

SENATE BILL NO. 242—COMMITTEE ON HUMAN RESOURCES
AND FACILITIES

FEBRUARY 23, 1999

Referred to Committee on Judiciary

SUMMARY—Revises provisions requiring inclusion of certain information in judgments of divorce and court orders for child support. (BDR 11-1392)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~{omitted material}~~ is material to be omitted.

AN ACT relating to domestic relations; revising the provisions requiring the inclusion of certain information in judgments of divorce and court orders for child support; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 125.130 is hereby amended to read as follows:
2 125.130 1. ~~{The}~~ ***A*** judgment or decree of divorce granted pursuant
3 to the provisions of this chapter is a final decree.
4 2. Whenever a decree of divorce from the bonds of matrimony is
5 granted in this state by a court of competent authority, the decree fully and
6 completely dissolves the marriage contract as to both parties.
7 3. A ***court that grants a*** decree of divorce ~~{granted}~~ pursuant to the
8 provisions of this section ~~{must include the social security numbers of both~~
9 ~~*parties.}*~~ ***shall ensure that any information which the welfare division of***
10 ***the department of human resources has determined is necessary to carry***
11 ***out the provisions of 42 U.S.C. § 654a is:***
12 ***(a) Provided to the welfare division of the department of human***
13 ***resources.***
14 ***(b) Filed in the records relating to the matter and, except as otherwise***
15 ***required to carry out a specific statute, maintained in a confidential***
16 ***manner.***
17 4. In all suits for divorce, if a divorce is granted, the court may, for just
18 and reasonable cause and by an appropriate order embodied in its decree,

1 change the name of the wife to any former name which she has legally
2 borne.

3 **Sec. 2.** NRS 125.230 is hereby amended to read as follows:

4 125.230 1. The court in such actions may make such preliminary and
5 final orders as it may deem proper for the custody, control and support of
6 any minor child or children of the parties.

7 2. ~~{An order made}~~ *Before a court enters an order* pursuant to
8 subsection 1 for the support of any minor child or children ~~{must include~~
9 ~~the social security numbers of the parties.}~~ *, the court shall ensure that any*
10 *information which the welfare division of the department of human*
11 *resources has determined is necessary to carry out the provisions of 42*
12 *U.S.C. § 654a is:*

13 (a) *Provided to the welfare division of the department of human*
14 *resources.*

15 (b) *Filed in the records relating to the matter and, except as otherwise*
16 *required to carry out a specific statute, maintained in a confidential*
17 *manner.*

18 **Sec. 3.** NRS 125B.055 is hereby amended to read as follows:

19 125B.055 1. ~~{Every court order for the support of a child issued or~~
20 ~~modified in this state on or after October 1, 1998, must include:~~

21 ~~—(a) The names, dates of birth, social security numbers and driver's~~
22 ~~license numbers of the parents of the child;~~

23 ~~—(b) The name and social security number of the child;~~

24 ~~—(c) The case identification number assigned by the court; and~~

25 ~~—(d) Such other information as the welfare division of the department of~~
26 ~~human resources determines is necessary to carry out the provisions of 42~~
27 ~~U.S.C. § 654a.~~

28 ~~—2.}~~ A court that, on or after October 1, 1998, issues or modifies an
29 order in this state for the support of a child shall :

30 (a) *Obtain and* provide to the welfare division *of the department of*
31 *human resources* such information regarding the order as the welfare
32 division determines is necessary to carry out the provisions of 42 U.S.C. §
33 654a.

34 ~~{3.—Within 10 days after a court of this state issues}~~

35 (b) *Ensure that the information required to be obtained and provided*
36 *pursuant to paragraph (a) is filed in the records relating to the matter*
37 *and, except as otherwise required to carry out a specific statute,*
38 *maintained in a confidential manner.*

39 2. *Before a court enters* an order for the support of a child, each party
40 to the cause of action shall file with the court ~~{that issued the order and}~~ *the*
41 *following information on a form approved by* the welfare division:

42 (a) His social security number;

43 (b) His residential and mailing addresses;

- 1 (c) His telephone number;
- 2 (d) His driver's license number; ~~{and}~~
- 3 (e) The name, address and telephone number of his employer ~~{H}~~; and
- 4 *(f) Any other information that the welfare division determines is*
- 5 *necessary to carry out the provisions of 42 U.S.C. § 654a.*

6 Each party shall update the information filed with the court and the welfare
7 division pursuant to this subsection within 10 days after that information
8 becomes inaccurate.

