

Amendment No. 170

Senate Amendment to Senate Bill No. 71 (BDR 11-719)

Proposed by: Senate Committee on Judiciary

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 71.

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.

BFG/KEL



Date: 4/9/2007

S.B. No. 71—Enacts the Uniform Parentage Act. (BDR 11-719)



SENATE BILL NO. 71—SENATORS CARE AND AMODEI

FEBRUARY 6, 2007

Referred to Committee on Judiciary

SUMMARY—Enacts **certain provisions of** the Uniform Parentage Act.
(BDR 11-719)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for
Term of Imprisonment in County or City Jail or Detention
Facility.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to parentage; enacting **certain provisions of** the Uniform
Parentage Act; providing for the transition from the present law
concerning parentage to the Uniform Parentage Act; and providing
other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, if a mother wishes to relinquish her child for adoption and the child does not have a legal father, a petition must be filed to terminate the parental rights of the father. If, after an inquiry, the court identifies a possible father of the child, the possible father must be given notice of the proceeding to terminate his parental rights. However, if, after the inquiry, the court is unable to identify a possible father, the court must, without notice to the unknown father, terminate the parental rights of the unknown father. (NRS 128.150)]~~

~~[This bill repeals these provisions of existing law and sections 50-62 of this bill replace them by creating a registry for putative fathers within the Health Division of the Department of Health and Human Services. The registry permits a putative father to be notified if there is a proceeding for the adoption of, or termination of parental rights regarding, a child he may have fathered. If a child is less than 1 year old, a petitioner for adoption or termination of parental rights must obtain a certificate of search of the registry and present it to the court. If the certificate shows that no putative father has registered within 30 days after the birth of the child, the putative father's parental rights may be terminated without notice. Once a child has reached the age of 1, however, notice must be given to every alleged father of the child before the father's parental rights may be terminated.]~~

This bill enacts the Uniform Parentage Act (2000), as amended in 2002, but excludes the provisions of the Act which create and provide for a registry for putative fathers.

Sections 75-97 of this bill provide rules to govern judicial proceedings to determine parentage. Under existing law, an action to determine paternity must be brought not later than 3 years after the child reaches the age of 18. (NRS 126.081) Under **section 80** of this bill, there is no statute of limitations for an action to determine the parentage of a child who has no presumed, acknowledged or adjudicated father. If a child has a presumed father, **section 81** of this bill provides that the statute of limitations for an action is 2 years from the birth of the child. However, an action to disprove the presumed father's paternity may be brought at any time if the presumed father and mother did not cohabit or have sexual intercourse during the time of conception and the presumed father did not treat the child as his own.

Under existing law, if, with the consent of her husband, a married woman is artificially inseminated, the husband is the legal father of the resulting child. (NRS 126.061) **Sections 98-104** of this bill provide that if a man and a woman consent to assisted reproduction with the intent to be the parents of the resulting child, they are the legal parents of the resulting child. In addition, **sections 98-104** provide for the parentage of a child if the placement of eggs, sperm or embryos occurs after a marriage is dissolved or after the death of an individual who has consented to be a parent of a child conceived as a result of assisted reproduction.

Existing law allows a married couple to enter into a contract with a surrogate for assisted conception and prohibits the payment of anything of value to the surrogate except for medical and necessary living expenses related to the birth of the child. (NRS 126.045) **Sections 105-113** of this bill allow a man and a woman to enter into a gestational agreement with a woman that obligates the woman to become pregnant by assisted reproduction and relinquish all parental rights and duties with respect to the child. If the woman who will become pregnant is married, her husband must consent to the agreement and he has no parental rights or obligations with respect to the child. Under **sections 105-113**, a gestational agreement is not enforceable unless a court validates the agreement. Also, the birth mother may receive a reasonable compensation and has the power to terminate the agreement.

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

Section 1. NRS 125B.150 is hereby amended to read as follows:

125B.150 1. The district attorney of the county of residence of the child, or of a parent, alleged parent or guardian who does not have physical custody of the child, shall take such action as is necessary to establish parentage of the child and locate and take legal action, including the establishment or adjustment of an obligation of support, against a person who has a duty to support the child when requested to do so by the parent, alleged parent or guardian or a public agency which provides assistance to the parent, alleged parent, guardian or child. If the court for cause transfers the action to another county, the clerk of the receiving court shall notify the district attorney of that county, and that district attorney shall proceed to prosecute the cause of action and take such further action as is necessary to establish parentage and to establish or adjust the obligation of support and to enforce the payment of support pursuant to this chapter or chapter 31A, 126, 130 or 425 of NRS.

2. In a county where the district attorney has deputies to aid him in the performance of his duties, the district attorney shall designate himself or a particular deputy as responsible for performing the duties imposed by subsection 1.

3. ~~Except as otherwise provided in NRS 126.101, the~~ **The** district attorney and his deputies do not represent the parent, alleged parent, guardian or child in the performance of their duties pursuant to this chapter and chapter 31A, 126, 130 or 425 of NRS, but are rendering a public service as representatives of the State.

4. Officials of the Division of Welfare and Supportive Services of the Department of Health and Human Services are entitled to access to the information obtained by the district attorney if that information is relevant to the performance of their duties. The district attorney or his deputy shall inform each person who provides information pursuant to this section concerning the limitations on the confidentiality between lawyer and client under these circumstances.

5. Disclosures of criminal activity by a parent or child are not confidential.

6. The district attorney shall inform each parent who applies for his assistance in this regard that a procedure is available to collect unpaid support from any refund owed to the parent who has a duty to support the child because an excessive amount of money was withheld to pay his federal income tax. The district attorney shall

submit to the Division of Welfare and Supportive Services all documents and information it requires to pursue such a collection if:

(a) The applicant is not receiving public assistance.

(b) The district attorney has in his records:

(1) A copy of the order of support for a child and any modifications of the order which specify their date of issuance and the amount of the ordered support;

(2) A copy of a record of payments received or, if no such record is available, an affidavit signed by the custodial parent attesting to the amount of support owed; and

(3) The current address of the custodial parent.

(c) From the records in his possession, the district attorney has reason to believe that the amount of unpaid support is not less than \$500.

Before submitting the documents and information to the Division of Welfare and Supportive Services, the district attorney shall verify the accuracy of the documents submitted relating to the amount claimed as unpaid support and the name and social security number of the parent who has a duty to support the child. If the district attorney has verified this information previously, he need not reverify it before submitting it to the Division of Welfare and Supportive Services.

7. The Division of Welfare and Supportive Services shall adopt such regulations as are necessary to carry out the provisions of subsection 6.

Sec. 2. Chapter 126 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 114, inclusive, of this act.

Sec. 3. *Sections 3 to 114, inclusive, of this act may be cited as the Uniform Parentage Act.*

Sec. 4. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 5 to 27, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5. *“Acknowledged father” means a man who has established a father-child relationship under sections 36 to 49, inclusive, of this act.*

Sec. 6. *“Adjudicated father” means a man who has been adjudicated by a court of competent jurisdiction to be the father of a child.*

Sec. 7. *“Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.*

Sec. 8. *“Alleged father” means a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined. The term does not include:*

1. *A presumed father;*

2. *A man whose parental rights have been terminated or declared not to exist; or*

3. *A male donor.*

Sec. 9. *“Assisted reproduction” means a method of causing pregnancy other than sexual intercourse. The term includes, without limitation:*

1. *Intrauterine insemination;*

2. *Donation of eggs;*

3. *Donation of embryos;*

4. *In vitro fertilization and transfer of embryos; and*

5. *Intracytoplasmic sperm injection.*

Sec. 10. *“Child” means an individual of any age whose parentage may be determined under this chapter.*

Sec. 11. *“Commence” means to file the initial pleading seeking an adjudication of parentage in a district court of this State.*

1 Sec. 12. *“Determination of parentage” means the establishment of the*
2 *parent-child relationship by the signing of a valid acknowledgment of paternity*
3 *under sections 36 to 49, inclusive, of this act or by adjudication by the court.*

4 Sec. 13. ~~*“Division” means the Health Division of the Department of*~~
5 ~~*Health and Human Services.*~~ (Deleted by amendment.)

