

CHAPTER.....

AN ACT relating to children; requiring a person to meet with the enforcing authority before a hearing is held relating to the enforcement of an order of support for a child or relating to paternity; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 1** of this bill authorizes a master to order a parent who is responsible for the support of a dependent child to participate in certain programs to eliminate barriers to employment. (NRS 425.382) **Sections 5-9** of this bill require a person requesting a certain hearing relating to the enforcement of an order for the support of a child or paternity to meet with the enforcing authority before the hearing may be held. Specifically, **section 5** addresses a hearing concerning the collection of arrearages in payments of child support (NRS 425.470), **sections 6 and 7** address a hearing concerning the suspension of a driver's license of a person who failed to pay child support (NRS 425.510) and **sections 8 and 9** address a hearing concerning the suspension of a professional, occupational or recreational license of a person who failed to pay child support or did not comply with certain processes relating to paternity or child support proceedings. (NRS 425.530)

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

**Section 1.** NRS 425.382 is hereby amended to read as follows:  
425.382 1. Except as otherwise provided in NRS 425.346, the Chief may proceed pursuant to NRS 425.3822 to 425.3852, inclusive, after:

- (a) Payment of public assistance by the Division; or
  - (b) Receipt of a request for services to carry out the Program.
2. Subject to approval by the district court, a master may:

(a) Take any action authorized pursuant to chapter 130 of NRS, including any of the actions described in subsection 2 of NRS 130.305.

(b) Except as otherwise provided in chapter 130 of NRS and NRS 425.346:

(1) Issue and enforce an order for the support of a dependent child, and modify or adjust such an order in accordance with NRS 125B.145;

(2) Require coverage for health care of a dependent child;

(3) Establish paternity;

(4) Order a responsible parent to comply with an order for the support of a dependent child, specifying the amount and the manner of compliance;



- (5) Order the withholding of income;
  - (6) Determine the amount of any arrearages and specify a method of payment;
  - (7) Enforce orders by civil or criminal contempt, or both;
  - (8) Set aside property for satisfaction of an order for the support of a dependent child;
  - (9) Place liens and order execution on the property of the responsible parent;
  - (10) Order a responsible parent to keep the master informed of his current residential address, telephone number, employer, address of employment and telephone number at the place of employment;
  - (11) Issue a bench warrant for a responsible parent who has failed after proper notice to appear at a hearing ordered by the master and enter the bench warrant in any local and state computer system for criminal warrants;
  - (12) Order the responsible parent to seek appropriate employment by specified methods;
  - (13) *Order the responsible parent to participate in a program intended to resolve issues that prevent the responsible parent from obtaining employment, including, without limitation, a program for the treatment of substance abuse or a program to address mental health issues;*
  - (14) Upon the request of the Division, require a responsible parent to:
    - (I) Pay any support owed in accordance with a plan approved by the Division; or
    - (II) Participate in such work activities, as that term is defined in 42 U.S.C. § 607(d), as the Division deems appropriate;
  - ~~(14)~~ (15) Award reasonable attorney's fees and other fees and costs; and
  - ~~(15)~~ (16) Grant any other available remedy.
- Sec. 2.** NRS 425.3824 is hereby amended to read as follows:  
425.3824 1. The notice and finding of financial responsibility issued pursuant to NRS 425.3822 must include:
- (a) The name of the person who has physical custody of the dependent child and the name of the child for whom support is to be paid.
  - (b) A statement of the monthly support for which the parent is responsible.
  - (c) A statement of the amount of arrearages sought, if any.



(d) A statement that the parent may be required to provide coverage for the health care of the dependent child when coverage is available to the parent at a reasonable cost.

(e) A statement of any requirements the Division will request pursuant to subparagraph ~~[(13)]~~ (14) of paragraph (b) of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(f) A statement that if the parent desires to discuss the amount of support or coverage for health care that the parent should be required to pay or provide, the parent may contact the office that sent the notice within 20 days after the date of receipt of service and request a conference for negotiation.