9 ~~{4.}~~ 3. The welfare division shall adopt regulations specifying the
10 particular information required to be provided pursuant to ~~{subsections 1~~
11 ~~and 2}~~ *subsection 1* to carry out the provisions of 42 U.S.C. § 654a.

12 **Sec. 4.** NRS 125B.135 is hereby amended to read as follows:

13 125B.135 If, after a court issues an order for the support of a child, a
14 subsequent cause of action between the parties concerning the support of
15 the child is initiated, the requirements for notice and service of process
16 shall be deemed to have been met with respect to a party to the proceeding
17 who cannot be found if:

18 1. The party initiating the proceeding shows proof that diligent effort
19 has been made to ascertain the location of the missing party; and

20 2. Written notice of the initiation of the proceeding has been mailed to
21 the mailing address of the missing party or the address of the missing
22 party's employer as those addresses appear in the information required to
23 be filed pursuant to subsection ~~{3}~~ 2 of NRS 125B.055.

24 **Sec. 5.** NRS 125B.140 is hereby amended to read as follows:

25 125B.140 1. Except as otherwise provided in chapter 130 of NRS
26 and NRS 125B.012:

27 (a) If an order issued by a court provides for payment for the support of
28 a child, that order is a judgment by operation of law on or after the date a
29 payment is due. Such a judgment may not be retroactively modified or
30 adjusted and may be enforced in the same manner as other judgments of
31 this state.

32 (b) Payments for the support of a child pursuant to an order of a court
33 which have not accrued at the time either party gives notice that he has filed
34 a motion for modification or adjustment may be modified or adjusted by
35 the court upon a showing of changed circumstances, whether or not the
36 court has expressly retained jurisdiction of the modification or adjustment.

37 2. Except as otherwise provided in subsection 3 and NRS 125B.012,
38 125B.142 and 125B.144:

39 (a) Before execution for the enforcement of a judgment for the support
40 of a child, the person seeking to enforce the judgment must send a notice by
41 certified mail, restricted delivery, with return receipt requested, to the
42 responsible

parent:

1 (1) Specifying the name of the court that issued the order for support
2 and the date of its issuance;

3 (2) Specifying the amount of arrearages accrued under the order;

4 (3) Stating that the arrearages will be enforced as a judgment; and

5 (4) Explaining that the responsible parent may, within 20 days after
6 the notice is sent, ask for a hearing before a court of this state concerning
7 the amount of the arrearages.

8 (b) The matters to be adjudicated at such a hearing are limited to a
9 determination of the amount of the arrearages and the jurisdiction of the
10 court issuing the order. At the hearing, the court shall take evidence and
11 determine the amount of the judgment and issue its order for that amount.

12 (c) The court shall determine and include in its order:

13 (1) Interest upon the arrearages at a rate established pursuant to NRS
14 99.040, from the time each amount became due; and

15 (2) A reasonable attorney's fee for the proceeding,
16 unless the court finds that the responsible parent would experience an
17 undue hardship if required to pay such amounts. Interest continues to
18 accrue on the amount ordered until it is paid, and additional attorney's fees
19 must be allowed if required for collection.

20 (d) The court shall ~~include in its order the social security number of the~~
21 ~~responsible parent.~~ *ensure that any information which the welfare*
22 *division of the department of human resources has determined is*
23 *necessary to carry out the provisions of 42 U.S.C. § 654a is:*

24 *(1) Provided to the welfare division of the department of human*
25 *resources.*

26 *(2) Filed in the records relating to the matter and, except as*
27 *otherwise required to carry out a specific statute, maintained in a*
28 *confidential manner.*

29 3. Subsection 2 does not apply to the enforcement of a judgment for
30 arrearages if the amount of the judgment has been determined by any court.

31 **Sec. 6.** NRS 425.3828 is hereby amended to read as follows:

32 425.3828 1. If a written response setting forth objections and
33 requesting a hearing is received by the office issuing the notice and finding
34 of financial responsibility within the specified period, a hearing must be
35 held pursuant to NRS 425.3832 and notice of the hearing must be sent to
36 the parent by regular mail.

37 2. If a written response and request for hearing is not received by the
38 office issuing the notice and finding of financial responsibility within the
39 specified period, the master may enter a recommendation for the support of
40 a dependent child in accordance with the notice and shall ~~include~~ :

41 *(a) Include* in that recommendation:

42 ~~(a)~~ *(1)* If the paternity of the dependent child is established by the
43 recommendation, a declaration of that fact.

1 ~~(b)~~ (2) The amount of monthly support to be paid, including directions
2 concerning the manner of payment.

3 ~~(c)~~ (3) The amount of arrearages owed.

4 ~~(d)~~ (4) Whether coverage for health care must be provided for the
5 dependent child.

