

SENATE BILL NO. 285—COMMITTEE ON JUDICIARY

MARCH 7, 2001

Referred to Committee on Judiciary

SUMMARY—Requires district attorney to provide certain information regarding performance of his duties pertaining to child support. (BDR 11-1344)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 child support; requiring the district attorney to provide certain information regarding performance of his duties pertaining to 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 125B.150 is hereby amended to read as follows:
2 125B.150 1. The district attorney of the county of residence of the
3 child, or of a parent, alleged parent or guardian who does not have physical
4 custody of the child, shall take such action as is necessary to establish
5 parentage of the child and locate and take legal action, including the
6 establishment or adjustment of an obligation of support, against a person
7 who has a duty to support the child when requested to do so by the parent,
8 alleged parent or guardian or a public agency which provides assistance to
9 the parent, alleged parent, guardian or child. If the court for cause transfers
10 the action to another county, the clerk of the receiving court shall notify the
11 district attorney of that county, and that district attorney shall proceed to
12 prosecute the cause of action and take such further action as is necessary to
13 establish parentage and to establish or adjust the obligation of support and
14 to enforce the payment of support pursuant to this chapter or chapter 31A,
15 126, 130 or 425 of NRS.
16 2. In a county where the district attorney has deputies to aid him in the
17 performance of his duties, the district attorney shall designate himself or a
18 particular deputy as responsible for performing the duties imposed by
19 subsection 1.
20 3. Except as otherwise provided in NRS 126.101, the district attorney
21 and his deputies do not represent the parent, alleged parent, guardian or
22 child in the performance of their duties pursuant to this chapter and chapter
23 31A, 126, 130 or 425 of NRS, but are rendering a public service as



1 representatives of the state. *The district attorney or his deputy shall*
2 *inform the parent, alleged parent or guardian, in writing, that, except as*
3 *otherwise provided in NRS 126.101, the district attorney and his deputies*
4 *do not represent any parent, alleged parent, guardian or child in the*
5 *performance of their duties pursuant to this chapter and chapter 31A,*
6 *126, 130 or 425 of NRS, but are rendering a public service as*
7 *representatives of the state.*

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

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

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

23 (a) The applicant is not receiving public assistance.

24 (b) The district attorney has in his records:

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

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

31 (3) The current address of the custodial parent.

32 (c) From the records in his possession, the district attorney has reason to
33 believe that the amount of unpaid support is not less than \$500.

34 Before submitting the documents and information to the welfare division,
35 the district attorney shall verify the accuracy of the documents submitted
36 relating to the amount claimed as unpaid support and the name and social
37 security number of the parent who has a duty to support the child. If the
38 district attorney has verified this information previously, he need not
39 reverify it before submitting it to the welfare division.

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