6 Sec. 14. *“Donor” means an individual who produces eggs or sperm used*
7 *for assisted reproduction, whether or not for consideration. The term does not*
8 *include:*

9 1. *A husband who provides sperm, or a wife who provides eggs, to be used*
10 *for assisted reproduction by the wife;*

11 2. *A woman who gives birth to a child by means of assisted reproduction,*
12 *except as otherwise provided in sections 105 to 113, inclusive, of this act; or*

13 3. *A parent under sections 98 to 104, inclusive, of this act or an intended*
14 *parent under sections 105 to 113, inclusive, of this act.*

15 Sec. 15. *“Ethnic or racial group” means, for purposes of genetic testing, a*
16 *recognized group which an individual identifies as all or part of the individual’s*
17 *ancestry or which is so identified by other information.*

18 Sec. 16. *“Genetic testing” means an analysis of genetic markers to exclude*
19 *or identify a man as the father or a woman as the mother of a child. The term*
20 *includes an analysis of one or a combination of the following:*

21 1. *Deoxyribonucleic acid; and*

22 2. *Blood-group antigens, red-cell antigens, human-leukocyte antigens,*
23 *serum enzymes, serum proteins or red-cell enzymes.*

24 Sec. 17. *“Gestational mother” means an adult woman who gives birth to a*
25 *child under a gestational agreement.*

26 Sec. 18. *“Man” means a male individual of any age.*

27 Sec. 19. *“Parent” means an individual who has established a parent-child*
28 *relationship under section 32 of this act.*

29 Sec. 20. *“Parent-child relationship” means the legal relationship between a*
30 *child and a parent of the child. The term includes the mother-child relationship*
31 *and the father-child relationship.*

32 Sec. 21. *“Paternity index” means the likelihood of paternity calculated by*
33 *computing the ratio between:*

34 1. *The likelihood that the tested man is the father, based on the genetic*
35 *markers of the tested man, mother and child, conditioned on the hypothesis that*
36 *the tested man is the father of the child; and*

37 2. *The likelihood that the tested man is not the father, based on the genetic*
38 *markers of the tested man, mother and child, conditioned on the hypothesis that*
39 *the tested man is not the father of the child and that the father is of the same*
40 *ethnic or racial group as the tested man.*

41 Sec. 22. *“Presumed father” means a man who, by operation of law under*
42 *section 35 of this act, is recognized as the father of a child until that status is*
43 *rebutted or confirmed in a judicial proceeding.*

44 Sec. 23. *“Probability of paternity” means the measure, for the ethnic or*
45 *racial group to which the alleged father belongs, of the probability that the man*
46 *in question is the father of the child, compared with a random, unrelated man of*
47 *the same ethnic or racial group, expressed as a percentage incorporating the*
48 *paternity index and a prior probability.*

49 Sec. 24. *“Record” means information which is inscribed on a tangible*
50 *medium or which is stored in an electronic or other medium and is retrievable in*
51 *perceivable form.*

52 Sec. 25. *“Signatory” means an individual who authenticates a record and*
53 *is bound by its terms.*

1 **Sec. 26.** *“State” means a state of the United States, the District of*
2 *Columbia, Puerto Rico, the United States Virgin Islands or any territory or*
3 *insular possession subject to the jurisdiction of the United States.*

4 **Sec. 27.** *“Support-enforcement agency” means a public official or agency*
5 *authorized to seek:*

- 6 1. *Enforcement of support orders or laws relating to the duty of support;*
- 7 2. *Establishment or modification of child support;*
- 8 3. *Determination of parentage; or*
- 9 4. *The location of child-support obligors and their income and assets.*

10 **Sec. 28.** 1. *Sections 3 to 114, inclusive, of this act apply to determinations*
11 *of parentage in this State.*

12 2. *The court shall apply the law of this State to adjudicate the parent-child*
13 *relationship. The applicable law does not depend on:*

- 14 (a) *The place of birth of the child; or*
- 15 (b) *The past or present residence of the child.*

16 3. *The provisions of sections 3 to 114, inclusive, of this act do not create,*
17 *enlarge or diminish parental rights or duties under other law of this State.*

18 **Sec. 29.** *The district court is authorized to adjudicate parentage under*
19 *sections 3 to 114, inclusive, of this act.*

20 **Sec. 30.** *Proceedings under sections 3 to 114, inclusive, of this act are*
21 *subject to other law of this State governing the health, safety, privacy and liberty*
22 *of a child or other individual who could be jeopardized by disclosure of*
23 *identifying information, including, without limitation, an address, a telephone*
24 *number, place of employment, social security number and the child’s day care*
25 *facility or school.*

26 **Sec. 31.** *The provisions of sections 3 to 114, inclusive, of this act relating to*
27 *determinations of paternity apply to determinations of maternity.*

28 **Sec. 32.** 1. *The mother-child relationship is established between a woman*
29 *and a child by:*

30 (a) *The woman’s having given birth to the child, except as otherwise*
31 *provided in sections 105 to 113, inclusive, of this act;*

32 (b) *An adjudication of the woman’s maternity;*

33 (c) *Adoption of the child by the woman; or*

34 (d) *An adjudication confirming the woman as a parent of a child born to a*
35 *gestational mother if the agreement was validated under sections 105 to 113,*
36 *inclusive, of this act or is enforceable under other law.*

37 2. *The father-child relationship is established between a man and a child*
38 *by:*

39 (a) *An un rebutted presumption of the man’s paternity of the child under*
40 *section 35 of this act;*

41 (b) *An effective acknowledgment of paternity by the man under sections 36*
42 *to 49, inclusive, of this act, unless the acknowledgment has been rescinded or*
43 *successfully challenged;*

44 (c) *An adjudication of the man’s paternity;*

45 (d) *Adoption of the child by the man;*

46 (e) *The man’s having consented to assisted reproduction by a woman under*
47 *sections 98 to 104, inclusive, of this act which resulted in the birth of the child; or*

48 (f) *An adjudication confirming the man as a parent of a child born to a*
49 *gestational mother if the agreement was validated under sections 105 to 113,*
50 *inclusive, of this act or is enforceable under other law.*

51 **Sec. 33.** *A child born to parents who are not married to each other has the*
52 *same rights under the law as a child born to parents who are married to each*
53 *other.*

1 **Sec. 34.** *Unless parental rights are terminated, a parent-child relationship*
2 *established under sections 3 to 114, inclusive, of this act applies for all purposes,*
3 *except as otherwise specifically provided by other law of this State.*

4 **Sec. 35. 1.** *A man is presumed to be the father of a child if:*

5 (a) *He and the mother of the child are married to each other and the child is*
6 *born during the marriage;*

7 (b) *He and the mother of the child were married to each other and the child*
8 *is born within 300 days after the marriage is terminated by death, annulment,*
9 *declaration of invalidity or divorce, or after a court of competent jurisdiction has*
10 *entered an order of separate maintenance;*

11 (c) *Before the birth of the child, he and the mother of the child married each*
12 *other in apparent compliance with law, even if the attempted marriage is or could*
13 *be declared invalid, and the child is born during the invalid marriage or within*
14 *300 days after its termination by death, annulment, declaration of invalidity or*
15 *divorce, or after a court of competent jurisdiction has entered an order of*
16 *separate maintenance;*

17 (d) *After the birth of the child, he and the mother of the child married each*
18 *other in apparent compliance with law, whether or not the marriage is or could*
19 *be declared invalid, and he voluntarily asserted his paternity of the child, and:*

20 (1) *The assertion is in a record filed with the State Registrar of Vital*
21 *Statistics;*

22 (2) *He agreed to be and is named as the child's father on the child's birth*
23 *certificate; or*

24 (3) *He promised in a record to support the child as his own; or*

25 (e) *For the first 2 years of the child's life, he resided in the same household*
26 *with the child and openly held out the child as his own.*

27 2. *A presumption of paternity established under this section may be rebutted*
28 *only by an adjudication under sections 75 to 97, inclusive, of this act.*

29 **Sec. 36.** *The mother of a child and a man claiming to be the genetic father*
30 *of the child may sign an acknowledgment of paternity with intent to establish the*
31 *man's paternity.*

32 **Sec. 37. 1.** *An acknowledgment of paternity must:*

33 (a) *Be in a record;*

34 (b) *Be signed, or otherwise authenticated, under penalty of perjury by the*
35 *mother and by the man seeking to establish his paternity;*

36 (c) *State that the child whose paternity is being acknowledged:*

37 (1) *Does not have a presumed father, or has a presumed father whose*
38 *full name is stated; and*

39 (2) *Does not have another acknowledged or adjudicated father;*

40 (d) *State whether there has been genetic testing and, if so, that the*
41 *acknowledging man's claim of paternity is consistent with the results of the*
42 *testing; and*

43 (e) *State that the signatories understand that the acknowledgment is the*
44 *equivalent of a judicial adjudication of paternity of the child and that a challenge*
45 *to the acknowledgment is permitted only under limited circumstances and is*
46 *barred after 2 years.*

47 2. *An acknowledgment of paternity is void if it:*

48 (a) *States that another man is a presumed father, unless a denial of paternity*
49 *signed or otherwise authenticated by the presumed father is filed with the State*
50 *Registrar of Vital Statistics;*

51 (b) *States that another man is an acknowledged or adjudicated father; or*

52 (c) *Falsely denies the existence of a presumed, acknowledged or adjudicated*
53 *father of the child.*

1 3. A presumed father may sign or otherwise authenticate an
2 acknowledgment of paternity.

3 **Sec. 38.** A presumed father may sign a denial of his paternity. The denial is
4 valid only if:

5 1. An acknowledgment of paternity signed, or otherwise authenticated, by
6 another man is filed pursuant to section 40 of this act;

7 2. The denial is in a record, and is signed, or otherwise authenticated,
8 under penalty of perjury; and

9 3. The presumed father has not previously:

10 (a) Acknowledged his paternity, unless the previous acknowledgment has
11 been rescinded pursuant to section 42 of this act or successfully challenged
12 pursuant to section 43 of this act; or

13 (b) Been adjudicated to be the father of the child.

14 **Sec. 39.** 1. An acknowledgment of paternity and a denial of paternity may
15 be contained in a single document or may be signed in counterparts, and may be
16 filed separately or simultaneously. If the acknowledgement and denial are both
17 necessary, neither is valid until both are filed.

18 2. An acknowledgment of paternity or a denial of paternity may be signed
19 before the birth of the child.

20 3. Subject to subsection 1, an acknowledgment of paternity or denial of
21 paternity takes effect on the birth of the child or the filing of the document with
22 the State Registrar of Vital Statistics, whichever occurs later.

