

SENATE BILL NO. 269—SENATOR SCHNEIDER

MARCH 13, 2003

Referred to Committee on Judiciary

SUMMARY—Provides that change of 20 percent or more in gross monthly income of person who is ordered to pay alimony or who is subject to order for support of child shall be deemed to constitute changed circumstances requiring review for modification of payments of alimony or order for support of child. (BDR 11-1068)

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 domestic relations; providing that a change of 20 percent or more in the gross monthly income of a person who is ordered to pay alimony or who is subject to an order for support of a child shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony or the order for support of a child; 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 125.150 is hereby amended to read as follows:
- 2 125.150 Except as otherwise provided in NRS 125.155 and
- 3 unless the action is contrary to a premarital agreement between the
- 4 parties which is enforceable pursuant to chapter 123A of NRS:
- 5 1. In granting a divorce, the court:
- 6 (a) May award such alimony to the wife or to the husband, in a
- 7 specified principal sum or as specified periodic payments, as
- 8 appears just and equitable; and



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1 (b) Shall, to the extent practicable, make an equal disposition of
2 the community property of the parties, except that the court may
3 make an unequal disposition of the community property in such
4 proportions as it deems just if the court finds a compelling reason to
5 do so and sets forth in writing the reasons for making the unequal
6 disposition.

7 2. Except as otherwise provided in this subsection, in granting
8 a divorce, the court shall dispose of any property held in joint
9 tenancy in the manner set forth in subsection 1 for the disposition of
10 community property. If a party has made a contribution of separate
11 property to the acquisition or improvement of property held in joint
12 tenancy, the court may provide for the reimbursement of that party
13 for his contribution. The amount of reimbursement must not exceed
14 the amount of the contribution of separate property that can be
15 traced to the acquisition or improvement of property held in joint
16 tenancy, without interest or any adjustment because of an increase in
17 the value of the property held in joint tenancy. The amount of
18 reimbursement must not exceed the value, at the time of the
19 disposition, of the property held in joint tenancy for which the
20 contribution of separate property was made. In determining whether
21 to provide for the reimbursement, in whole or in part, of a party who
22 has contributed separate property, the court shall consider:

23 (a) The intention of the parties in placing the property in joint
24 tenancy;

25 (b) The length of the marriage; and

26 (c) Any other factor which the court deems relevant in making a
27 just and equitable disposition of that property.

28 As used in this subsection, "contribution" includes a down payment,
29 a payment for the acquisition or improvement of property, and a
30 payment reducing the principal of a loan used to finance the
31 purchase or improvement of property. The term does not include a
32 payment of interest on a loan used to finance the purchase or
33 improvement of property, or a payment made for maintenance,
34 insurance or taxes on property.

35 3. Except as otherwise provided in NRS 125.141, whether or
36 not application for suit money has been made under the provisions
37 of NRS 125.040, the court may award a reasonable attorney's fee to
38 either party to an action for divorce if those fees are in issue under
39 the pleadings.

40 4. In granting a divorce, the court may also set apart such
41 portion of the husband's separate property for the wife's support, the
42 wife's separate property for the husband's support or the separate
43 property of either spouse for the support of their children as is
44 deemed just and equitable.



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1 5. In the event of the death of either party or the subsequent
2 remarriage of the spouse to whom specified periodic payments were
3 to be made, all the payments required by the decree must cease,
4 unless it was otherwise ordered by the court.

5 6. If the court adjudicates the property rights of the parties, or
6 an agreement by the parties settling their property rights has been
7 approved by the court, whether or not the court has retained
8 jurisdiction to modify them, the adjudication of property rights, and
9 the agreements settling property rights, may nevertheless at any time
10 thereafter be modified by the court upon written stipulation signed
11 and acknowledged by the parties to the action, and in accordance
12 with the terms thereof.

13 7. If a decree of divorce, or an agreement between the parties
14 which was ratified, adopted or approved in a decree of divorce,
15 provides for specified periodic payments of alimony, the decree or
16 agreement is not subject to modification by the court as to accrued
17 payments. Payments pursuant to a decree entered on or after July 1,
18 1975, which have not accrued at the time a motion for modification
19 is filed may be modified upon a showing of changed circumstances,
20 whether or not the court has expressly retained jurisdiction for the
21 modification. In addition to any other factors the court considers
22 relevant in determining whether to modify the order, the court shall
23 consider whether the income of the spouse who is ordered to pay
24 alimony, as indicated on the spouse's federal income tax return for
25 the preceding calendar year, has been reduced to such a level that
26 the spouse is financially unable to pay the amount of alimony he has
27 been ordered to pay.

