

ASSEMBLY BILL NO. 386—ASSEMBLYWOMAN BUCKLEY

MARCH 24, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions regarding obligation of child support and makes appropriation for audit of child support collection and enforcement by Welfare Division of Department of Human Resources. (BDR 11-1231)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive Budget.

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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; providing that a person who lawfully obtains custody of a child after an order for support for that child has been issued may enforce that order in certain circumstances; making an appropriation for a performance audit of the collection and enforcement of child support by the Welfare Division of the Department of Human Resources; 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 125B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An order for the support of a child is an obligation for the support of the child and is not discharged if physical custody of the child is lawfully given to another person after the date on which the order is entered.

2. A person who is lawfully given physical custody of a child and who was not a party to the original proceeding in which a court issued an order for the support of the child shall be deemed to be the person who is entitled to receive the payments ordered for



1 *the support of the child if the person provides written notice to the*
2 *Welfare Division of the Department of Human Resources and to*
3 *the court that issued the order for support of the child. Such notice*
4 *must include, without limitation, the information required to be*
5 *provided by a party pursuant to NRS 125B.055.*

6 3. Upon receipt of notice pursuant to subsection 2, the
7 Welfare Division shall send to the parent who has been ordered to
8 pay for the support of the child by certified mail, return receipt
9 requested, at the last known mailing address of the parent, written
10 notice of the person to whom payments for the obligation for
11 support of the child must be delivered.

12 4. A person who complies with the provisions of subsection 2
13 may enforce an order for the support of the child as though he
14 were a party to the action in which the order was issued and is not
15 required to petition for a new order for the support of the child or
16 for a modification of the order for the support of the child.

17 **Sec. 2.** 1. There is hereby appropriated from the State
18 General Fund to the Department of Human Resources the sum of
19 \$150,000 to contract with a qualified, independent consultant to
20 conduct a performance audit of the enforcement and collection of
21 child support by the Welfare Division of the Department of Human
22 Resources.

23 2. The audit conducted pursuant to this section must examine:

24 (a) The customer service operations of the Welfare Division
25 established to assist with the enforcement and collection of orders
26 for the support of children.

27 (b) The effectiveness of the operations of the Welfare Division
28 in carrying out its duties pursuant to chapters 31A and 425 of NRS,
29 including, without limitation:

30 (1) Locating obligor parents;

31 (2) Establishing paternity; and

32 (3) Enforcing orders for support of a child.

33 (c) The identification of best practices from other states
34 concerning methods for the efficient and expeditious enforcement
35 and collection of orders for the support of children.

36 3. On or before February 1, 2007, the Department of Human
37 Resources shall submit the report of the consultant that contains the
38 findings of the audit and any recommendations for legislation to
39 the Director of the Legislative Counsel Bureau for transmittal to the
40 74th Session of the Nevada Legislature.

41 **Sec. 3.** Any remaining balance of the appropriation made by
42 section 2 of this act must not be committed for expenditure after
43 June 30, 2007, and must be reverted to the State General Fund on or
44 before September 21, 2007.



1 **Sec. 4.** This act becomes effective on July 1, 2005.



