

ASSEMBLY BILL NO. 535—COMMITTEE ON JUDICIARY

MARCH 21, 2001

Referred to Committee on Judiciary

SUMMARY—Reduces filing fees and requires court to waive court costs when petition is filed for adoption of child with special needs. (BDR 2-988)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

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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 civil practice; reducing the court filing fees for a petition to adopt a child with special needs; requiring a court to waive court costs when a petition is filed for the adoption of a child with special needs; 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.** Chapter 19 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 *If the division of child and family services of the department of human*
4 *resources, or a child-placing agency licensed by the division pursuant to*
5 *chapter 127 of NRS, consents to the adoption of a child with special*
6 *needs pursuant to NRS 127.186, a county clerk shall reduce the total*
7 *filing fee to not more than \$1 for filing the petition to adopt such a child.*

8 **Sec. 2.** NRS 19.020 is hereby amended to read as follows:

9 19.020 1. At the time of the commencement of every civil action or
10 other proceeding in the several district courts, the plaintiff shall pay the
11 clerk of the court in which the action is commenced the sum of \$3, except
12 as otherwise provided ~~+~~ *by specific statute.*

13 2. At the commencement of any proceeding in any district court for the
14 purpose of procuring an appointment of administration upon the estate of
15 any deceased person, or procuring an appointment as guardian, the party
16 instituting the proceeding shall pay the clerk of the court the sum of \$1.50.

17 3. Whenever any appeal is taken in a civil action or proceeding from
18 the judgment or decision of a justice's court, or other tribunal inferior to
19 the district court, the party appealing shall, before the return to the appeal
20 may be filed in the appellate court, pay to the clerk of the appellate court
21 the sum of \$5.



1 4. The several fees provided for in this section are designated as court
2 fees, and no such action may be deemed commenced, proceedings
3 instituted, nor appeal perfected until the court fees are paid.

4 **Sec. 3.** NRS 19.031 is hereby amended to read as follows:
5 19.031 1. Except as otherwise provided in subsection 2, *and section*
6 *1 of this act*, in each county in which legal services are provided without
7 charge to indigent or elderly persons through a program for legal aid
8 organized under the auspices of the State Bar of Nevada, a county or local
9 bar association, a county or municipal program for legal services or other
10 program funded by this state or the United States to provide legal
11 assistance, the county clerk shall, on the commencement of any civil action
12 or proceeding in the district court for which a filing fee is required, and on
13 the filing of any answer or appearance in any such action or proceeding for
14 which a filing fee is required, charge and collect a fee of \$25 from the party
15 commencing or appearing in the action or proceeding. These fees are in
16 addition to any other fees required by law.

17 2. In each county described in subsection 1, the county clerk shall, on
18 the commencement of any action provided for in chapter 125 of NRS, and
19 on the filing of any answer or appearance in any such action, charge and
20 collect a fee of \$14 from the party commencing or appearing in the action.
21 These fees are in addition to any other fees required by law.

22 3. On or before the first Monday of each month the county clerk shall
23 pay over to the county treasurer the amount of all fees collected by him
24 pursuant to subsections 1 and 2. Except as otherwise provided in
25 subsection 5, the county treasurer shall remit quarterly to the organization
26 operating the program for legal services all the money received by him
27 from the county clerk.

28 4. The organization operating the program for legal services shall use
29 any money received pursuant to subsection 3 as follows:
30 (a) From each \$25 collected pursuant to subsection 1:
31 (1) Fifteen dollars and fifty cents for the benefit of indigent persons
32 in the county; and
33 (2) Nine dollars and fifty cents for the benefit of elderly persons in
34 the county.
35 (b) From each \$14 collected pursuant to subsection 2:
36 (1) Ten dollars for the benefit of indigent persons in the county; and
37 (2) Four dollars for the benefit of elderly persons in the county.

38 5. If the county treasurer receives notice from the state or a political
39 subdivision that an award of attorney's fees or costs has been made to an
40 organization that receives money pursuant to this section and has been
41 paid, he shall:
42 (a) Deduct an amount equal to the award from the amount to be paid to
43 the organization; and
44 (b) Remit an equal amount to the state or to the political subdivision
45 that paid the fees or costs at the time when he would have paid it to the
46 organization.

47 6. The fees which are collected from a county must be used for the
48 benefit of the indigent or elderly persons in that county.



1 **Sec. 4.** NRS 19.0313 is hereby amended to read as follows:

2 19.0313 1. ~~It is~~ *Except as otherwise provided in section 1 of this act,*
3 in a county whose population is 100,000 or more, the county clerk shall, on
4 the commencement of any civil action or proceeding in the district court
5 for which a filing fee is required, and on the filing of any answer or
6 appearance in any such action or proceeding for which a filing fee is
7 required, charge and collect not less than \$5 but not more than \$10 from
8 the party commencing, answering or appearing in the action or proceeding.
9 The fee required pursuant to this section is in addition to any other fee
10 required by law.

11 2. On or before the first Monday of each month the county clerk shall
12 pay over to the county treasurer the amount of all fees collected by him
13 pursuant to subsection 1 for use in the programs established in accordance
14 with NRS 3.500 and 244.1607.

