

Assembly Bill No. 160—Assemblymen Buckley, Parks, Giunchigliani, Goldwater, Anderson, Arberry, Atkinson, Beers, Carpenter, Chowning, Christensen, Claborn, Collins, Conklin, Gibbons, Grady, Griffin, Horne, Koivisto, Leslie, Mabey, Manendo, McClain, McCleary, Mortenson, Ocegüera, Ohrenschall, Perkins, Pierce, Sherer and Williams

CHAPTER.....

AN ACT relating to persons in need of protection; requiring a court to order an assignment of income in an extended order if the order includes an order for support of a child in certain circumstances; providing an additional manner of service of certain documents upon the adverse party under certain circumstances; authorizing a court to seal records and waive publication concerning a change of name when the person proves that his personal safety is at risk; providing for privileged communications between victims of domestic violence or sexual assault and their advocates; 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 33 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2. 1.** *If a court issues an extended order which includes an order for the support of a minor child, the court shall order the adverse party to assign to the party who obtained the extended order that portion of the income of the adverse party which is due or to become due and is sufficient to pay the amount ordered by the court for the support, unless the court finds good cause for the postponement of the assignment. A finding of good cause must be based upon a written finding by the court that the immediate assignment of income would not be in the best interests of the child.*

*2. An assignment of income ordered pursuant to subsection 1 is subject to the provisions of chapters 31A and 125B of NRS.*

*3. The Welfare Division of the Department of Human Resources, in consultation with the Office of Court Administrator and other interested governmental entities, shall develop procedures and forms to allow a person to whom an assignment is ordered to be made to enforce the assignment in an expeditious and safe manner.*

**Sec. 3. 1.** *If the current address where the adverse party resides is unknown and the law enforcement agency has made at least two attempts to personally serve the adverse party at his*

*current place of employment, the law enforcement agency or a person designated by the law enforcement agency may serve the adverse party by:*

*(a) Delivering a copy of the application for an extended order, the notice of hearing thereon and a copy of the temporary order to the current place of employment of the adverse party; and*

*(b) Thereafter, mailing a copy of the application for an extended order, the notice of hearing thereon and a copy of the temporary order to the adverse party at his current place of employment.*

*2. Delivery pursuant to paragraph (a) of subsection 1 must be made by leaving a copy of the documents specified at the current place of employment of the adverse party with the manager of the department of human resources or another similar person. Such a person shall:*

*(a) Accept service of the documents and make a reasonable effort to deliver the documents to the adverse party;*

*(b) Identify another appropriate person who will accept service of the documents and who shall make a reasonable effort to deliver the documents to the adverse party; or*

*(c) Contact the adverse party and arrange for the adverse party to be present at the place of employment to accept service of the documents personally.*

*3. After delivering the documents to the place of employment of the adverse party, a copy of the documents must be mailed to the adverse party by first-class mail to the place of employment of the adverse party in care of the employer.*

*4. The adverse party shall be deemed to have been served 10 days after the date on which the documents are mailed to the adverse party.*

*5. Upon completion of service pursuant to this section, the law enforcement agency or the person designated by the law enforcement agency who served the adverse party in the manner set forth in this section shall file with or mail to the clerk of the court proof of service in this manner.*

*6. An employer is immune from civil liability for any act or omission with respect to accepting service of documents, delivering documents to the adverse party or contacting the adverse party and arranging for the adverse party to accept service of the documents personally pursuant to this section, if the employer acts in good faith with respect to accepting service of documents, delivering documents to the adverse party or contacting the adverse party and arranging for the adverse party to accept service of the documents personally.*

**Sec. 4.** NRS 33.017 is hereby amended to read as follows:

33.017 As used in NRS 33.017 to 33.100, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires:

1. "Extended order" means an extended order for protection against domestic violence.
2. "Temporary order" means a temporary order for protection against domestic violence.

**Sec. 5.** NRS 33.060 is hereby amended to read as follows:

33.060 1. The court shall transmit, by the end of the next business day after the order is issued, a copy of the temporary or extended order to the appropriate law enforcement agency which has jurisdiction over the residence, school, child care facility or other provider of child care, or place of employment of the applicant or the minor child.

2. The court shall order the appropriate law enforcement agency to serve, without charge, the adverse party personally with the temporary order and to file with or mail to the clerk of the court proof of service by the end of the next business day after service is made. Service of an application for an extended order and the notice of hearing thereon must be served upon the adverse party ~~[pursuant]~~

:

(a) *Pursuant* to the Nevada Rules of Civil Procedure ~~[ ]~~; or

(b) *In the manner provided in section 3 of this act.*

3. A law enforcement agency shall enforce a temporary or extended order without regard to the county in which the order was issued.

4. The clerk of the court shall issue, without fee, a copy of the temporary or extended order to the applicant and the adverse party.

**Sec. 6.** NRS 41.280 is hereby amended to read as follows:

41.280 1. ~~[Upon]~~ *Except as otherwise provided in subsection 2, upon* the filing of the petition, the applicant shall make out and procure a notice ~~[, which shall state]~~ *that must:*

(a) *State* the fact of the filing of the petition, its object, his present name and the name which he desires to bear in the future ~~[The notice shall be]~~; and

(b) *Be* published in some newspaper of general circulation in the county once a week for 3 successive weeks.

