

*Assembly Bill 227: Making Annulment and Child Custody Cases Less Contentious and Less Expensive*

Nevada law allows divorcing spouses who agree to all terms to divorce using summary procedure. This is also called an “uncontested divorce.” Summary procedure is a less formal way to resolve a case when the parties agree to all the terms so that the Court does not look at the evidence or make substantive decisions. Neither party is the Plaintiff nor the Defendant, and the parties tell the Court together what they want to do resolve their divorce case. This helps keep the matter from being unnecessarily adversarial, results in a faster conclusion, and usually costs less money for litigants. Often, an appearance before a judge is not even required. Each year thousands of Nevadans choose to divorce in this uncontested, summary manner, either with or without the benefit of an attorney’s counsel.

In her role as a member of the Nevada State Assembly and Legislature, McFarling Law Group associate attorney Lesley Cohen strives to bring legislation that makes the lives of Nevadans easier. That is why when Lesley was approached by the Legal Aid Center of Southern Nevada with a request that she sponsor legislation to give Nevadans the option to resolve their annulment and child custody cases using summary procedures rather than in a contested manner, she willingly agreed. The result was Assembly Bill 227 (<https://www.leg.state.nv.us/App/NELIS/REL/82nd2023/Bill/9963/Overview>), which is now the law in Nevada and will be effective October 1, 2023.

An annulment occurs when the marriage was never valid to begin with based on, at least, one statutory prerequisite such as the spouses were closely related, either party was too young, either party had a lack of understanding, the marriage was the result of fraud, either party had a spouse still living, etc. Assembly Bill 227 allows people seeking to annul their marriage to do so in an uncontested manner. Parties will still have to prove to the Court that they meet the statutory requirements to receive an annulment, but they can do so together and not in an adversarial manner. For instance, if there was a lack of understanding because one of the parties was inebriated to the point of a want of comprehension at the time of the wedding ceremony, the parties can work together to prove this to the Court.

Likewise, parties who are not married but have a child or children together where paternity is not at issue may also bring their case in an uncontested manner. The parties will come to Court with terms such as the custody schedule and child support already determined and agreed to between themselves.

The result of Assembly Bill 227 is that those seeking an annulment or child custody resolution will have the opportunity to keep the matter from being contested and adversarial. The parties can work together to reach the resolution in which they are both in agreement. This will cost the parties less money and likely less conflict.

Much like uncontested divorces, parties need to be careful when entering into an uncontested annulment or custody agreement. While it is beneficial to not fight with the other party, sometimes it is necessary to protest your rights and keep your child(ren) safe. Often, we hear from people who had an uncontested divorce without the benefit of an attorney’s counsel that there are now problems they did not anticipate, and they end up having to spend more money and endure more stress to fix the problems. Contact McFarling Law Group to discuss with an attorney if an uncontested case is best for you.