15 3. ~~It is~~ *Except as otherwise provided in section 1 of this act, the*
16 board of county commissioners of any other county may impose by
17 ordinance an additional filing fee of not more than \$10 to be paid on the
18 commencement of any civil action or proceeding in the district court for
19 which a filing fee is required and on the filing of any answer or appearance
20 in any such action or proceeding for which a filing fee is required. On or
21 before the fifth day of each month, in a county where this fee has been
22 imposed, the county clerk shall account for and pay over to the county
23 treasurer all fees collected during the preceding month pursuant to this
24 subsection for credit to an account for dispute resolution in the county
25 general fund. The money in the account must be used only to support a
26 program established pursuant to NRS 3.500 or 244.1607.

27 **Sec. 5.** NRS 19.03135 is hereby amended to read as follows:

28 19.03135 1. In a county whose population is less than 100,000, the
29 board of county commissioners may, in addition to any other fee required
30 by law, impose by ordinance a filing fee of not more than \$10 to be paid on
31 the commencement of any civil action or proceeding in the district court
32 for which a filing fee is required and on the filing of any answer or
33 appearance in any such action or proceeding for which a filing fee is
34 required ~~It is~~ *, except as otherwise required pursuant to section 1 of this*
35 *act.*

36 2. On or before the fifth day of each month, in a county where a fee
37 has been imposed pursuant to subsection 1, the clerk of the court shall
38 account for and pay over to the county treasurer any such fees collected by
39 him during the preceding month for credit to an account for programs for
40 the prevention and treatment of the abuse of alcohol and drugs in the
41 county general fund. The money in that account must be used only to
42 support programs for the prevention or treatment of the abuse of alcohol or
43 drugs which may include, without limitation, any program of treatment for
44 the abuse of alcohol or drugs established in a judicial district pursuant to
45 NRS 453.580.

46 **Sec. 6.** NRS 19.0315 is hereby amended to read as follows:

47 19.0315 1. ~~It is~~ *Except as otherwise provided in section 1 of this*
48 *act, on* the commencement of any civil action or proceeding in the district
49 court for which a filing fee is required, and on the filing of any answer or



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1 appearance in any such action or proceeding for which a filing fee is
2 required, the county clerk shall charge and collect a fee of \$5 from the
3 party commencing, answering or appearing in the action or proceeding.
4 These fees are in addition to any other fee required by law.

5 2. On or before the first Monday of each month, the county clerk shall
6 pay over to the county treasurer the amount of all fees collected by him
7 pursuant to subsection 1 for credit to an account for programs of arbitration
8 in the county general fund. The money in the account must be used only to
9 support programs for the arbitration of civil actions pursuant to NRS
10 38.250.

11 3. The provisions of this section apply only in judicial districts in
12 which a program of arbitration has been established pursuant to NRS
13 38.250.

14 **Sec. 7.** NRS 19.050 is hereby amended to read as follows:

15 19.050 ~~{When}~~ *Except as otherwise provided in subsection 8 of NRS*
16 *127.186, when* by law any publication is required to be made by a county
17 clerk of any suit, process, notice, order or other paper, the cost of such
18 publication shall, if demanded, be tendered by the party to whom such
19 order, process, notice or other paper was granted before the county clerk
20 shall be compelled to make publication thereof.

21 **Sec. 8.** NRS 127.186 is hereby amended to read as follows:

22 127.186 1. The division, or a child-placing agency licensed by the
23 division pursuant to this chapter, may consent to the adoption of a child
24 under 18 years of age with special needs due to race, age or physical or
25 mental problems who is in the custody of the division or the licensed
26 agency by proposed adoptive parents when, in the judgment of the division
27 or the licensed agency, it would be in the best interests of the child to be
28 placed in that adoptive home.

29 2. The division or child-placing agency shall determine whether a
30 child has special needs and notify the proposed adoptive parents of a child
31 who is determined to have special needs:

32 (a) That they may be eligible for a grant of financial assistance pursuant
33 to this section if the petition for adoption is granted; and

34 (b) The manner in which to apply for such financial assistance.

35 3. The division may grant financial assistance for attorney's fees ~~and~~
36 ~~court costs~~ in the adoption proceeding, for maintenance and for
37 preexisting physical or mental conditions to the adoptive parents out of
38 money provided for that purpose if the administrator of the division has
39 reviewed and approved in writing the proposed adoption and grant of
40 assistance.

41 4. The grant of financial assistance must be limited, both as to amount
42 and duration, by agreement in writing between the division and the
43 adoptive parents. The agreement does not become effective until the entry
44 of the order of adoption.

45 5. Any grant of financial assistance must be reviewed and evaluated at
46 least once annually by the division. The evaluation must be presented for
47 approval to the administrator of the division. Financial assistance must be
48 discontinued immediately upon written notification to the adoptive parents
49 by the division that continued assistance is denied.



1 6. All financial assistance provided under this section ceases
2 immediately when the child attains majority, becomes self-supporting, is
3 emancipated or dies, whichever occurs first.

4 7. Neither a grant of financial assistance pursuant to this section nor
5 any discontinuance of such assistance affects the legal status or respective
6 obligations of any party to the adoption.

7 *8. A court shall waive all court costs of the proposed adoptive parents*
8 *in an adoption proceeding for a child with special needs if the division or*
9 *child-placing agency consents to the adoption of such a child pursuant to*
10 *this section.*

11 **Sec. 9.** The amendatory provisions of this act do not apply to a
12 petition for adoption filed before October 1, 2001.