23 4. An acknowledgment of paternity or denial of paternity signed by a minor
24 is valid if it is otherwise in compliance with sections 3 to 114, inclusive, of this
25 act.

26 **Sec. 40.** 1. Except as otherwise provided in sections 42 and 43 of this act,
27 a valid acknowledgment of paternity filed with the State Registrar of Vital
28 Statistics is equivalent to an adjudication of paternity of a child and confers upon
29 the acknowledged father all of the rights and duties of a parent.

30 2. Except as otherwise provided in sections 42 and 43 of this act, a valid
31 denial of paternity by a presumed father filed with the State Registrar of Vital
32 Statistics in conjunction with a valid acknowledgment of paternity is equivalent to
33 an adjudication of the nonpaternity of the presumed father and discharges the
34 presumed father from all rights and duties of a parent.

35 **Sec. 41.** The State Registrar of Vital Statistics may not charge a fee for
36 filing an acknowledgment of paternity or denial of paternity.

37 **Sec. 42.** A signatory may rescind an acknowledgment of paternity or denial
38 of paternity by commencing a proceeding to rescind before the earlier of:

39 1. Sixty days after the effective date of the acknowledgment or denial, as
40 provided in section 39 of this act; or

41 2. The date of the first hearing, in a proceeding to which the signatory is a
42 party, before a court to adjudicate an issue relating to the child, including,
43 without limitation, a proceeding that establishes support.

44 **Sec. 43.** 1. After the period for rescission under section 42 of this act has
45 expired, a signatory of an acknowledgment of paternity or denial of paternity may
46 commence a proceeding to challenge the acknowledgment or denial only:

47 (a) On the basis of fraud, duress or material mistake of fact; and

48 (b) Within 2 years after the acknowledgment or denial is filed with the State
49 Registrar of Vital Statistics.

50 2. A party challenging an acknowledgment of paternity or denial of
51 paternity has the burden of proof.

1 **Sec. 44. 1. Every signatory to an acknowledgment of paternity and any**
2 **related denial of paternity must be made a party to a proceeding to rescind or**
3 **challenge the acknowledgment or denial.**

4 2. For the purpose of rescission of, or challenge to, an acknowledgment of
5 paternity or denial of paternity, a signatory submits to personal jurisdiction of
6 this State by signing the acknowledgment or denial, effective upon the filing
7 of the document with the State Registrar of Vital Statistics.

8 3. Except for good cause shown, during the pendency of a proceeding to
9 rescind or challenge an acknowledgment of paternity or denial of paternity, the
10 court may not suspend the legal responsibilities of a signatory arising from the
11 acknowledgment, including, without limitation, the duty to pay child support.

12 4. A proceeding to rescind or to challenge an acknowledgment of paternity
13 or denial of paternity must be conducted in the same manner as a proceeding to
14 adjudicate parentage under sections 75 to 97, inclusive, of this act.

15 5. At the conclusion of a proceeding to rescind or challenge an
16 acknowledgment of paternity or denial of paternity, the court shall order the State
17 Registrar of Vital Statistics to amend the birth record of the child, if appropriate.

18 **Sec. 45. A court or administrative agency conducting a judicial or**
19 **administrative proceeding is not required or permitted to ratify an unchallenged**
20 **acknowledgment of paternity.**

21 **Sec. 46. A court of this State shall give full faith and credit to an**
22 **acknowledgment of paternity or denial of paternity effective in another state if the**
23 **acknowledgment or denial has been signed and is otherwise in compliance with**
24 **the law of the other state.**

25 **Sec. 47. 1. To facilitate compliance with sections 36 to 49, inclusive, of**
26 **this act, the State Board of Health shall prescribe forms for the acknowledgment**
27 **of paternity and the denial of paternity.**

28 2. A valid acknowledgment of paternity or denial of paternity is not affected
29 by a later modification of the prescribed form.

30 **Sec. 48. The State Registrar of Vital Statistics may release information**
31 **relating to an acknowledgment of paternity or denial of paternity to a signatory of**
32 **the acknowledgment or denial and to courts and agencies of this or another state**
33 **or the Federal Government.**

34 **Sec. 49. The State Board of Health may adopt regulations to implement**
35 **sections 36 to 49, inclusive, of this act.**

36 **Sec. 50. ~~[A registry of paternity is established in the Division.]~~ (Deleted by**
37 **amendment.)**

38 **Sec. 51. ~~[1. Except as otherwise provided in subsection 2 or section 54 of~~**
39 **~~this act, a man who desires to be notified of a proceeding for adoption of, or~~**
40 **~~termination of parental rights regarding, a child that he may have fathered must~~**
41 **~~register in the registry of paternity before the birth of the child or within 30 days~~**
42 **~~after the birth.~~**

43 **~~2. A man is not required to register if:~~**

44 **~~(a) A father-child relationship between the man and the child has been~~**
45 **~~established under sections 3 to 114, inclusive, of this act or other law; or~~**

46 **~~(b) The man commences a proceeding to adjudicate his paternity before the~~**
47 **~~court has terminated his parental rights.~~**

48 **~~3. A registrant shall promptly notify the registry, in a record, of any change~~**
49 **~~in the information registered. The Division shall incorporate all new information~~**
50 **~~received into its records but need not affirmatively seek to obtain current~~**
51 **~~information for incorporation in the registry.]~~ (Deleted by amendment.)**

52 **Sec. 52. ~~[Notice of a proceeding for the adoption of, or termination of~~**
53 **~~parental rights regarding, a child must be given to a registrant who has timely~~**

~~registered in the registry of paternity established pursuant to section 50 of this act. Notice must be given in a manner prescribed for service of process in a civil action.] (Deleted by amendment.)~~

~~Sec. 53. [The parental rights of a man who may be the father of a child may be terminated without notice if:~~

~~1. The child has not attained 1 year of age at the time of the termination of parental rights;~~

~~2. The man did not register timely with the Division; and~~

~~3. The man is not exempt from registration under section 51 of this act.] (Deleted by amendment.)~~

~~Sec. 54. [1. If a child has attained 1 year of age, notice of a proceeding for adoption of, or termination of parental rights regarding, the child must be given to every alleged father of the child, whether or not he has registered with the Division.~~

~~2. Notice must be given in a manner prescribed for service of process in a civil action.] (Deleted by amendment.)~~

~~Sec. 55. [The State Board of Health shall prepare a form for registering with the Division. The form must require the signature of the registrant. The form must state that the form is signed under penalty of perjury. The form must also state that:~~

~~1. A timely registration entitles the registrant to notice of a proceeding for adoption of the child or termination of the registrant's parental rights;~~

~~2. A timely registration does not commence a proceeding to establish paternity;~~

~~3. The information disclosed on the form may be used against the registrant to establish paternity;~~

~~4. Services to assist in establishing paternity are available to the registrant through the support enforcement agency;~~

~~5. The registrant should also register in another state if conception or birth of the child occurred in the other state;~~

~~6. Information on registries of other states is available from the Division; and~~

~~7. Procedures exist to rescind the registration of a claim of paternity.] (Deleted by amendment.)~~

~~Sec. 56. [1. The Division need not seek to locate the mother of a child who is the subject of a registration, but the Division shall send a copy of the notice of registration to a mother if she has provided an address.~~

~~2. Information contained in the registry is confidential and may be released on request only to:~~

~~(a) A court or a person designated by the court;~~

~~(b) The mother of the child who is the subject of the registration;~~

~~(c) An agency authorized by other law to receive the information;~~

~~(d) A licensed child placing agency;~~

~~(e) A support enforcement agency;~~

~~(f) A party or the party's attorney of record in a proceeding under sections 3 to 114, inclusive, of this act or in a proceeding for adoption of, or termination of parental rights regarding, a child who is the subject of the registration; and~~

~~(g) The registry of paternity in another state.] (Deleted by amendment.)~~

~~Sec. 57. [An individual is guilty of a misdemeanor if the individual intentionally releases information from the registry to another individual or agency not authorized to receive the information under section 56 of this act.] (Deleted by amendment.)~~

1 Sec. 58. ~~[A registrant may rescind his registration at any time by sending to~~
2 ~~the registry a rescission in a record signed, or otherwise authenticated by him,~~
3 ~~and witnessed or notarized.] (Deleted by amendment.)~~

4 Sec. 59. ~~[If a man registers more than 30 days after the birth of the child,~~
5 ~~the Division shall notify the registrant that on its face his registration was not~~
6 ~~filed timely.] (Deleted by amendment.)~~

7 Sec. 60. ~~[1. A fee may not be charged for filing a registration or a~~
8 ~~rescission of registration.~~

9 ~~2. Except as otherwise provided in subsection 3, the Division may charge a~~
10 ~~reasonable fee for making a search of the registry and for furnishing a~~
11 ~~certificate.~~

12 ~~3. A support enforcement agency and any other agency of this or another~~
13 ~~state or the Federal Government is not required to pay a fee authorized by~~
14 ~~subsection 2.] (Deleted by amendment.)~~

15 Sec. 61. ~~[1. If a father-child relationship has not been established under~~
16 ~~sections 3 to 114, inclusive, of this act for a child under 1 year of age, a petitioner~~
17 ~~for adoption of, or termination of parental rights regarding, the child must obtain~~
18 ~~a certificate of search of the registry of paternity.~~

19 ~~2. If a petitioner for adoption of, or termination of parental rights~~
20 ~~regarding, a child has reason to believe that the conception or birth of the child~~
21 ~~may have occurred in another state, the petitioner must also obtain a certificate~~
22 ~~of search from the registry of paternity, if any, in that state.] (Deleted by~~
23 ~~amendment.)~~

