

Assembly Bill No. 231–Committee on Judiciary

CHAPTER.....

AN ACT relating to children; imposing certain requirements before a court may waive arrearages in the payment of child support; expanding the class of persons to whom district attorneys must provide certain services for the support of children; clarifying certain provisions regarding the appointment of a guardian ad litem in an action to determine paternity; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 125B of NRS is hereby amended by adding thereto a new section to read as follows:

Before a court issues or modifies an order for the support of a child, the court shall determine whether any of the parties to the proceeding are receiving or have ever received public assistance. If the court determines that any of those parties are receiving or have ever received public assistance, the court shall not waive any arrearages in the payment of child support until after it has provided the welfare division of the department of human resources with notice and an opportunity to be heard regarding the matter.

Sec. 2. NRS 125B.002 is hereby amended to read as follows:

125B.002 As used in NRS 125B.002 to 125B.180, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 125B.004 and 125B.008 have the meanings ascribed to them in those sections.

Sec. 3. NRS 125B.150 is hereby amended to read as follows:

125B.150 1. The district attorney of the county of residence of the child, or of a parent, *alleged parent or guardian* who does not have physical custody of the child, shall take such action as is necessary to establish parentage of the child and locate and take legal action, including the establishment or adjustment of an obligation of support, against a ~~{parent}~~ *person* who has a duty to support the child when requested to do so by the ~~{custodial}~~ parent, *alleged parent or guardian* or a public agency which provides assistance to the parent, *alleged parent, guardian* or child. If the court for cause transfers the action to another county, the clerk of the receiving court shall notify the district attorney of that county, and that district attorney shall proceed to prosecute the cause of action and take such further action as is necessary to establish parentage and to establish or adjust the obligation of support and to enforce the payment of support pursuant to this chapter or chapter 31A, 126, 130 or 425 of NRS.

2. In a county where the district attorney has deputies to aid him in the performance of his duties, the district attorney shall designate himself or a particular deputy as responsible for performing the duties imposed by subsection 1.

3. Except as otherwise provided in NRS 126.101, the district attorney and his deputies do not represent the parent , *alleged parent, guardian* or ~~the~~ child in the performance of their duties pursuant to this chapter and chapter 31A, 126, 130 or 425 of NRS, but are rendering a public service as representatives of the state.

4. Officials of the welfare division of the department of human resources are entitled to access to the information obtained by the district attorney if that information is relevant to the performance of their duties. The district attorney or his deputy shall inform each person who provides information pursuant to this section concerning the limitations on the confidentiality between lawyer and client under these circumstances.

5. Disclosures of criminal activity by a parent or child are not confidential.

6. The district attorney shall inform each parent who applies for his assistance in this regard that a procedure is available to collect unpaid support from any refund owed to the parent who has a duty to support the child because an excessive amount of money was withheld to pay his federal income tax. The district attorney shall submit to the welfare division all documents and information it requires to pursue such a collection if:

(a) The applicant is not receiving public assistance.

(b) The district attorney has in his records:

(1) A copy of the order of support for a child and any modifications of the order which specify their date of issuance and the amount of the ordered support;

(2) A copy of a record of payments received or, if no such record is available, an affidavit signed by the custodial parent attesting to the amount of support owed; and

(3) The current address of the custodial parent.

(c) From the records in his possession, the district attorney has reason to believe that the amount of unpaid support is not less than \$500. Before submitting the documents and information to the welfare division, the district attorney shall verify the accuracy of the documents submitted relating to the amount claimed as unpaid support and the name and social security number of the parent who has a duty to support the child. If the district attorney has verified this information previously, he need not reverify it before submitting it to the welfare division.

7. The welfare division shall adopt such regulations as are necessary to carry out the provisions of subsection 6.

Sec. 4. NRS 126.101 is hereby amended to read as follows:

126.101 1. The child must be made a party to the action. If he is a minor, he must be represented by his general guardian or a guardian ad litem appointed by the court. The child's mother or father may not represent the child as guardian or otherwise. If a district attorney brings an action pursuant to NRS 125B.150 ~~H~~ *and the interests of the child:*

(a) Are adequately represented by the appointment of the district attorney as his guardian ad litem, the district attorney shall act as guardian ad litem for the child without the need for court appointment . ~~If the interests of the child are adequately represented by the appointment of the district attorney. If the interests of the child are~~

(b) Are not adequately represented by the appointment ~~If~~ *of the district attorney as his guardian ad litem,* the welfare division of the department of human resources must be appointed as guardian ad litem in the case.

2. The natural mother and a man presumed to be the father under NRS 126.051 must be made parties, but if more than one man is presumed to be the natural father, only a man presumed pursuant to subsection 2 of NRS 126.051 is an indispensable party. Any other presumed or alleged father may be made a party.

3. The court may align the parties.

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