(g) A statement that if the parent objects to any part of the notice and finding of financial responsibility, the parent must send to the office that issued the notice a written response within 20 days after the date of receipt of service that sets forth any objections and requests a hearing.

(h) A statement that if a response is received within the specified period, the parent is entitled to a hearing and that if a written response is not received within the specified period, the master may enter a recommendation for support of a dependent child in accordance with the notice and finding of financial responsibility.

(i) A statement that as soon as the recommendation is entered and approved by the court, the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(j) A reference to NRS 425.382 to 425.3852, inclusive.

(k) A statement that the parent is responsible for notifying the office of any change of address or employment.

(l) A statement that if the parent has any questions, the parent may contact the office or consult an attorney.

(m) Such other information as the Chief finds appropriate.

2. The statement of the monthly support required pursuant to paragraph (b) of subsection 1 must be computed in accordance with NRS 125B.070.

3. After a conference for negotiation is held pursuant to paragraph (f) of subsection 1, if an agreement is not reached on the monthly support to be paid or the coverage to be provided, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the parent by regular mail at his last known address or to the last known address of his attorney.



**Sec. 3.** NRS 425.3828 is hereby amended to read as follows:

425.3828 1. If a written response setting forth objections and requesting a hearing is received by the office issuing the notice and finding of financial responsibility within the specified period, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the parent by regular mail.

2. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified period, the master may enter a recommendation for the support of a dependent child in accordance with the notice and shall:

(a) Include in that recommendation:

(1) If the paternity of the dependent child is established by the recommendation, a declaration of that fact.

(2) The amount of monthly support to be paid, including directions concerning the manner of payment.

(3) The amount of arrearages owed.

(4) Whether coverage for health care must be provided for the dependent child.

(5) Any requirements to be imposed pursuant to subparagraph ~~(13)~~ (14) of paragraph (b) of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(6) The names of the parents or legal guardians of the child.

(7) The name of the person to whom, and the name and date of birth of the dependent child for whom support is to be paid.

(8) A statement that the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(9) A statement that objections to the recommendation may be filed with the district court and served upon the other party within 10 days after receipt of the recommendation.

(b) Ensure that the social security numbers of the parents or legal guardians of the child and the person to whom support is to be paid are:

(1) Provided to the enforcing authority.

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

3. The parent must be sent a copy of the recommendation for the support of a dependent child by regular mail addressed to the



last known address of the parent, or if applicable, the last known address of the attorney for the parent.

4. The recommendation for the support of a dependent child is final upon approval by the district court pursuant to NRS 425.3844. The Chief may take action to enforce and collect upon the order of the court approving the recommendation, including arrearages, from the date of the approval of the recommendation.

5. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified period, and the master enters a recommendation for the support of a dependent child, the court may grant relief from the recommendation on the grounds set forth in paragraph (b) of Rule 60 of the Nevada Rules of Civil Procedure.

**Sec. 4.** NRS 425.3836 is hereby amended to read as follows:

425.3836 1. After the issuance of an order for the support of a dependent child by a court, the Chief may issue a notice of intent to enforce the order. The notice must be served upon the responsible parent in the manner prescribed for service of summons in a civil action or mailed to the responsible parent by certified mail, restricted delivery, with return receipt requested.

2. The notice must include:

(a) The names of the person to whom support is to be paid and the dependent child for whom support is to be paid.

(b) The amount of monthly support the responsible parent is required to pay by the order for support.

(c) A statement of the arrearages owed pursuant to the order for support.

(d) A demand that the responsible parent make full payment to the enforcing authority within 14 days after the receipt or service of the notice.

(e) A statement that the responsible parent may be required to provide coverage for the health care of the dependent child when coverage is available to the parent at a reasonable cost.

(f) A statement of any requirements the Division will request pursuant to subparagraph ~~(13)~~ (14) of paragraph (b) of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the responsible parent or the participation of the responsible parent in work activities.

(g) A statement that if the responsible parent objects to any part of the notice of intent to enforce the order, he must send to the office that issued the notice a written response within 14 days after the date of receipt of service that sets forth any objections and includes a request for a hearing.