24 Sec. 62. ~~[1. The Division shall furnish to the requester a certificate of~~
25 ~~search of the registry on request of an individual, court or agency identified in~~
26 ~~section 56 of this act.~~

27 ~~2. A certificate provided by the Division must be signed on behalf of the~~
28 ~~Division and state that:~~

29 ~~(a) A search has been made of the registry; and~~

30 ~~(b) A registration containing the information required to identify the~~
31 ~~registrant;~~

32 ~~(1) Has been found and is attached to the certificate of search; or~~

33 ~~(2) Has not been found.~~

34 ~~3. A petitioner must file the certificate of search with the court before a~~
35 ~~proceeding for adoption of, or termination of parental rights regarding, a child~~
36 ~~may be concluded.] (Deleted by amendment.)~~

37 Sec. 63. ~~[A certificate of search of the registry of paternity in this or~~
38 ~~another state is admissible in a proceeding for adoption of, or termination of~~
39 ~~parental rights regarding, a child and, if relevant, in other legal proceedings.]~~
40 ~~(Deleted by amendment.)~~

41 Sec. 64. Sections 64 to 74, inclusive, of this act govern genetic testing of an
42 individual to determine parentage, whether the individual:

43 1. Voluntarily submits to testing; or

44 2. Is tested pursuant to an order of the court or a support-enforcement
45 agency.

46 Sec. 65. 1. Except as otherwise provided in sections 64 to 74, inclusive,
47 and 75 to 97, inclusive, of this act, the court shall order the child and other
48 designated individuals to submit to genetic testing if the request for testing is
49 supported by the sworn statement of a party to the proceeding:

50 (a) Alleging paternity and stating facts establishing a reasonable probability
51 of the requisite sexual contact between the individuals; or

1 (b) *Denying paternity and stating facts establishing a possibility that sexual*
2 *contact between the individuals, if any, did not result in the conception of the*
3 *child.*

4 2. *A support-enforcement agency may order genetic testing only if there is*
5 *no presumed, acknowledged or adjudicated father.*

6 3. *If a request for genetic testing of a child is made before birth, the court*
7 *or support-enforcement agency may not order in utero testing.*

8 4. *If two or more men are subject to court-ordered genetic testing, the*
9 *testing may be ordered concurrently or sequentially.*

10 **Sec. 66.** 1. *Genetic testing must be of a type reasonably relied upon by*
11 *experts in the field of genetic testing and performed in a testing laboratory*
12 *accredited by:*

13 (a) *The American Association of Blood Banks, or a successor to its*
14 *functions;*

15 (b) *The American Society for Histocompatibility and Immunogenetics, or a*
16 *successor to its functions; or*

17 (c) *An accrediting body designated by the Secretary of Health and Human*
18 *Services.*

19 2. *A specimen used in genetic testing may consist of one or more samples,*
20 *or a combination of samples, of blood, buccal cells, bone, hair or other body*
21 *tissue or fluid. The specimen used in the testing need not be of the same kind for*
22 *each individual undergoing genetic testing.*

23 3. *Based on the ethnic or racial group of an individual, the testing*
24 *laboratory shall determine the databases from which to select frequencies for use*
25 *in calculation of the probability of paternity. If there is disagreement as to the*
26 *testing laboratory's choice, the following rules apply:*

27 (a) *The individual objecting may require the testing laboratory, within 30*
28 *days after receipt of the report of the test, to recalculate the probability of*
29 *paternity using an ethnic or racial group different from that used by the*
30 *laboratory.*

31 (b) *The individual objecting to the testing laboratory's initial choice shall:*

32 (1) *If the frequencies are not available to the testing laboratory for the*
33 *ethnic or racial group requested, provide the requested frequencies compiled in a*
34 *manner recognized by accrediting bodies; or*

35 (2) *Engage another testing laboratory to perform the calculations.*

36 (c) *The testing laboratory may use its own statistical estimate if there is a*
37 *question regarding which ethnic or racial group is appropriate. If available, the*
38 *testing laboratory shall calculate the frequencies using statistics for any other*
39 *ethnic or racial group requested.*

40 4. *If, after recalculation using a different ethnic or racial group, genetic*
41 *testing does not rebuttably identify a man as the father of a child under section 68*
42 *of this act, an individual who has been tested may be required to submit to*
43 *additional genetic testing.*

44 **Sec. 67.** 1. *A report of genetic testing must be in a record and signed*
45 *under penalty of perjury by a designee of the testing laboratory. A report made*
46 *under the requirements of sections 64 to 74, inclusive, of this act is*
47 *self-authenticating.*

48 2. *Documentation from the testing laboratory of the following information*
49 *is sufficient to establish a reliable chain of custody that allows the results of*
50 *genetic testing to be admissible without testimony:*

51 (a) *The names and photographs of the individuals whose specimens have*
52 *been taken;*

53 (b) *The names of the individuals who collected the specimens;*

1 (c) *The places and dates the specimens were collected;*
2 (d) *The names of the individuals who received the specimens in the testing*
3 *laboratory; and*

4 (e) *The dates the specimens were received.*

5 **Sec. 68.** 1. *Under sections 3 to 114, inclusive, of this act, a man is*
6 *rebuttably identified as the father of a child if the genetic testing complies with*
7 *sections 64 to 74, inclusive, of this act and the results disclose that the man has:*

8 (a) *At least a 99 percent probability of paternity, using a prior probability of*
9 *0.50, as calculated by using the combined paternity index obtained in the testing;*
10 *and*

11 (b) *A combined paternity index of at least 100 to 1.*

12 2. *A man identified under subsection 1 as the father of the child may rebut*
13 *the genetic testing results only by other genetic testing satisfying the requirements*
14 *of sections 64 to 74, inclusive, of this act which:*

15 (a) *Excludes the man as a genetic father of the child; or*

16 (b) *Identifies another man as the possible father of the child.*

17 3. *Except as otherwise provided in section 73 of this act, if more than one*
18 *man is identified by genetic testing as the possible father of the child, the court*
19 *shall order them to submit to further genetic testing to identify the genetic father.*

20 **Sec. 69.** 1. *Subject to assessment of costs under sections 75 to 97,*
21 *inclusive, of this act, the cost of initial genetic testing must be advanced:*

22 (a) *By a support-enforcement agency in a proceeding in which the support-*
23 *enforcement agency is providing services;*

24 (b) *By the individual who made the request;*

25 (c) *As agreed by the parties; or*

26 (d) *As ordered by the court.*

27 2. *In cases in which the cost is advanced by the support-enforcement*
28 *agency, the agency may seek reimbursement from a man who is rebuttably*
29 *identified as the father.*

30 **Sec. 70.** *The court or the support-enforcement agency shall order*
31 *additional genetic testing upon the request of a party who contests the result of*
32 *the original testing. If the previous genetic testing identified a man as the father*
33 *of the child under section 68 of this act, the court or agency may not order*
34 *additional testing unless the party provides advance payment for the testing.*

35 **Sec. 71.** 1. *Subject to subsection 2, if a genetic-testing specimen is not*
36 *available from a man who may be the father of a child, for good cause and under*
37 *circumstances the court considers to be just, the court may order the following*
38 *individuals to submit specimens for genetic testing:*

39 (a) *The parents of the man;*

40 (b) *Brothers and sisters of the man;*

41 (c) *Other children of the man and their mothers; and*

42 (d) *Other relatives of the man necessary to complete genetic testing.*

43 2. *Issuance of an order under this section requires a finding that a need for*
44 *genetic testing outweighs the legitimate interests of the individual sought to be*
45 *tested.*

46 **Sec. 72.** *For good cause shown, the court may order genetic testing of a*
47 *deceased individual.*

48 **Sec. 73.** 1. *The court may order genetic testing of a brother of a man*
49 *identified as the father of a child if the man is commonly believed to have an*
50 *identical brother and evidence suggests that the brother may be the genetic father*
51 *of the child.*

52 2. *If each brother satisfies the requirements as the identified father of the*
53 *child under section 68 of this act without consideration of another identical*

brother being identified as the father of the child, the court may rely on nongenetic evidence to adjudicate which brother is the father of the child.

Sec. 74. 1. Release of the report of genetic testing for parentage is controlled by the provisions of NRS 629.101 to 629.201, inclusive.

2. An individual who intentionally releases an identifiable specimen of another individual for any purpose other than that relevant to the proceeding regarding parentage without a court order or the written permission of the individual who furnished the specimen is guilty of a misdemeanor.

Sec. 75. A civil proceeding may be maintained to adjudicate the parentage of a child. The proceeding is governed by the Nevada Rules of Civil Procedure.

Sec. 76. Subject to sections 36 to 49, inclusive, 81 and 83 of this act, a proceeding to adjudicate parentage may be maintained by:

1. The child;
2. The mother of the child;
3. A man whose paternity of the child is to be adjudicated;
4. The support-enforcement agency or any other governmental agency authorized by other law;
5. An authorized adoption agency or licensed child-placing agency;
6. A representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated or a minor; or
7. An intended parent under sections 105 to 113, inclusive, of this act.

Sec. 77. ~~[[The following individuals]]~~ A man whose paternity of the child is to be adjudicated must be joined as [a party] a party in a proceeding to adjudicate parentage.