2. *If the applicant submits proof satisfactory to the court that publication of the change of name would place his personal safety at risk, the court shall not require the applicant to comply with the provisions of subsection 1 and shall order the records concerning the petition and any proceedings concerning the petition to be sealed and to be opened for inspection only upon an order of the court for good cause shown or upon the request of the applicant.*

**Sec. 7.** Chapter 49 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 16, inclusive, of this act.

**Sec. 8.** *As used in sections 8 to 16, inclusive, of this act, the words and terms defined in sections 9 to 12, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 9.** *“Domestic violence” means an act described in NRS 33.018.*

**Sec. 10.** *“Sexual assault” means a violation of NRS 200.366 or an attempt to violate or conspiracy to violate NRS 200.366.*

**Sec. 11.** *“Victim” means a person who alleges that an act of domestic violence or sexual assault has been committed against the person.*

**Sec. 12.** *“Victim’s advocate” means a person who works for a nonprofit program that provides assistance to victims with or without compensation and who has received at least 20 hours of relevant training.*

**Sec. 13.** *1. A communication shall be deemed to be confidential if the communication is between a victim and a victim’s advocate and is not intended to be disclosed to third persons other than:*

*(a) A person who is present to further the interest of the victim;*

*(b) A person reasonably necessary for the transmission of the communication; or*

*(c) A person who is participating in the advice, counseling or assistance of the victim, including, without limitation, a member of the victim’s family.*

*2. As used in this section, “communication” includes, without limitation, all records concerning the victim and the services provided to the victim which are within the possession of:*

*(a) The victim’s advocate; or*

*(b) The nonprofit program for whom the victim’s advocate works.*

**Sec. 14.** *Except as otherwise provided in section 16 of this act, a victim who seeks advice, counseling or assistance from a victim’s advocate has a privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications set forth in section 13 of this act.*

**Sec. 15.** *1. The privilege provided pursuant to section 14 of this act may be claimed by:*

*(a) The victim;*

*(b) The guardian or conservator of the victim;*

*(c) The personal representative of a deceased victim; and*

*(d) The victim’s advocate, but only on behalf of the victim.*

*2. The authority of a victim's advocate to claim the privilege is presumed in the absence of evidence to the contrary.*

**Sec. 16.** *There is no privilege pursuant to section 14 of this act if:*

*1. The purpose of the victim in seeking services from a victim's advocate is to enable or aid any person to commit or plan to commit what the victim knows or reasonably should have known is a crime or fraud;*

*2. The communication concerns a report of abuse or neglect of a child or older person in violation of NRS 200.508 or 200.5093, but only as to that portion of the communication;*

*3. The communication is relevant to an issue of breach of duty by the victim's advocate to the victim or by the victim to the victim's advocate; or*

*4. Disclosure of the communication is otherwise required by law.*

**Sec. 17.** NRS 125B.240 is hereby amended to read as follows:

125B.240 The court shall not issue an order pursuant to NRS 125B.210, unless it finds the existence of one or more of the following conditions:

1. The obligor-parent is not receiving income which may be subject to an assignment or withholding pursuant to chapter 31A of NRS ~~§~~ *or section 2 of this act*, and there is reason to believe that he has income from some source which may be subject to an assignment.

2. An assignment or withholding of income pursuant to chapter 31A of NRS *or section 2 of this act* would not be sufficient to meet the obligation of the support of a child for reasons other than a change of circumstances which would qualify for a reduction in the amount of the support ordered.

3. The history of employment of the obligor-parent makes an assignment or withholding of income pursuant to chapter 31A of NRS *or section 2 of this act* difficult to enforce or not a practical means for securing the payment of the obligation of support. Such a history may be evidenced by such conditions as multiple, concurrent or consecutive employers.

**Sec. 18.** NRS 608.1576 is hereby amended to read as follows:

608.1576 If an employer provides benefits for health care to his employees and the benefits include coverage of the employee's family, the employer shall:

1. Permit an employee who is required by the order of a court or administrative tribunal to provide health coverage for his child to enroll the child for coverage as a member of his family without regard to a restriction on periods of enrollment applicable to the employee.

2. If the parent so required is enrolled for coverage but does not apply to enroll the child, permit the child's other parent or the Welfare Division of the Department of Human Resources to enroll the child.

3. Not terminate the enrollment of the child in that coverage or otherwise eliminate that coverage of the child unless the insurer has written proof that:

(a) The order for medical coverage is no longer in effect; or

(b) The child is or will be enrolled in comparable coverage through another insurer on or before the effective date of the termination of enrollment or elimination of coverage.

4. Withhold from the employee's wages, and pay to the insurer if the employer is not self-insured, the employee's share, if any, of the cost of the coverage provided for the child but not more than the amount of withholding for insurance permitted by federal law or regulation.

The purpose of this section is to ensure that children are promptly enrolled in a program of health insurance provided by the responsible parent and that the health insurance is maintained. The remedies provided in this section are cumulative and in addition to any other remedy provided by law to the extent they are not inconsistent with the provisions of chapters 31A, 125B, 130 and 425 of NRS ~~1~~ *and section 2 of this act.*