(h) A statement that if full payment is not received within 14 days or a hearing has not been requested in the manner provided in paragraph (g), the Chief is entitled to enforce the order and that the property of the responsible parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(i) A reference to NRS 425.382 to 425.3852, inclusive.

(j) A statement that the responsible parent is responsible for notifying the office of any change of address or employment.

(k) A statement that if the responsible parent has any questions, he may contact the appropriate office or consult an attorney.

(l) Such other information as the Chief finds appropriate.

3. If a written response setting forth objections and requesting a hearing is received within the specified period by the office issuing the notice of intent to enforce the order, a hearing must be held pursuant to NRS 425.3832 and notice of the hearing must be sent to the responsible parent by regular mail. If a written response and request for hearing is not received within the specified period by the office issuing the notice, the master may enter a recommendation for the support of a dependent child in accordance with the notice and shall include in that recommendation:

(a) The amount of monthly support to be enforced, including directions concerning the manner of payment.

(b) The amount of arrearages owed and the manner of payment.

(c) Whether coverage for health care must be provided for the dependent child.

(d) Any requirements to be imposed pursuant to subparagraph ~~[(13)]~~ (14) of paragraph (b) of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(e) A statement that the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, the withholding of wages, garnishment, liens and execution on liens.

4. After the district court approves the recommendation for the support of a dependent child, the recommendation is final. The Chief may take action to enforce and collect upon the order of the court approving the recommendation, including arrearages, from the date of the approval of the recommendation.

5. This section does not prevent the Chief from using other available remedies for the enforcement of an obligation for the support of a dependent child at any time.



6. The master may hold a hearing to enforce a recommendation for the support of a dependent child after the recommendation has been entered and approved by the district court. The master may enter a finding that the parent has not complied with the order of the court and may recommend to the district court that the parent be held in contempt of court. The finding and recommendation is effective upon review and approval of the district court.

**Sec. 5.** NRS 425.470 is hereby amended to read as follows:

425.470 1. The Chief shall send a notice by first-class mail to each responsible parent who is in arrears in any payment for the support of one or more children required pursuant to an order enforced by a court in this State. The notice must include a statement of the amount of the arrearage and the information prescribed in subsection 2.

2. If the responsible parent does not satisfy the arrearage within 20 days after he receives the notice required by subsection 1, the Chief may, to collect the arrearage owed:

(a) Require the responsible parent to pay monthly the amount he is required to pay pursuant to the order for support plus an additional amount to satisfy the arrearage; or

(b) Issue a notice of attachment to the financial institutions in which the assets of the responsible parent are held and attach and seize such assets as are necessary to satisfy the arrearage.

3. If the Chief proceeds to collect an arrearage pursuant to subsection 2, he shall notify the responsible parent of that fact in writing. The notice must be sent by first-class mail.

4. The Chief shall determine the amount of any additional payment required pursuant to paragraph (a) of subsection 2 based upon the amount of the arrearage owed by the responsible parent and his ability to pay.

5. A responsible parent against whom the Division proceeds pursuant to subsection 2 may, within 20 days after he receives the notice required pursuant to subsection 3, submit to the Chief a request for a hearing. *Before a hearing may be held, the responsible parent and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.*

6. If a hearing is requested within the period prescribed in subsection 5 ~~and~~ *and the responsible parent and the enforcing authority meet as required pursuant to subsection 5*, the hearing must be held pursuant to NRS 425.3832 within 20 days after the Chief receives the request. The master shall notify the responsible parent of his recommendation or decision at the conclusion of the hearing or as soon thereafter as is practicable.



7. For the purposes of this section, a person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address.

**Sec. 6.** NRS 425.510 is hereby amended to read as follows:

425.510 1. Each district attorney or other public agency collecting support for children shall send a notice by first-class mail to each person who:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

↪ The notice must include the information set forth in subsection 2 and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

2. If the person does not, within 30 days after he receives the notice required by subsection 1:

(a) Comply with the subpoena or warrant;

(b) Satisfy the arrearage pursuant to NRS 425.560; or

(c) Submit to the district attorney or other public agency a written request for a hearing,

↪ the district attorney or other public agency shall report the name of that person to the Department of Motor Vehicles.