~~1.] The mother of the child [and~~
~~2. A man whose paternity of the child is to be adjudicated.] must, whenever it is reasonably possible, be joined as a party in a proceeding to adjudicate parentage.~~

Sec. 78. 1. An individual may not be adjudicated to be a parent unless the court has personal jurisdiction over the individual.

2. A court of this State having jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident individual, or the guardian or conservator of the individual, if the conditions prescribed in NRS 130.201 are fulfilled.

3. Lack of jurisdiction over one individual does not preclude the court from making an adjudication of parentage binding on another individual over whom the court has personal jurisdiction.

Sec. 79. Venue for a proceeding to adjudicate parentage is in the county of this State in which:

1. The child resides or is found;
2. The respondent resides or is found if the child does not reside in this State; or
3. A proceeding for probate or administration of the presumed or alleged father's estate has been commenced.

Sec. 80. A proceeding to adjudicate the parentage of a child having no presumed, acknowledged or adjudicated father may be commenced at any time, even after:

1. The child becomes an adult, but only if the child initiates the proceeding;
- or
2. An earlier proceeding to adjudicate paternity has been dismissed based on the application of a statute of limitation then in effect.

1 **Sec. 81. 1.** *Except as otherwise provided in subsection 2, a proceeding*
2 *brought by a presumed father, the mother or another individual to adjudicate the*
3 *parentage of a child having a presumed father must be commenced not later than*
4 *2 years after the birth of the child.*

5 2. *A proceeding seeking to disprove the father-child relationship between a*
6 *child and the child's presumed father may be maintained at any time if the court*
7 *determines that:*

8 (a) *The presumed father and the mother of the child neither cohabited nor*
9 *engaged in sexual intercourse with each other during the probable time of*
10 *conception; and*

11 (b) *The presumed father never openly held out the child as his own.*

12 **Sec. 82. 1.** *In a proceeding to adjudicate the parentage of a child having*
13 *a presumed father or to challenge the paternity of a child having an*
14 *acknowledged father, the court may deny a motion seeking an order for genetic*
15 *testing of the mother, the child and the presumed or acknowledged father if the*
16 *court determines that:*

17 (a) *The conduct of the mother or the presumed or acknowledged father*
18 *estops that party from denying parentage; and*

19 (b) *It would be inequitable to disprove the father-child relationship between*
20 *the child and the presumed or acknowledged father.*

21 2. *In determining whether to deny a motion seeking an order for genetic*
22 *testing under this section, the court shall consider the best interest of the child,*
23 *including the following factors:*

24 (a) *The length of time between the proceeding to adjudicate parentage and*
25 *the time that the presumed or acknowledged father was placed on notice that he*
26 *might not be the genetic father;*

27 (b) *The length of time during which the presumed or acknowledged father*
28 *has assumed the role of father of the child;*

29 (c) *The facts surrounding the presumed or acknowledged father's discovery*
30 *of his possible nonpaternity;*

31 (d) *The nature of the relationship between the child and the presumed or*
32 *acknowledged father;*

33 (e) *The age of the child;*

34 (f) *The harm that may result to the child if presumed or acknowledged*
35 *paternity is successfully disproved;*

36 (g) *The nature of the relationship between the child and any alleged father;*

37 (h) *The extent to which the passage of time reduces the chances of*
38 *establishing the paternity of another man and a child support obligation in favor*
39 *of the child; and*

40 (i) *Other factors that may affect the equities arising from the disruption of*
41 *the father-child relationship between the child and the presumed or*
42 *acknowledged father or the chance of other harm to the child.*

43 3. *In a proceeding involving the application of this section, a minor or*
44 *incapacitated child must be represented by a guardian ad litem.*

45 4. *Denial of a motion seeking an order for genetic testing must be based on*
46 *clear and convincing evidence.*

47 5. *If the court denies a motion seeking an order for genetic testing, it shall*
48 *issue an order adjudicating the presumed or acknowledged father to be the father*
49 *of the child.*

50 **Sec. 83. 1.** *If a child has an acknowledged father, a signatory to the*
51 *acknowledgment of paternity or denial of paternity may commence a proceeding*
52 *seeking to rescind the acknowledgement or denial or challenge the paternity of*
53 *the child only within the time allowed under section 42 or 43 of this act.*

2. *If a child has an acknowledged father or adjudicated father, an individual, other than the child, who is neither a signatory to the acknowledgment of paternity nor a party to the adjudication and who seeks an adjudication of paternity of the child must commence a proceeding not later than 2 years after the effective date of the acknowledgment or adjudication.*

3. *A proceeding under this section is subject to the application of the principles of estoppel established in section 82 of this act.*

Sec. 84. 1. *Except as otherwise provided in subsection 2, a proceeding to adjudicate parentage may be joined with a proceeding for adoption, termination of parental rights, child custody or visitation, child support, divorce, annulment, separate maintenance, probate or administration of an estate or other appropriate proceeding.*

2. *A respondent may not join a proceeding described in subsection 1 with a proceeding to adjudicate parentage brought under NRS 130.0902 to 130.802, inclusive.*

Sec. 85. *A proceeding to determine parentage may be commenced before the birth of the child, but may not be concluded until after the birth of the child. The following actions may be taken before the birth of the child:*

1. *Service of process;*

2. *Discovery; and*

3. *Except as otherwise prohibited by section 65 of this act, collection of specimens for genetic testing.*

Sec. 86. 1. *A minor child is a permissible party, but is not a necessary party to a proceeding under sections 75 to 97, inclusive, of this act.*

2. *The court shall appoint a guardian ad litem to represent a minor or incapacitated child if the child is a party or the court finds that the interests of the child are not adequately represented.*

Sec. 87. 1. *Except as otherwise provided in subsection 3, a record of a genetic-testing expert is admissible as evidence of the truth of the facts asserted in the report unless a party objects to its admission within 14 days after its receipt by the objecting party and cites specific grounds for exclusion. The admissibility of the report is not affected by whether the testing was performed:*

(a) *Voluntarily or pursuant to an order of the court or a support-enforcement agency; or*

(b) *Before or after the commencement of the proceeding.*

2. *A party objecting to the results of genetic testing may call one or more genetic-testing experts to testify in person or by telephone, videoconference, deposition or another method approved by the court. Unless otherwise ordered by the court, the party offering the testimony bears the expense for the expert testifying.*

3. *If a child has a presumed, acknowledged or adjudicated father, the results of genetic testing are inadmissible to adjudicate parentage unless performed:*

(a) *With the consent of both the mother and the presumed, acknowledged or adjudicated father; or*

(b) *Pursuant to an order of the court under section 65 of this act.*

4. *Copies of bills for genetic testing and for prenatal and postnatal health care for the mother and child which are furnished to the adverse party not less than 10 days before the date of a hearing are admissible to establish:*

(a) *The amount of the charges billed; and*

(b) *That the charges were reasonable, necessary and customary.*

Sec. 88. 1. *An order for genetic testing is enforceable by contempt.*

2. *If an individual whose paternity is being determined declines to submit to genetic testing ordered by the court, the court for that reason may adjudicate parentage contrary to the position of that individual.*

3. *Genetic testing of the mother of a child is not a condition precedent to testing the child and a man whose paternity is being determined. If the mother is unavailable or declines to submit to genetic testing, the court may order the testing of the child and every man whose paternity is being adjudicated.*

Sec. 89. 1. *A respondent in a proceeding to adjudicate parentage may admit to the paternity of a child by filing a pleading to that effect or by admitting paternity under penalty of perjury when making an appearance or during a hearing.*

2. *If the court finds that the admission of paternity satisfies the requirements of this section and finds that there is no reason to question the admission, the court shall issue an order adjudicating the child to be the child of the man admitting paternity.*

Sec. 90. 1. *In a proceeding under sections 75 to 97, inclusive, of this act, the court shall issue a temporary order for support of a child if the order is appropriate and the individual ordered to pay support is:*

(a) *A presumed father of the child;*
(b) *Petitioning to have his paternity adjudicated;*
(c) *Identified as the father through genetic testing under section 68 of this act;*

(d) *An alleged father who has declined to submit to genetic testing;*
(e) *Shown by clear and convincing evidence to be the father of the child; or*
(f) *The mother of the child.*

2. *A temporary order may include provisions for custody and visitation as provided by other law of this State.*

Sec. 91. *The court shall apply the following rules to adjudicate the paternity of a child:*

1. *The paternity of a child having a presumed, acknowledged or adjudicated father may be disproved only by admissible results of genetic testing excluding that man as the father of the child or identifying another man as the father of the child.*

2. *Unless the results of genetic testing are admitted to rebut other results of genetic testing, a man identified as the father of a child under section 68 of this act must be adjudicated the father of the child.*

3. *If the court finds that genetic testing under section 68 of this act neither identifies nor excludes a man as the father of a child, the court may not dismiss the proceeding. In that event, the results of genetic testing, and other evidence, are admissible to adjudicate the issue of paternity.*

4. *Unless the results of genetic testing are admitted to rebut other results of genetic testing, a man excluded as the father of a child by genetic testing must be adjudicated not to be the father of the child.*

Sec. 92. *The court, without a jury, shall adjudicate paternity of a child.*

Sec. 93. 1. *On request of a party and for good cause shown, the court may close a proceeding under sections 75 to 97, inclusive, of this act.*

2. *A final order in a proceeding under sections 75 to 97, inclusive, of this act is available for public inspection. Other papers and records are available only with the consent of the parties or on order of the court for good cause.*