6 ~~(e)~~ (5) Any requirements to be imposed pursuant to subparagraph (13)
7 of paragraph (b) of subsection 2 of NRS 425.382, regarding a plan for the
8 payment of support by the parent or the participation of the parent in work
9 activities.

10 ~~(f)~~ (6) The names ~~[and social security numbers]~~ of the parents or legal
11 guardians of the child.

12 ~~(g)~~ (7) The name ~~[and social security number]~~ of the person to whom,
13 and the name and date of birth of the dependent child for whom support is
14 to be paid.

15 ~~(h)~~ (8) A statement that the property of the parent is subject to an
16 attachment or other procedure for collection, including, but not limited to,
17 withholding of wages, garnishment, liens and execution on liens.

18 ~~(i)~~ (9) A statement that objections to the recommendation may be filed
19 with the district court and served upon the other party within 10 days after
20 receipt of the recommendation.

21 *(b) Ensure that any information which the division has determined is*
22 *necessary to carry out the provisions of 42 U.S.C. § 654a is:*

23 *(1) Provided to the enforcing authority.*

24 *(2) Filed in the records relating to the matter and, except as*
25 *otherwise required to carry out a specific statute, maintained in a*
26 *confidential manner.*

27 3. The parent must be sent a copy of the recommendation for the
28 support of a dependent child by regular mail addressed to the last known
29 address of the parent, or if applicable, the last known address of the
30 attorney for the parent.

31 4. The recommendation for the support of a dependent child is final
32 upon approval by the district court pursuant to NRS 425.3844. The chief
33 may take action to enforce and collect upon the order of the court
34 approving the recommendation, including arrearages, from the date of the
35 approval of the recommendation.

36 5. If a written response and request for hearing is not received by the
37 office issuing the notice and finding of financial responsibility within the
38 specified period, and the master enters a recommendation for the support of
39 a dependent child, the court may grant relief from the recommendation on
40 the grounds set forth in paragraph (b) of Rule 60 of the Nevada Rules of
41 Civil Procedure.

1 **Sec. 7.** NRS 425.3844 is hereby amended to read as follows:

2 425.3844 1. A recommendation entered by a master pursuant to NRS
3 425.382 to 425.3852, inclusive, including a recommendation establishing
4 paternity, must be furnished to each party or his attorney at the conclusion
5 of the proceedings or as soon thereafter as possible.

6 2. Within 10 days after receipt of the recommendation, any party may
7 file with the district court and serve upon the other parties a notice of
8 objection to the recommendation. The notice must include:

9 (a) A copy of the master's recommendation;

10 (b) The results of any blood tests or tests for genetic identification
11 examined by the master;

12 (c) A concise statement setting forth the reasons that the party disagrees
13 with the master's recommendation, including any affirmative defenses that
14 must be pleaded pursuant to the Nevada Rules of Civil Procedure;

15 (d) A statement of the relief requested;

16 (e) The notice and finding of financial responsibility if the chief issued
17 such a notice and finding; and

18 (f) Any other relevant documents.

19 3. The district court shall:

20 (a) If a notice of objection is not filed, accept the recommendation
21 entered by the master, including a recommendation establishing paternity,
22 unless clearly erroneous, and judgment may be entered thereon; or

23 (b) If a notice of objection is filed within the 10-day period, review the
24 matter pursuant to NRS 425.3834.

25 4. A party who receives a notice of objection pursuant to subsection 2
26 is not required to file an answer to that notice. The district court shall
27 review each objection contained in the notice.

28 5. If a notice of objection includes an objection to a recommendation
29 establishing paternity, the enforcement of any obligation for the support of
30 the child recommended by the master must, upon the filing and service of
31 the notice, be stayed until the district court rules upon the determination of
32 paternity. The obligation for the support of the child continues to accrue
33 during the consideration of the determination of paternity and must be
34 collected as arrears after the completion of the trial if the court approves
35 the recommendation of the master.

36 6. If a recommendation entered by a master pursuant to NRS 425.382
37 to 425.3852, inclusive, including a recommendation establishing paternity,
38 modifies or adjusts a previous order for support issued by any district court
39 in this state, that district court shall review the recommendation and
40 approve or reject the recommendation issued by the master.

41 7. Upon approval by the district court of a recommendation entered by
42 a master pursuant to NRS 425.382 to 425.3852, inclusive, including a

1 recommendation establishing paternity, a copy of the recommendation,
2 with the approval of the court endorsed thereon, must be filed:

3 (a) In the office of the clerk of the district court;

4 (b) If the order of the district court approving the recommendation of the
5 master modifies or adjusts a previous order issued by any district court in
6 this state, with the original order in the office of the clerk of that district
7 court; and

8 (c) With any court that conducts a proceeding related thereto pursuant to
9 the provisions of chapter 130 of NRS.