3. *Before a hearing requested pursuant to subsection 2 may be held, the person requesting the hearing and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.*

4. If a person requests a hearing within the period prescribed in subsection 2 ~~[4.]~~ *and meets with the enforcing authority as required pursuant to subsection 3,* a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of his recommendation at the conclusion of the hearing or as soon thereafter as is practicable. If the master determines that the person has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child, he shall include in the notice the information set forth in subsection ~~[4.]~~ 5. If the master determines that the person is in arrears in the payment for the support of one or more children, he shall include in the notice the information set forth in subsection ~~[5.]~~ 6.

~~[4.]~~ 5. If the master determines that a person who requested a hearing pursuant to subsection 2 has not complied with a subpoena or warrant relating to a proceeding to determine the paternity of a





child or to establish or enforce an obligation for the support of a child and the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the Department.

~~[5-]~~ 6. If the master determines that a person who requested a hearing pursuant to subsection 2 is in arrears in the payment for the support of one or more children, the master shall notify the person that if he does not immediately agree to enter into a plan for the repayment of the arrearages that is approved by the district attorney or other public agency, his driver's license and motorcycle driver's license may be subject to suspension. If the person does not agree to enter into such a plan and the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the Department of Motor Vehicles.

~~[6-]~~ 7. The district attorney or other public agency shall, within 5 days after the person who has failed to comply with a subpoena or warrant or is in arrears in the payment for the support of one or more children complies with the subpoena or warrant or satisfies the arrearage pursuant to NRS 425.560, notify the Department of Motor Vehicles that the person has complied with the subpoena or warrant or has satisfied the arrearage.

~~[7-]~~ 8. For the purposes of this section, a person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address.

**Sec. 7.** NRS 425.510 is hereby amended to read as follows:

425.510 1. Each district attorney or other public agency collecting support for children shall send a notice by first-class mail to each person who is in arrears in the payment for the support of one or more children. The notice must include the information set forth in subsection 2 and a statement of the amount of the arrearage.

2. If the person does not, within 30 days after he receives the notice required by subsection 1:

(a) Satisfy the arrearage pursuant to subsection ~~[6-]~~ 7; or

(b) Submit to the district attorney or other public agency a written request for a hearing.

→ the district attorney or other public agency shall report the name of that person to the Department of Motor Vehicles.

3. *Before a hearing requested pursuant to subsection 2 may be held, the person requesting the hearing and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.*



4. If a person requests a hearing within the period prescribed in subsection 2 ~~4.~~ *and meets with the enforcing authority as required pursuant to subsection 3,* a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of his recommendation at the conclusion of the hearing or as soon thereafter as is practicable. If the master determines that the person is in arrears in the payment for the support of one or more children, he shall include in the notice the information set forth in subsection ~~4.~~ 5.

~~4.~~ 5. If the master determines that a person who requested a hearing pursuant to subsection 2 is in arrears in the payment for the support of one or more children, the master shall notify the person that if he does not immediately agree to enter into a plan for the repayment of the arrearages that is approved by the district attorney or other public agency, his driver's license and motorcycle driver's license may be subject to suspension. If the person does not agree to enter into such a plan and the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the Department of Motor Vehicles.

~~5.~~ 6. The district attorney or other public agency shall, within 5 days after the person who is in arrears in the payment for the support of one or more children satisfies the arrearage pursuant to subsection 6, notify the Department of Motor Vehicles that the person has satisfied the arrearage.

~~6.~~ 7. For the purposes of this section:

(a) A person is in arrears in the payment for the support of one or more children if:

(1) He:

(I) Owes a total of more than \$1,000 for the support of one or more children for which payment is past due; and

(II) Is delinquent for not less than 2 months in payments for the support of one or more children or any payments ordered by a court for arrearages in such payments; or

(2) He has failed to provide medical insurance for a child as required by a court order.

