

CHAPTER.....

AN ACT relating to child support; imposing a fee upon an obligor of child support who is subject to withholding of income by his employer; providing for the collection and administration of that fee; 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 31A of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The State Treasurer shall charge an obligor a fee of \$2 for each withholding of income for the payment of support made by an employer pursuant to this chapter, except that the fee must not be charged to an obligor more than two times during any month.*

*2. All such fees received by the State Treasurer from employers pursuant to NRS 31A.080 must be accounted for separately in the State General Fund.*

*3. The account created pursuant to subsection 2 must be administered by the State Welfare Administrator. The money in the account must be distributed among each enforcing authority pursuant to regulations adopted by the State Welfare Administrator pursuant to NRS 425.365.*

**Sec. 2.** NRS 31A.070 is hereby amended to read as follows:

31A.070 1. The enforcing authority shall mail, by first-class mail, a notice to withhold income to an obligor's employer:

(a) If the provisions of subsection 2 of NRS 31A.025 apply, immediately upon determining that the obligor is delinquent in the payment of support; or

(b) If the provisions of subsection 2 of NRS 31A.025 do not apply, immediately upon the entry of the order of support.

2. If an employer of an obligor does not begin to withhold income from the obligor after receiving the notice to withhold income that was mailed pursuant to subsection 1, the enforcing authority shall mail, by certified mail, return receipt requested, another notice to withhold income to the employer.

3. A notice to withhold income may be issued electronically and must:

(a) Contain the social security number of the obligor;

(b) Specify the amount to be withheld from the income of the obligor;

(c) Specify the ~~{amount of the fee}~~ *amounts of the fees* authorized in NRS 31A.090 ~~{for the employer;}~~ *and required in section 1 of this act;*

(d) Describe the limitation for withholding income prescribed in NRS 31.295;

(e) Describe the prohibition against terminating the employment of an obligor because of withholding and the penalties for wrongfully refusing to withhold pursuant to the notice to withhold income;

(f) Specify that, pursuant to NRS 31A.160, the withholding of income to enforce an order of a court for child support has priority over other proceedings against the same money; and

(g) Explain the duties of an employer upon the receipt of the notice to withhold income.

**Sec. 3.** NRS 31A.080 is hereby amended to read as follows:

31A.080 An employer who receives a notice to withhold income shall:

1. Withhold the amount stated in the notice from the income due the obligor beginning with the first pay period that occurs within 14 days after the date the notice was mailed to the employer and continuing until the enforcing authority notifies him to discontinue the withholding;

2. Deliver the money withheld to the enforcing authority within 7 days after the date of each payment of the regularly scheduled payroll of the employer; ~~and~~

3. *Deduct from the income due the obligor after the withholding pursuant to subsection 1, the fee set forth in section 1 of this act;*

4. *Deliver to the State Treasurer, at least quarterly, all money deducted as fees pursuant to subsection 3; and*

5. Notify the enforcing authority *and the State Treasurer* when the obligor subject to withholding terminates his employment, and provide the last known address of the obligor and the name of any new employer of the obligor, if known.

**Sec. 4.** NRS 31A.090 is hereby amended to read as follows:

31A.090 1. A notice to withhold income is binding upon any employer of an obligor to whom it is mailed. To reimburse the employer for his costs in making the withholding, he may deduct \$3 from the amount paid the obligor each time he makes a withholding.

2. If an employer receives notices to withhold income for more than one employee, he may ~~pay the~~ *consolidate the amounts of money that are payable to:*

(a) *The* enforcing authority ~~{the amounts withheld}~~ *and pay those amounts* with one ~~{check, but he}~~ *check; and*

(b) *The State Treasurer and pay those amounts with one check,*

*but the employer* shall attach to ~~{the}~~ *each* check a statement identifying *by name and social security number* each obligor for whom payment is made and the amount transmitted for that obligor.

3. An employer shall cooperate with and provide relevant information to an enforcing authority as necessary to enable it to enforce an obligation of support. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages resulting from the disclosure.

**Sec. 5.** The amendatory provisions of this act apply to a withholding of income for the payment of support for a child that is withheld on or after July 1, 2003.

**Sec. 6.** This act becomes effective on July 1, 2003.