

SENATE BILL NO. 164—SENATOR RAGGIO

MARCH 7, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions requiring inclusion of personal identifying information in court orders and judgments relating to parentage. (BDR 11-1049)

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 parentage; revising the provisions concerning inclusion of social security numbers and other personal identifying information in certain court orders or judgments relating to parentage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an order or judgment of a court that determines the existence or nonexistence of the relationship of parent and child must include the social security numbers of the mother and the father. (NRS 126.161) Under existing law, a court order that establishes the paternity of a child must contain certain personal identifying information of the parents and the child, including their social security numbers. A court that issues such an order must provide certain information regarding the order to the Welfare Division of the Department of Human Resources. (NRS 126.163)

This bill protects the confidentiality of certain personal identifying information of parents and children involved in paternity cases by removing the requirement that the court include such information in its orders which are available to the public. However, the court must continue to obtain and provide certain personal identifying information to the Welfare Division and must ensure that the social security numbers of parents and children that are placed in the court's records are kept confidential unless otherwise required by statute.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 126.161 is hereby amended to read as follows:

2 126.161 1. A judgment or order of a court, or a judgment or
3 order entered pursuant to an expedited process, determining the
4 existence or nonexistence of the relationship of parent and child is
5 determinative for all purposes.

6 2. If such a judgment or order of this State is at variance with
7 the child's birth certificate, the judgment or order must direct that a
8 new birth certificate be issued as provided in NRS 440.270 to
9 440.340, inclusive.

10 3. If the child is a minor, such a judgment or order of this State
11 must provide for his support as required by chapter 125B of NRS
12 and must include an order directing the withholding or assignment
13 of income for the payment of the support unless:

14 (a) One of the parties demonstrates and good cause is found by
15 the court , or pursuant to the expedited process, for the
16 postponement of the withholding or assignment; or

17 (b) All parties otherwise agree in writing.

18 4. Such a judgment or order of this State may:

19 (a) Contain any other provision directed against the appropriate
20 party to the proceeding, concerning the duty of support, the custody
21 and guardianship of the child, visitation with the child, the
22 furnishing of bond or other security for the payment of the
23 judgment, or any other matter in the best interest of the child.

24 (b) Direct the father to pay the reasonable expenses of the
25 mother's pregnancy and confinement. The court may limit the
26 father's liability for past support of the child to the proportion of
27 the expenses already incurred which the court deems just.

28 5. ~~{Such}~~ *A court that enters such* a judgment or order ~~{of this~~
29 ~~State must include}~~ *shall ensure that* the social security numbers of
30 the mother and father ~~{}~~ *are:*

31 (a) *Provided to the Welfare Division of the Department of*
32 *Human Resources.*

33 (b) *Placed in the records relating to the matter and, except as*
34 *otherwise required to carry out a specific statute, maintained in a*
35 *confidential manner.*

36 6. As used in this section, "expedited process" means a
37 voluntary acknowledgment of paternity, judicial procedure or an
38 administrative procedure established by this or another state, as that
39 term is defined in NRS 130.10179, to facilitate the collection of an
40 obligation for the support of a child.



1 **Sec. 2.** NRS 126.163 is hereby amended to read as follows:

2 126.163 1. ~~{Every court order establishing the paternity of a~~
3 ~~child that is issued in this State on or after October 1, 1998, must~~
4 ~~include:~~

5 ~~—(a) The names, dates of birth, social security numbers and~~
6 ~~drivers' license numbers of the parents of the child;~~

7 ~~—(b) The name and social security number of the child;~~

8 ~~—(c) The case identification number assigned by the court; and~~

9 ~~—(d) Such other information as the Welfare Division of the~~
10 ~~Department of Human Resources determines is necessary to carry~~
11 ~~out the provisions of 42 U.S.C. § 654a.~~

12 ~~—2-} A court that, on or after October 1, 1998, issues an order in~~
13 ~~this State establishing the paternity of a child shall :~~

14 (a) *Obtain and* provide to the Welfare Division *of the*
15 *Department of Human Resources* such information regarding the
16 order as the Welfare Division determines is necessary to carry out
17 the provisions of 42 U.S.C. § 654a.

18 ~~{3-} (b) Ensure that the social security numbers of the child~~
19 ~~and the parents of the child are placed in the records relating to~~
20 ~~the matter and, except as otherwise required to carry out a specific~~
21 ~~statute, maintained in a confidential manner.~~

22 2. Within 10 days after a court of this State issues an order
23 establishing the paternity of a child, each party to the cause of action
24 shall file with the court that issued the order and *with* the Welfare
25 Division:

26 (a) His social security number;

27 (b) His residential and mailing addresses;

28 (c) His telephone number;

29 (d) His driver's license number; and

30 (e) The name, address and telephone number of his employer.

31 ↪ Each party shall update the information filed with the court and
32 *with* the Welfare Division pursuant to this subsection within 10 days
33 after that information becomes inaccurate.

34 ~~{4-} 3.~~ The Welfare Division shall adopt regulations specifying
35 the particular information required to be provided pursuant to
36 ~~{subsections 1 and 2} subsection 1~~ to carry out the provisions of 42
37 U.S.C. § 654a.

38 **Sec. 3.** NRS 126.193 is hereby amended to read as follows:

39 126.193 If, after a court issues an order establishing the
40 paternity of a child, a subsequent cause of action between the parties
41 concerning the support of the child is initiated, the requirements for
42 notice and service of process shall be deemed to have been met with
43 respect to a party to the proceeding who cannot be found if:



- 1 1. The party initiating the proceeding shows proof that diligent
2 effort has been made to ascertain the location of the missing party;
3 and
- 4 2. Written notice of the initiation of the proceeding has been
5 mailed to the mailing address of the missing party or the address of
6 the missing party's employer as those addresses appear in the
7 information required to be filed pursuant to subsection ~~13~~ 2 of
8 NRS 126.163.
- 9 **Sec. 4.** This act becomes effective upon passage and approval.