Sec. 94. *The court shall issue an order adjudicating the paternity of a man who:*

1. *After service of process, is in default; and*
2. *Is found by the court to be the father of a child.*

1 **Sec. 95.** *The court may issue an order dismissing a proceeding commenced*
2 *under sections 3 to 114, inclusive, of this act for want of prosecution only without*
3 *prejudice. An order of dismissal for want of prosecution purportedly with*
4 *prejudice is void and has only the effect of a dismissal without prejudice.*

5 **Sec. 96.** *1. The court shall issue an order adjudicating whether a man*
6 *alleged or claiming to be the father is the parent of the child.*

7 *2. An order adjudicating parentage must identify the child by name and*
8 *date of birth.*

9 *3. Except as otherwise provided in subsection 4, the court may assess filing*
10 *fees, reasonable attorney's fees, fees for genetic testing, other costs and necessary*
11 *travel and other reasonable expenses incurred in a proceeding under sections 75*
12 *to 97, inclusive, of this act. The court may award attorney's fees, which may be*
13 *paid directly to the attorney, who may enforce the order in the attorney's own*
14 *name.*

15 *4. The court may not assess fees, costs or expenses against the support-*
16 *enforcement agency of this State or another state, except as provided by other*
17 *law.*

18 *5. On request of a party and for good cause shown, the court may order that*
19 *the name of the child be changed.*

20 *6. If the order of the court is at variance with the child's birth certificate,*
21 *the court shall order the State Registrar of Vital Statistics to issue a new birth*
22 *certificate.*

23 **Sec. 97.** *1. Except as otherwise provided in subsection 2, a determination*
24 *of parentage is binding on:*

25 *(a) All signatories to an acknowledgement or denial of paternity as provided*
26 *in sections 36 to 49, inclusive, of this act; and*

27 *(b) All parties to an adjudication by a court acting under circumstances that*
28 *satisfy the jurisdictional requirements of NRS 130.201.*

29 *2. A child is not bound by a determination of parentage under sections 3 to*
30 *114, inclusive, of this act unless:*

31 *(a) The determination was based on an unrescinded acknowledgment of*
32 *paternity and the acknowledgement is consistent with the results of genetic*
33 *testing;*

34 *(b) The adjudication of parentage was based on a finding consistent with the*
35 *results of genetic testing and the consistency is declared in the determination or is*
36 *otherwise shown; or*

37 *(c) The child was a party or was represented in the proceeding determining*
38 *parentage by a guardian ad litem.*

39 *3. In a proceeding to dissolve a marriage, the court is deemed to have made*
40 *an adjudication of the parentage of a child if the court acts under circumstances*
41 *that satisfy the jurisdictional requirements of NRS 130.201, and the final order:*

42 *(a) Expressly identifies a child as a "child of the marriage," "issue of the*
43 *marriage" or similar words indicating that the husband is the father of the child;*
44 *or*

45 *(b) Provides for support of the child by the husband unless paternity is*
46 *specifically disclaimed in the order.*

47 *4. Except as otherwise provided in subsection 2, a determination of*
48 *parentage may be a defense in a subsequent proceeding seeking to adjudicate*
49 *parentage by an individual who was not a party to the earlier proceeding.*

50 *5. A party to an adjudication of paternity may challenge the adjudication*
51 *only under the law of this State relating to appeal, vacation of judgments or other*
52 *judicial review.*

1 **Sec. 98.** *Sections 98 to 104, inclusive, of this act do not apply to the birth of*
2 *a child conceived by means of sexual intercourse or as the result of a gestational*
3 *agreement as provided in sections 105 to 113, inclusive, of this act.*

4 **Sec. 99.** *A donor is not a parent of a child conceived by means of assisted*
5 *reproduction.*

6 **Sec. 100.** *A man who provides sperm for, or consents to, assisted*
7 *reproduction by a woman as provided in section 101 of this act with the intent to*
8 *be the parent of her child is a parent of the resulting child.*

9 **Sec. 101.** 1. *Consent by a woman and a man who intends to be a parent*
10 *of a child born to the woman by assisted reproduction must be in a record signed*
11 *by the woman and the man. This requirement does not apply to a donor.*

12 2. *The failure of a man to sign a consent required by subsection 1, before or*
13 *after the birth of the child, does not preclude a finding of paternity if the woman*
14 *and the man, during the first 2 years of the child's life, resided together in the*
15 *same household with the child and openly held out the child as their own.*

16 **Sec. 102.** 1. *Except as otherwise provided in subsection 2, the husband of*
17 *a wife who gives birth to a child by means of assisted reproduction may not*
18 *challenge his paternity of the child unless:*

19 (a) *Within 2 years after learning of the birth of the child, he commences a*
20 *proceeding to adjudicate his paternity; and*

21 (b) *The court finds that he did not consent to the assisted reproduction,*
22 *before or after the birth of the child.*

23 2. *A proceeding to adjudicate paternity may be maintained at any time if the*
24 *court determines that:*

25 (a) *The husband did not provide sperm for, or before or after the birth of the*
26 *child consent to, assisted reproduction by his wife;*

27 (b) *The husband and the mother of the child have not cohabited since the*
28 *probable time of assisted reproduction; and*

29 (c) *The husband never openly held out the child as his own.*

30 3. *The limitation provided in this section applies to a marriage declared*
31 *invalid after assisted reproduction.*

32 **Sec. 103.** 1. *If a marriage is dissolved before placement of eggs, sperm or*
33 *embryos, the former spouse is not a parent of the resulting child unless the*
34 *former spouse consented in a record that if assisted reproduction were to occur*
35 *after the dissolution of the marriage, the former spouse would be a parent of the*
36 *child.*

37 2. *The consent of a woman or a man to assisted reproduction may be*
38 *withdrawn by that individual in a record at any time before placement of eggs,*
39 *sperm or embryos. An individual who withdraws consent under this section is not*
40 *a parent of the resulting child.*

41 **Sec. 104.** *If an individual who consented in a record to be a parent by*
42 *assisted reproduction dies before placement of eggs, sperm or embryos, the*
43 *deceased individual is not a parent of the resulting child unless the deceased*
44 *individual consented in a record that if assisted reproduction were to occur after*
45 *death, the deceased individual would be a parent of the child.*

46 **Sec. 105.** 1. *A prospective gestational mother, her husband if she is*
47 *married, a donor or the donors and the intended parents may enter into a written*
48 *agreement providing that:*

49 (a) *The prospective gestational mother agrees to pregnancy by means of*
50 *assisted reproduction;*

51 (b) *The prospective gestational mother, her husband if she is married and the*
52 *donors relinquish all rights and duties as the parents of a child conceived*
53 *through assisted reproduction; and*

1 (c) *The intended parents become the parents of the child.*
2 2. *The man and the woman who are the intended parents must both be*
3 *parties to the gestational agreement.*

4 3. *A gestational agreement is enforceable only if validated as provided in*
5 *section 107 of this act.*

6 4. *A gestational agreement does not apply to the birth of a child conceived*
7 *by means of sexual intercourse.*

8 5. *A gestational agreement may provide for payment of consideration.*

9 6. *A gestational agreement may not limit the right of the gestational mother*
10 *to make decisions to safeguard her health or that of the embryos or fetus.*

11 **Sec. 106.** 1. *The intended parents and the prospective gestational mother*
12 *may commence a proceeding in district court to validate a gestational agreement.*

13 2. *A proceeding to validate a gestational agreement may not be maintained*
14 *unless:*

15 (a) *The mother or the intended parents have been residents of this State for*
16 *at least 90 days;*

17 (b) *The prospective gestational mother's husband, if she is married, is joined*
18 *in the proceeding; and*

19 (c) *A copy of the gestational agreement is attached to the petition.*

20 **Sec. 107.** 1. *If the requirements of subsection 2 are satisfied, a court may*
21 *issue an order validating the gestational agreement and declaring that the*
22 *intended parents will be the parents of a child born during the term of the*
23 *agreement.*

24 2. *The court may issue an order under subsection 1 only on finding that:*

25 (a) *The residence requirements of section 106 of this act have been satisfied*
26 *and the parties have submitted to the jurisdiction of the court under the*
27 *jurisdictional standards of sections 3 to 114, inclusive, of this act;*

28 (b) *Unless waived by the court, the agency which provides child welfare*
29 *services has made a home study of the intended parents and the intended parents*
30 *meet the standards of suitability applicable to adoptive parents;*

31 (c) *All parties have voluntarily entered into the agreement and understand its*
32 *terms;*

33 (d) *Adequate provision has been made for all reasonable health care*
34 *expenses associated with the gestational agreement until the birth of the child,*
35 *including, without limitation, responsibility for those expenses if the agreement is*
36 *terminated; and*

37 (e) *The consideration, if any, paid to the prospective gestational mother is*
38 *reasonable.*

39 **Sec. 108.** *The proceedings, records and identities of the individual parties*
40 *to a gestational agreement under sections 105 to 113, inclusive, of this act are*
41 *subject to inspection under the standards of confidentiality applicable to*
42 *adoptions as provided under other law of this State.*

43 **Sec. 109.** *Subject to the jurisdictional standards of NRS 130.201, the court*
44 *conducting a proceeding under sections 105 to 113, inclusive, of this act has*
45 *exclusive, continuing jurisdiction of all matters arising out of the gestational*
46 *agreement until a child born to the gestational mother during the period*
47 *governed by the agreement attains the age of 180 days.*

48 **Sec. 110.** 1. *After issuance of an order under sections 105 to 113,*
49 *inclusive, of this act, but before the prospective gestational mother becomes*
50 *pregnant by means of assisted reproduction, the prospective gestational mother,*
51 *her husband or either of the intended parents may terminate the gestational*
52 *agreement by giving written notice of termination to all other parties.*

2. The court for good cause shown may terminate the gestational agreement.

3. An individual who terminates a gestational agreement shall file notice of the termination with the court. On receipt of the notice, the court shall vacate the order issued under sections 105 to 113, inclusive, of this act. An individual who does not notify the court of the termination of the agreement is subject to appropriate sanctions.