10 8. ~~8. If a recommendation that is approved by a~~ A district court *that*
11 *approves a recommendation* pursuant to this section ~~that does not contain the~~
12 ~~social security numbers of the parents or legal guardians of the child, the~~
13 ~~court shall include those numbers on~~ *shall ensure that, before* the
14 recommendation ~~before it~~ is filed pursuant to subsection 7 ~~that~~, *any*
15 *information which the division has determined is necessary to carry out*
16 *the provisions of 42 U.S.C. § 654a is:*

17 (a) *Provided to the enforcing authority.*

18 (b) *Filed in the records relating to the matter and, except as otherwise*
19 *required to carry out a specific statute, maintained in a confidential*
20 *manner.*

21 9. Upon the approval and filing of the recommendation as provided in
22 subsection 7, the recommendation has the force, effect and attributes of an
23 order or decree of the district court, including, but not limited to,
24 enforcement by supplementary proceedings, contempt of court proceedings,
25 writs of execution, liens and writs of garnishment.

26 **Sec. 8.** NRS 425.3855 is hereby amended to read as follows:

27 425.3855 ~~8. An order entered by a~~ A district court *that enters an order*
28 *pursuant to NRS 425.382 to 425.3852, inclusive, or an order* approving a
29 recommendation for the support of a dependent child made by a master ~~for~~
30 ~~an order entered by a district court pursuant to NRS 425.382 to 425.3852,~~
31 ~~inclusive, must contain the social security numbers of the parents or legal~~
32 ~~guardians of the child.~~ *shall ensure that any information which the*
33 *division has determined is necessary to carry out the provisions of 42*
34 *U.S.C. § 654a is:*

35 1. *Provided to the enforcing authority.*

36 2. *Filed in the records relating to the matter and, except as otherwise*
37 *required to carry out a specific statute, maintained in a confidential*
38 *manner.*

39 **Sec. 9.** NRS 432B.560 is hereby amended to read as follows:

40 432B.560 1. The court may also order:

41 (a) The child, a parent or the guardian to undergo such medical,
42 psychiatric, psychologic or other care or treatment as the court considers to
43 be in the best interests of the child.

(b) A parent or guardian to refrain from:

(1) Any harmful or offensive conduct toward the child, the other parent, the custodian of the child or the person given physical custody of the child; and

(2) Visiting the child if the court determines that the visitation is not in the best interest of the child.

(c) A reasonable right of visitation for a grandparent of the child if the child is not permitted to remain in the custody of his parents.

2. The court shall order a parent or guardian to pay to the custodian an amount sufficient to support the child while the child is in the care of the custodian pursuant to an order of the court. Payments for the obligation of support must be determined in accordance with NRS 125B.070 and 125B.080, but must not exceed the reasonable cost of the child's care, including food, shelter, clothing, medical care and education. An order for support made pursuant to this subsection must:

(a) ~~Contain the social security number of the parent or guardian who is the subject of the order;~~

~~—(b)—~~ Require that payments be made to the appropriate agency or office;

~~[(e)]~~ (b) Provide that the custodian is entitled to a lien on the obligor's property in the event of nonpayment of support; and

~~[(d)]~~ (c) Provide for the immediate withholding of income for the payment of support unless:

(1) All parties enter into an alternative written agreement; or

(2) One party demonstrates and the court finds good cause to postpone the withholding.

3. *A court that enters an order pursuant to subsection 2 shall ensure that any information which the welfare division of the department of human resources has determined is necessary to carry out the provisions of 42 U.S.C. § 654a is:*

(a) *Provided to the welfare division of the department of human resources.*

(b) *Filed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.*

Sec. 10. Section 2 of Senate Bill No. 352 of this session is hereby amended to read as follows:

Sec. 2. NRS 425.3855 is hereby amended to read as follows:

425.3855 A district court that enters an order pursuant to NRS 425.382 to 425.3852, inclusive, *and section 1 of this act*, or an order approving a recommendation for the support of a dependent child made by a master shall ensure that any information which the division has determined is necessary to carry out the provisions of 42 U.S.C. § 654a is:

- 1 1. Provided to the enforcing authority.
- 2 2. Filed in the records relating to the matter and, except as
- 3 otherwise required to carry out a specific statute, maintained in a
- 4 confidential manner.
- 5 **Sec. 11.** This act becomes effective upon passage and approval.

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