.

In a United States Supreme Court case, *Michael H. v. Gerald D.*, 491 U.S. 110, 105 L. Ed. 2d 91, S Ct 233 (1989), Court denied the right of a man to establish his paternity of a child born to the wife of another man. The court found that the issue was whether or not the relationship between a biological father and a child has been treated as a protected family unit under the historic practices of our society, or whether on any other basis it has been accorded special protection. The court stated that to the contrary our traditions have protected the marital family and the child they acknowledge to be theirs against the sort of claims the biological father was asserting.

## Custody Cases Denying Custody to Nonparent

Recently the Arizona Appeals Court, in the case of *Olvera v. Superior Court*, 168 Ariz. 556, 815 P.2d 925 (Ct. App. 1991), held that a District Court could not award custody of a child to the step-parent due to lack of jurisdiction under the domestic laws of Arizona. The Court did not believe the "step-parent" to be a parent pursuant to the state statutes. This could appear to be in dispute with the *Bryan* case cited previously.

In the case of *Patrell v. Ayers*, 5 Conn.L.Rptr. No. 10,249 (1991), the Court appeared to feel the same way as the Arizona courts, in that a step-parent has no standing in a custody situation, even though there are specific statutory provisions for third party custodial awards. The Court held these statutory provisions only applied in suit for dissolution, annulment or legal separation.

The Florida courts, however, have taken the opposite approach from that of the Arizona and Connecticut courts and have ruled that the courts have inherent jurisdiction to determine the custody of children even in a separate petition from a dissolution or protective services action. *Waters v. Waters*, 578 So.2d 874 (Fla. Dist. Ct. App. 1991).

## Conclusion

Nevada's statutory law does provide for the possibility of step-parent visitation and/or custody. There is no case law regarding the same other than from other jurisdictions. Other jurisdictions tend to use the elusive best interest of the child standard which allows for case by case decisions based on the specific factual matters present in each case. There appears to be a case by case approach to these issues leaving the door wide open for possiblities of obtainment and/or denial of step-parent visitation and custody issues.

# Case Summaries

■ **Planning to Leave the State Can be Grounds for Change of Custody**

*Primm v. Lopes*, 109 Nev. ___, ___ P.2d ___ (Adv. Opn. No. 77, May 27, 1993) Paternity custody case. Mother filed complaint in paternity when child was 3 years old, after accepting a transfer to Florida. Mother won temporary custody and court (J. Mosley) ordered an evaluation. Child custody recommendation was for father, in part because of "more stable living environment" and in part on basis of planned move.

Custody determinations are not to be disturbed absent clear abuse of discretion, and there is a presumption that court properly exercised discretion in deciding child's best interest. Unclear from record whether move statute (NRS 125A.350) applied at all, but in any event Court can consider custodian's request to move out of state in making determination of primary custody, since only question is best interest under NRS 125.480(1). Other factors that may be considered include stability of home, employment history, marital status, and child custody recommendations.

Factual determinations supported by substantial evidence will not be set aside. Here, mother's allegations that father interfered with contact (and thus that NRS 125.480(3)(a) supported an award to her of primary custody) was heard in seven hearings at trial level, and on conflicting evidence trial court is in best position to observe witnesses and scrutinize evidence. Without transcripts, appellate court is without evidence to assess claim of error.

■ **Termination of Parental Rights Probably Requires Granting Request for Continuance**

*Bauwens v. Evans*, 109 Nev. ___, ___ P.2d ___ (Adv. Opn. No. 83, May 28, 1993) Termination of parental rights by default should have been set aside where absent father claimed he requested a continuance (in appearance before Master the same week) and was not present because of another mandatory court appearance in a different county. Father moved to set aside less than a month later. Trial court (McGee) denied motion, but Supreme Court reversed. District courts should hear cases on the merits if possible, and here Father demonstrated promptness, no intent to delay, good faith, lack of knowledge of procedural requirements, and a meritorious defense. Thus, he satisfied NRCP 60(b)(1) excusable neglect or inadvertence. The judicial policy favoring a decision on the merits heightens in matters involving the termination of parental rights, which "constitutes a drastic and permanent severance of the parent-child relationship." Case remanded for evidentiary hearing on merits.

■ **Father Signing Release of Custody not "Adequate Cause" to Require District Court to Hear Mother's Request to Change Custody**

*Rooney v. Rooney*, 109 Nev. ___, ___ P.2d ___ (Adv. Opn. No. 84, May 28, 1993) After very short term marriage, divorce decree gave primary physical custody to mother pursuant to parties' agreement, in November, 1991. In January, 1992, father moved to modify. Court (Robison) changed primary physical from mother to father on the basis of better baby-sitting care, a more stable living environment, and an extended family in March, 1992. A month later, mother asked for change back, claiming (1) that father had signed paper saying he did not want primary any more, (2) that father and his parents systematically harassed and obstructed mother's contact with child, (3) that mother no longer planned to relocate in new relationship, and (4) that mother's mother now desired contact, giving extended family on her side. Without holding a hearing, the court denied mother's motion.