4. Neither a prospective gestational mother nor her husband, if any, is liable to the intended parents for terminating a gestational agreement pursuant to this section.

Sec. 111. 1. Upon birth of a child to a gestational mother, the intended parents shall file notice with the court that a child has been born to the gestational mother within 300 days after assisted reproduction. Thereupon, the court shall issue an order:

(a) Confirming that the intended parents are the parents of the child;

(b) If necessary, ordering that the child be surrendered to the intended parents; and

(c) Directing the State Registrar of Vital Statistics to issue a birth certificate naming the intended parents as the parents of the child.

2. If the parentage of a child born to a gestational mother is alleged not to be the result of assisted reproduction, the court shall order genetic testing to determine the parentage of the child.

3. If the intended parents fail to file notice required under subsection 1, the gestational mother or the agency which provides child welfare services may file notice with the court that a child has been born to the gestational mother within 300 days after assisted reproduction. Upon proof of a court order issued pursuant to section 107 of this act validating the gestational agreement, the court shall order the intended parents are the parents of the child and are financially responsible for the child.

Sec. 112. After the issuance of an order under sections 105 to 113, inclusive, of this act, subsequent marriage of the gestational mother does not affect the validity of a gestational agreement, her husband's consent to the agreement is not required and her husband is not a presumed father of the resulting child.

Sec. 113. 1. A gestational agreement, whether in a record or not, that is not judicially validated is not enforceable.

2. If a birth results under a gestational agreement that is not judicially validated as provided in sections 105 to 113, inclusive, of this act, the parent-child relationship is determined as provided in sections 32 to 36, inclusive, of this act.

3. Individuals who are parties to a nonvalidated gestational agreement as intended parents may be held liable for support of the resulting child, even if the agreement is otherwise unenforceable. The liability under this subsection includes assessing all expenses and fees as provided in section 96 of this act.

Sec. 114. In applying and construing the Uniform Parentage Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 115. NRS 126.021 is hereby amended to read as follows:

126.021 As used in this ~~[chapter.]~~ section and NRS 126.031 and 126.291 to 126.331, inclusive, unless the context otherwise requires:

1. "Custodial parent" means the parent of a child born out of wedlock who has been awarded physical custody of the child or, if no award of physical custody has been made by a court, the parent with whom the child resides.

2. “Nonsupporting parent” means the parent of a child born out of wedlock who has failed to provide an equitable share of his child’s necessary maintenance, education and support.

~~3. “Parent and child relationship” means the legal relationship existing between a child and his natural or adoptive parents incident to which the law confers or imposes rights, privileges, duties and obligations. It includes the mother and child relationship and the father and child relationship.~~

Sec. 116. NRS 126.031 is hereby amended to read as follows:

126.031 1. ~~1. [The parent and child relationship extends equally to every child and to every parent, regardless of the marital status of the parents.~~

~~2.]~~ Except as otherwise provided in a court order for the custody of a child:

(a) Except as otherwise provided in paragraph (b), the mother of a child born out of wedlock has primary physical custody of the child if ~~1.~~

~~(1) The mother has not married the father of the child; and~~

~~(2) A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the paternity of the child has not been entered.]~~ *the child does not have a presumed father, acknowledged father or adjudicated father.*

(b) The father of a child born out of wedlock has primary physical custody of the child if:

(1) The mother has abandoned the child to the custody of the father; and

(2) The father has provided sole care and custody of the child in her absence.

~~3.]~~ 2. For the purposes of this section, “abandoned” means failed, for a continuous period of not less than 6 weeks, to provide substantial personal and economic support.

~~4. As used in this section, “expedited process” has the meaning ascribed to it in NRS 126.161.]~~

Sec. 117. NRS 126.291 is hereby amended to read as follows:

126.291 1. Proceedings to compel support by a nonsupporting parent may be brought in accordance with this chapter. They are not exclusive of other proceedings. The court may assess the usual filing fees, charges or court costs against the nonsupporting parent and shall enforce their collection with the other provisions of the judgment.

2. Except as otherwise provided in this subsection, when the district attorney is requested to bring an action to compel support or an action to determine paternity, he may charge the requester a fee of not more than \$20 for an application. This fee may not be assessed against:

(a) The State of Nevada when acting as a party to an action brought pursuant to this chapter.

(b) Any person or agency requesting services pursuant to chapter 130 of NRS.

3. If the court finds that a ~~parent and child~~ *parent-child* relationship exists, it may assess against the nonsupporting parent, in addition to any support obligation ordered a reasonable collection fee. If the court finds that the nonsupporting parent would experience a financial hardship if required to pay the fee immediately, it may order that the fee be paid in installments, each of which is not more than 25 percent of the support obligation for each month.

4. All fees collected pursuant to this section must be deposited in the general fund of the county, and an equivalent amount must be allocated to augment the county’s program for the enforcement of support obligations.

Sec. 118. NRS 127.287 is hereby amended to read as follows:

127.287 1. Except as otherwise provided in subsection 3, it is unlawful for any person to pay or offer to pay money or anything of value to the natural parent

of a child in return for the natural parent's placement of the child for adoption or consent to or cooperation in the adoption of the child.

2. It is unlawful for any person to receive payment for medical and other necessary expenses related to the birth of a child from a prospective adoptive parent with the intent of not consenting to or completing the adoption of the child.

3. A person may pay the medical and other necessary living expenses related to the birth of a child of another as an act of charity so long as the payment is not contingent upon the natural parent's placement of the child for adoption or consent to or cooperation in the adoption of the child.

4. This section does not prohibit a natural parent from refusing to place a child for adoption after its birth.

5. The provisions of this section do not apply if a woman enters into a ~~lawful contract to act as a surrogate, be inseminated and give birth to the child of a man who is not her husband.~~ *gestational agreement pursuant to the provisions of sections 105 to 113, inclusive, of this act.*

Sec. 119. ~~NRS 128.060 is hereby amended to read as follows:~~

~~128.060 1. After a petition has been filed, unless the party or parties to be served voluntarily appear and consent to the hearing, the court shall direct the clerk to issue a notice, reciting briefly the substance of the petition and stating the date set for the hearing thereof, and requiring the person served therewith to appear before the court at the time and place if that person desires to oppose the petition.~~

~~2. [The] Except as otherwise provided in section 53 of this act, the following persons must be personally served with the notice:~~

~~(a) The father or mother of the minor person, if residing within this State, and if his or her place of residence is known to the petitioner, or, if there is no parent so residing, or if the place of residence of the father or mother is not known to the petitioner, then the nearest known relative of that person, if there is any residing within the State, and if his residence and relationship are known to the petitioner; and~~

~~(b) The minor's legal custodian or guardian, if residing within this State and if his place of residence is known to the petitioner.~~

~~3. If the petitioner or the child is receiving public assistance, the petitioner shall mail a copy of the notice of hearing and a copy of the petition to the Chief of the Child Enforcement Program of the Division of Welfare and Supportive Services of the Department of Health and Human Services by registered or certified mail return receipt requested at least 45 days before the hearing.] (Deleted by amendment.)~~

Sec. 120. NRS 200.359 is hereby amended to read as follows:

200.359 1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody or visitation of the child, or any parent having no right of custody to the child, who:

(a) In violation of an order, judgment or decree of any court willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child; or

(b) In the case of an order, judgment or decree of any court that does not specify when the right to physical custody or visitation is to be exercised, removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation,

is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A parent who has joint legal custody of a child pursuant to NRS 125.465 shall not willfully conceal or remove the child from the custody of the other parent

1 with the specific intent to deprive the other parent of the parent and child
2 relationship. A person who violates this subsection shall be punished as provided in
3 subsection 1.

4 3. If the mother of a child has primary physical custody pursuant to
5 ~~{subsection 2 of}~~ NRS 126.031, the father of the child shall not willfully conceal or
6 remove the child from the physical custody of the mother. If the father of a child
7 has primary physical custody pursuant to ~~{subsection 2 of}~~ NRS 126.031, the
8 mother of the child shall not willfully conceal or remove the child from the physical
9 custody of the father. A person who violates this subsection shall be punished as
10 provided in subsection 1.

11 4. Before an arrest warrant may be issued for a violation of this section, the
12 court must find that:

13 (a) This is the home state of the child, as defined in NRS 125A.085; and

14 (b) There is cause to believe that the entry of a court order in a civil proceeding
15 brought pursuant to chapter 125, 125A or 125C of NRS will not be effective to
16 enforce the rights of the parties and would not be in the best interests of the child.

17 5. Upon conviction for a violation of this section, the court shall order the
18 defendant to pay restitution for any expenses incurred in locating or recovering the
19 child.

20 6. The prosecuting attorney may recommend to the judge that the defendant
21 be sentenced as for a misdemeanor and the judge may impose such a sentence if he
22 finds that:

23 (a) The defendant has no prior conviction for this offense and the child has
24 suffered no substantial harm as a result of the offense; or

25 (b) The interests of justice require that the defendant be punished as for a
26 misdemeanor.