(b) A person who is in arrears in the payment for the support of one or more children may satisfy the arrearage by:

(1) Paying all of the past due payments;

(2) If he is unable to pay all past due payments:

(I) Paying the amounts of the overdue payments for the preceding 12 months which a court has determined are in arrears; or



(II) Entering into and complying with a plan for the repayment of the arrearages which is approved by the district attorney or other public agency enforcing the order; or

(3) If the arrearage is for a failure to provide and maintain medical insurance, providing proof that the child is covered under a policy, contract or plan of medical insurance.

(c) A person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address.

**Sec. 8.** NRS 425.530 is hereby amended to read as follows:

425.530 1. Each district attorney or other public agency collecting support for children shall send a notice by certified mail, restricted delivery, with return receipt requested to each person who:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

↪ The notice must include the information set forth in subsections 2 and ~~3~~ 4 and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

2. If the person does not, within 30 days after he receives the notice required by subsection 1:

(a) Comply with the subpoena or warrant;

(b) Satisfy the arrearage pursuant to NRS 425.560; or

(c) Submit to the district attorney or other public agency a written request for a hearing,

↪ the district attorney or other public agency shall request in writing that the master suspend all professional, occupational and recreational licenses, certificates and permits issued to that person.

3. *Before a hearing requested pursuant to subsection 2 may be held, the person requesting the hearing and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.*

4. If the master receives from a district attorney or other public agency a request to suspend the professional, occupational and recreational licenses, certificates and permits issued to a person, the master shall enter a recommendation determining whether the person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or



(b) Is in arrears in the payment for the support of one or more children.

➡ As soon as practicable after the master enters his recommendation, the district attorney or other public agency shall notify the person by first-class mail of the recommendation of the master.

~~[4.]~~ **5.** If a person requests a hearing within the period prescribed in subsection 2 ~~[5.]~~ *and meets with the enforcing authority as required in subsection 3*, a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of his recommendation at the conclusion of the hearing or as soon thereafter as is practicable.

**Sec. 9.** NRS 425.530 is hereby amended to read as follows:

425.530 1. Each district attorney or other public agency collecting support for children shall send a notice by certified mail, restricted delivery, with return receipt requested to each person who is issued a professional or occupational license, certificate or permit pursuant to title 54 of NRS and:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

➡ The notice must include the information set forth in subsections 2 and ~~[3.]~~ **4** and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

2. If the person does not, within 30 days after he receives the notice required by subsection 1:

(a) Comply with the subpoena or warrant;

(b) Satisfy the arrearage pursuant to NRS 425.560; or

(c) Submit to the district attorney or other public agency a written request for a hearing,

➡ the district attorney or other public agency shall request in writing that the master suspend any professional or occupational license, certificate or permit issued pursuant to title 54 of NRS to that person.

**3.** *Before a hearing requested pursuant to subsection 2 may be held, the person requesting the hearing and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.*

**4.** If the master receives from a district attorney or other public agency a request to suspend any professional or occupational license, certificate or permit issued pursuant to title 54 of NRS to a



person, the master shall enter a recommendation determining whether the person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

→ As soon as practicable after the master enters his recommendation, the district attorney or other public agency shall notify the person by first-class mail of the recommendation of the master.

~~[4.]~~ **5.** If a person requests a hearing within the period prescribed in subsection 2 ~~[H]~~ *and meets with the enforcing authority as required in subsection 3*, a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of his recommendation at the conclusion of the hearing or as soon thereafter as is practicable.

**Sec. 10.** 1. This section and sections 1 to 6, inclusive, and 8 of this act become effective on October 1, 2007.

2. Sections 6 and 8 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

→ are repealed by the Congress of the United States.

3. Sections 7 and 9 of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

→ are repealed by the Congress of the United States.

4. Section 9 of this act expires by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring



each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

→ are repealed by the Congress of the United States.

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