Supreme Court affirmed, holding that trial court has broad discretion in determining custody under NRS 125.510. A motion to change custody requires the

holding of a hearing if the moving party demonstrates "adequate cause" to hold a hearing to change custody. "Adequate cause" requires more than allegations which, if proven, might permit inferences sufficient to establish grounds for a custody change; it arises where moving party presents prima facie case for modification.

■ **Filing Trial Transcript on Appeal Apparently Required to Win; Counsel Required to "Reassess" Fees Charged**

*Toigo v. Toigo*, 109 Nev. ___, ___ P.2d ___ (Adv. Opn. No. 52, March 24, 1993) Where appeal failed to include transcript of trial, arguments as to what was said in open court will not be considered on appeal. Attorney's fees of over $13,000.00 (and lien for $26,000.00) termed "excessive" where attorney performed minimal discovery, and called no witnesses except client. Further, a lawyer who files an appeal "without providing the trial transcript or at least a statement permitted by NRAP 10(e) does a disservice to his client." Supreme Court "strongly recommends" that counsel "reassess his fees and advise this court of the results of his reconsideration."

■ **Father Need not Know that Mother is Collecting Welfare for State to Hold Him Liable for Support, Even Where Divorce Decree Doesn't Provide a Support Obligation**

*Smith v. County of San Diego*, 109 Nev. ___, ___ P.2d ___ (Adv. Opn. No. 42, Mar. 24, 1993) (Rule of *Hudson*, 97 Nev. 386, 632 P.2d 1148 (1981) which stated that no URESA court could impose an obligation when the divorce decree did not provide for one, has been legislatively overruled by current NRS 130.220(1) and NRS 125B.020. Current law provides that a parent has a duty to support his child from the moment the child is born. No due process violation in imposing arrears even when father did not know that county was supporting child in California; due process does not demand "preliability notice" in these circumstances.

■ **Bankruptcy; Husband's Filing Protects Wife's Post-Petition Earnings from Joint Creditor**

*Norwest Financial v. Lawver*, 109 Nev. ___, ___ P.2d ___ (Adv. Opn. No. 32, Mar. 24, 1993) (husband and wife had jointly signed promissory note to Norwest Financial, secured by household goods, and providing for liability of both. Husband only filed for Chapter 7 bankruptcy, and turned over to bankruptcy trustee all his separate property and all of the couple's non-exempt community property per 11 U.S.C. §541(a)(2). In addition to filing a creditor's claim, Norwest sought relief against wife for unpaid balance on the note.

Summary judgment to wife upheld, and standard restated. 11 U.S.C. §524(a)(3) creates an injunction against the commencement of an action against debtor's spouse to collect community property acquired after the commencement of the debtor's bankruptcy. Since community property passes into the bankruptcy estate of the filing spouse, in community property states, there is no need for both spouses to file unless the nondebtor spouse has substantial separate debt. The only question is whether the debt is "separate" or "community" as to the non-debtor spouse, which depends upon intent of lender in granting the loan. Here, clearly, loan was to community, so wife's wages, after husband's bankruptcy filing, immune from attachment by lender.

■ **"Presumption of Invalidity" of Lopsided Premarital Agreement not Overcome; Deed Showing Joint Tenancy Overcomes Community Property Presumption; Rehabilitative Alimony Time Limit Required**

*Fick v. Fick*, 109 Nev. ___, ___ P.2d ___ (Adv. Opn. No. 71, May 7, 1993) A valid deed showing that a married couple holds title to property in joint tenancy qualifies as clear and certain proof to overcome the community property presumption. Failure to object to characterization of asset at trial bars subsequent review of the objection to character given it. Finding of fact (valuation of house) not to be set aside on appeal unless clearly erroneous.

Premarital agreements are reviewed de novo on appeal. If entered before October 1, 1989, it is enforceable if it conforms with either the NRS chapter 123A (Uniform Premarital Agreements Act, or UPAA) or Nevada common law. A prenuptial agreement is unenforceable if it was unconscionable at execution, involuntarily signed, or the parties did not fully disclose assets and obligations before the agreement was executed. Presumption of invalidity can be overcome by showing disadvantaged party (1) had ample opportunity to consult an attorney, (2) was not coerced, (3) possessed substantial business acumen, and (4) understood the financial resources of the other party and the rights being forfeited under the agreement. Here, trial court's invalidation of alimony waiver affirmed since husband did not attach his schedule of assets until a year after the agreement was signed.

Fiances share a confidential, fiduciary relationship; each has a responsibility to act with good faith and fairness to the other, which includes full disclosure prior to executing premarital agreement.

A grant of rehabilitative alimony pursuant to NRS 125.150(8) for re-education and re-training to facilitate re-entry into the labor market requires court to establish a time frame for the recipient to commence re-education.

■ **More Bankruptcy; Child Support Judgment Need Not be Surrendered to Trustee**

*In Re Anders*, No. BK-S-91-24783-LBR (Bankruptcy. Ct., D. Nev., Mar. 10, 1993) Former wife who declares chapter 7 bankruptcy can retain child support arrears judgment (granted after she filed bankruptcy) despite bankruptcy. Child support "is a property interest belonging to the child" and the custodian "merely has a right to enforce the child's property interest." 11 U.S.C. §541(b) exception from property of estate for "powers which are exercisable solely for the benefit of another" apply to child support by analogy.

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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.

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