28 8. In granting a divorce the court shall consider the need to
29 grant alimony to a spouse for the purpose of obtaining training or
30 education relating to a job, career or profession. In addition to any
31 other factors the court considers relevant in determining whether
32 such alimony should be granted, the court shall consider:

33 (a) Whether the spouse who would pay such alimony has
34 obtained greater job skills or education during the marriage; and

35 (b) Whether the spouse who would receive such alimony
36 provided financial support while the other spouse obtained job skills
37 or education.

38 9. If the court determines that alimony should be awarded
39 pursuant to the provisions of subsection 8:

40 (a) The court, in its order, shall provide for the time within
41 which the spouse who is the recipient of the alimony must
42 commence the training or education relating to a job, career or
43 profession.

44 (b) The spouse who is ordered to pay the alimony may, upon
45 changed circumstances, file a motion to modify the order.



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1 (c) The spouse who is the recipient of the alimony may be
2 granted, in addition to any other alimony granted by the court,
3 money to provide for:

4 (1) Testing of the recipient's skills relating to a job, career or
5 profession;

6 (2) Evaluation of the recipient's abilities and goals relating to
7 a job, career or profession;

8 (3) Guidance for the recipient in establishing a specific plan
9 for training or education relating to a job, career or profession;

10 (4) Subsidization of an employer's costs incurred in training
11 the recipient;

12 (5) Assisting the recipient to search for a job; or

13 (6) Payment of the costs of tuition, books and fees for:

14 (I) The equivalent of a high school diploma;

15 (II) College courses which are directly applicable to the
16 recipient's goals for his career; or

17 (III) Courses of training in skills desirable for
18 employment.

19 ***10. For the purposes of this section, a change of 20 percent***
20 ***or more in the gross monthly income of a spouse who is ordered to***
21 ***pay alimony shall be deemed to constitute changed circumstances***
22 ***requiring a review for modification of the payments of alimony. As***
23 ***used in this subsection, "gross monthly income" has the meaning***
24 ***ascribed to it in NRS 125B.070.***

25 **Sec. 2.** NRS 125B.145 is hereby amended to read as follows:

26 125B.145 1. An order for the support of a child must, upon
27 the filing of a request for review by:

28 (a) The Welfare Division of the Department of Human
29 Resources, its designated representative or the district attorney, if
30 the Welfare Division or the district attorney has jurisdiction in the
31 case; or

32 (b) A parent or legal guardian of the child,
33 be reviewed by the court at least every 3 years pursuant to this
34 section to determine whether the order should be modified or
35 adjusted. Each review conducted pursuant to this section must be in
36 response to a separate request.

37 2. If the court:

38 (a) Does not have jurisdiction to modify the order, the court may
39 forward the request to any court with appropriate jurisdiction.

40 (b) Has jurisdiction to modify the order and, taking into account
41 the best interests of the child, determines that modification or
42 adjustment of the order is appropriate, the court shall enter an order
43 modifying or adjusting the previous order for support in accordance
44 with the requirements of NRS 125B.070 and 125B.080.

45 3. The court shall ensure that:



1 (a) Each person who is subject to an order for the support of a
2 child is notified, not less than once every 3 years, that he may
3 request a review of the order pursuant to this section; or

4 (b) An order for the support of a child includes notification that
5 each person who is subject to the order may request a review of the
6 order pursuant to this section.

7 4. An order for the support of a child may be reviewed at any
8 time on the basis of changed circumstances. *For the purposes of*
9 *this subsection, a change of 20 percent or more in the gross*
10 *monthly income of a person who is subject to an order for the*
11 *support of a child shall be deemed to constitute changed*
12 *circumstances requiring a review for modification of the order for*
13 *the support of a child.*

14 5. As used in this section ~~“order”~~:

15 (a) *“Gross monthly income” has the meaning ascribed to it in*
16 *NRS 125B.070.*

17 (b) *“Order* for the support of a child” means such an order that
18 was issued or is being enforced by a court of this state.

