

Amendment No. 392

Assembly Amendment to Assembly Bill No. 596 (BDR 11-1411)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 596 (§ 3).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

MSN/RBL



Date: 4/16/2007

A.B. No. 596—Makes certain changes to provisions concerning obligations of support for a child. (BDR 11-1411)



ASSEMBLY BILL NO. 596—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 26, 2007

Referred to Concurrent Committees on
Judiciary and Ways and Means

SUMMARY—Makes certain changes to provisions concerning obligations of support for a child. (BDR 11-1411)

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 child support; revising certain provisions concerning the right of a physical custodian of a child to recover support for a child from the noncustodial parent in certain circumstances; requiring every court order for the support of a child to include a provision to provide coverage for the ~~health care~~ **medical support** of the child; requiring the Chief of the Program established to locate absent parents, establish paternity and obtain child support to charge and collect certain fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, when the parents of a child are separated, the physical custodian of the child may recover from the parent without physical custody of the child a reasonable portion of certain costs provided by the physical custodian. In the absence of a court order for support of the child, the parent who has physical custody of the child may not recover more than 4 years of support furnished before the bringing of the action. (NRS 125B.030) **Section 1** of this bill revises this provision to authorize the physical custodian to recover such support in any situation in which the parents of the child do not reside together.

Section 2 of this bill revises provisions of existing law concerning orders for the support of a child to require that every court order for the support of a child issued or modified in this State on or after the effective date of this act must include a provision specifying that one or both of the parents are required to provide coverage for the ~~health care~~ **medical support** of the child. (NRS 125B.085)

Existing federal law requires the State to charge certain fees relating to the collection of child support through the Program established to locate absent parents, establish paternity and obtain child support pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq. To comply with the federal law, **section 3** of this bill requires the Chief of the Program to charge and collect **from the noncustodial parent of a child** a fee of up to \$25 each year in each case in which the State has collected more than \$500 and in which the person ~~who has physical custody of the child~~ **for whom the collection is made** has never received Temporary Assistance for Needy Families pursuant to Title IV of the Social Security Act. The fee must be retained from the support collected for the child which exceeds \$500.

The Chief may collect the fees from the noncustodial parent of a child in the same manner as the Chief collects support from the noncustodial parent. The fees collected by the Chief must be deposited in the State Child Support Disbursement Fund for use in carrying out the Program.

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

Section 1. NRS 125B.030 is hereby amended to read as follows:

125B.030 Where the parents of a child ~~are separated,~~ **do not reside together,** the physical custodian of the child may recover from the parent without physical custody a reasonable portion of the cost of care, support, education and maintenance provided by the physical custodian. In the absence of a court order ~~for the support of a child,~~ the parent who has physical custody may recover not more than 4 years' support furnished before the bringing of the action ~~to establish an obligation for the support of the child.~~

Sec. 2. NRS 125B.085 is hereby amended to read as follows:

125B.085 **1.** Except as otherwise provided in NRS 125B.012, every court order for the support of a child issued or modified in this State on or after ~~October 1, 1997,~~ **the effective date of this act,** must include a provision specifying ~~whether the parent required to pay support is~~ **that one or both parents are** required to provide ~~coverage~~ **medical support** for ~~the health care of~~ the child and ~~if so,~~ any details relating to that requirement.

2. As used in this section, "medical support" means payment for any medical expenses or coverage for health care under a plan of insurance, including, without limitation, payment of any premium, copayment or deductible.

Sec. 3. Chapter 425 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chief shall ~~retain~~ collect from the noncustodial parent of a child an annual fee of up to \$25 in each case for which ~~he~~ the Chief provides services from any amount collected in the case during the year in excess of \$500, but only if the person ~~who has physical custody of the child in the case~~ for whom the collection is made is not and has never been a recipient of Temporary Assistance for Needy Families pursuant to Title IV of the Social Security Act, 42 U.S.C. §§ 601 et seq.

2. The Chief may collect from the noncustodial parent of a child any fee pursuant to this section in the same manner as he collects support for the child from the noncustodial parent of the child.

3. Any fee collected pursuant to subsection 1 must be used to carry out the Program.

Sec. 4. 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, **and section 3 of this act,** 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) 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) Award reasonable attorney's fees and other fees and costs; and
- (15) Grant any other available remedy.

Sec. 5. 1. This act becomes effective upon passage and approval.

2. Section 3 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 654 requiring each state to impose an annual fee of \$25 in the case of a person who has never received assistance pursuant to Title IV of the Social Security Act, 42 U.S.C. §§ 601 et seq., and for whom the State has collected \$500 or more of support are repealed by the Congress of the United States.