27 7. A person who aids or abets any other person to violate this section shall be
28 punished as provided in subsection 1.

29 8. This section does not apply to a person who detains, conceals or removes a
30 child to protect the child from the imminent danger of abuse or neglect or to protect
31 himself from imminent physical harm, and reported the detention, concealment or
32 removal to a law enforcement agency or an agency which provides child welfare
33 services within 24 hours after detaining, concealing or removing the child, or as
34 soon as the circumstances allowed. As used in this subsection:

35 (a) "Abuse or neglect" has the meaning ascribed to it in paragraph (a) of
36 subsection 4 of NRS 200.508.

37 (b) "Agency which provides child welfare services" has the meaning ascribed
38 to it in NRS 432B.030.

39 **Sec. 121.** NRS 422A.585 is hereby amended to read as follows:

40 422A.585 1. The Division shall, within the limitations of available funding,
41 establish a program which promotes the self-sufficiency of a natural father whose
42 paternity is presumed pursuant to ~~[NRS 126.051]~~ *section 35 of this act* or a
43 noncustodial parent of a child for whom benefits are being received by a household.

44 2. If a natural father whose paternity is presumed pursuant to ~~[NRS 126.051]~~
45 *section 35 of this act* or a noncustodial parent of a child for whom benefits are
46 being received by a household chooses to participate in the program established
47 pursuant to subsection 1, the Division may, within the limitations of available
48 funding, increase the amount of benefits provided to the head of the household on
49 behalf of the child.

50 **Sec. 122.** NRS 440.280 is hereby amended to read as follows:

51 440.280 1. If a birth occurs in a hospital or the mother and child are
52 immediately transported to a hospital, the person in charge of the hospital or his
53 designated representative shall obtain the necessary information, prepare a birth

certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or his designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the mother and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician in attendance at or immediately after the birth.

(b) Any other person in attendance at or immediately after the birth.

(c) The father, mother or, if the father is absent and the mother is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the mother was:

(a) Married at the time of birth, the name of her husband must be entered on the certificate as the father of the child unless:

(1) A court has issued an order establishing that a person other than the mother's husband is the father of the child; or

(2) The *mother's husband has signed a valid form for the denial of paternity pursuant to section 38 of this act and the* mother and a person other than the mother's husband have signed ~~an affidavit~~ *a valid form* for the voluntary acknowledgment of paternity ~~developed by the Board~~ pursuant to ~~[NRS 440.283.]~~ *sections 36 and 37 of this act.*

(b) Widowed at the time of birth ~~but married at the time of conception,~~ *and the child has a presumed father,* the name of ~~her husband at the time of conception~~ *the presumed father* must be entered on the certificate as the father of the child unless:

(1) A court has issued an order establishing that a person other than the mother's husband at the time of conception is the father of the child; or

(2) ~~[The]~~ *Before his death, the mother's husband signed a valid form for the denial of paternity pursuant to section 38 of this act and the* mother and a person other than the mother's husband at the time of conception have signed ~~an affidavit~~ *a valid form* for the voluntary acknowledgment of paternity ~~developed by the Board~~ pursuant to ~~[NRS 440.283.]~~ *sections 36 and 37 of this act.*

6. If the mother was unmarried at the time of birth, the name of the father may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the father of the child; or

(c) The *presumed father of the child, if any, has signed a valid denial of paternity pursuant to section 38 of this act and the* mother and father of the child have signed ~~an affidavit~~ *a valid form* for the voluntary acknowledgment of paternity ~~developed by the Board~~ pursuant to ~~[NRS 440.283.]~~ *sections 36 and 37 of this act.* If both the father and mother execute an affidavit consenting to the use of the surname of the father as the surname of the child, the name of the father must be entered on the original certificate of birth and the surname of the father must be entered thereon as the surname of the child.

7. An order entered or *a form or* an affidavit executed pursuant to subsection 6 must be submitted to the local health officer, his authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order, *form* or affidavit must then be delivered to the State Registrar for filing. The State Registrar's file of orders, *forms* and affidavits must be sealed, and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of the father or mother or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section ~~["court"]~~:

(a) *"Court"* has the meaning ascribed to it in NRS 125B.004.

(b) *"Presumed father"* has the meaning ascribed to it in section 22 of this act.

Sec. 123. NRS 440.283 is hereby amended to read as follows:

440.283 1. The Board shall:

(a) ~~Develop an affidavit~~ *Pursuant to section 47 of this act, prescribe forms* for the voluntary acknowledgment *and denial* of paternity in this State that complies with the requirements prescribed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 652(a); and

(b) Distribute the ~~affidavits~~ *forms* to:

(1) Each hospital or obstetric center in this State; and

(2) Any other entity authorized to provide services relating to the voluntary acknowledgment of paternity pursuant to the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

2. Subject to the provisions of subsection 3, the State Registrar of Vital Statistics and the entities described in paragraph (b) of subsection 1 shall offer to provide services relating to the voluntary acknowledgment of paternity in the manner prescribed in the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

3. Before providing ~~an affidavit~~ *a form* for the acknowledgment of paternity to the mother of a child or a person who wishes to acknowledge the paternity of the child, the agencies described in paragraph (b) of subsection 1 shall ensure that the mother and the person who wishes to acknowledge paternity are given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the ~~affidavit~~ *form* for the acknowledgment of paternity.

Sec. 124. NRS 440.325 is hereby amended to read as follows:

440.325 1. In the case of the paternity of a child being established by the:

(a) Mother and father acknowledging paternity of a child by signing ~~an affidavit~~ *a valid form* for the voluntary acknowledgment of paternity ~~developed by the Board~~ pursuant to ~~NRS 440.283;~~ *sections 36 and 37 of this act;* or

(b) Order of a district court,

➤ the State Registrar, upon the receipt of the ~~affidavit~~ *form* or court order, shall prepare a new certificate of birth in the name of the child as shown in the ~~affidavit~~ *form* or order with no reference to the fact of legitimation.

2. The new certificate must be identical with the certificate registered for the birth of a child born in wedlock.

3. Except as otherwise provided in subsection 4, the evidence upon which the new certificate was made and the original certificate must be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

4. The State Registrar shall, upon the request of the Division of Welfare and Supportive Services of the Department of Health and Human Services, open a file that has been sealed pursuant to subsection 3 to allow the Division to compare the information contained in the ~~affidavit~~ *form* or order upon which the new certificate was made with the information maintained pursuant to 42 U.S.C. § 654a.

Sec. 125. NRS 449.246 is hereby amended to read as follows:

449.246 1. Before discharging an unmarried woman who has borne a child, a hospital or obstetric center shall provide to the child's mother and father:

(a) The opportunity to sign, in the hospital, ~~an affidavit~~ *a form* for the voluntary acknowledgment *or denial* of paternity ~~developed~~ *prescribed* pursuant to ~~NRS 440.283;~~

section 47 of this act;

(b) Written materials about establishing paternity;

(c) The forms necessary to acknowledge paternity voluntarily;

(d) A written description of the rights and responsibilities of acknowledging paternity; and

(e) The opportunity to speak by telephone with personnel of the program for enforcement of child support who are trained to clarify information and answer questions about the establishment of paternity.

2. The Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services shall adopt the regulations necessary to ensure that the services provided by a hospital or obstetric center pursuant to this section are in compliance with the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

Sec. 126. NRS 629.121 is hereby amended to read as follows:

629.121 "Genetic test" means *genetic testing, as that term is defined in section 16 of this act, or* a test, including a laboratory test that uses deoxyribonucleic acid extracted from the cells of a person or a diagnostic test, to determine the presence of abnormalities or deficiencies, including carrier status, that:

1. Are linked to physical or mental disorders or impairments; or

2. Indicate a susceptibility to illness, disease, impairment or any other disorder, whether physical or mental.

Sec. 127. NRS 629.151 is hereby amended to read as follows:

629.151 It is unlawful to obtain any genetic information of a person without first obtaining the informed consent of the person or the person's legal guardian pursuant to NRS 629.181, unless the information is obtained:

1. By a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

2. To determine the parentage or identity of a person pursuant to NRS 56.020;

3. To determine the paternity of a person pursuant to ~~NRS 126.121~~ *sections 64 to 74, inclusive, of this act or NRS 425.384;*

4. For use in a study where the identities of the persons from whom the genetic information is obtained are not disclosed to the person conducting the study;

5. To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law; or

6. Pursuant to an order of a court of competent jurisdiction.

Sec. 128. NRS 629.171 is hereby amended to read as follows:

629.171 It is unlawful to disclose or to compel a person to disclose the identity of a person who was the subject of a genetic test or to disclose genetic information of that person in a manner that allows identification of the person,

without first obtaining the informed consent of that person or his legal guardian pursuant to NRS 629.181, unless the information is disclosed:

1. To conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

2. To determine the parentage or identity of a person pursuant to NRS 56.020;

3. To determine the paternity of a person pursuant to ~~NRS 126.121~~ **sections 64 to 74, inclusive, of this act** or NRS 425.384;

4. Pursuant to an order of a court of competent jurisdiction;

5. By a physician and is the genetic information of a deceased person that will assist in the medical diagnosis of persons related to the deceased person by blood;

6. To a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

7. To determine the presence of certain preventable or inheritable preventable disorders in an infant pursuant to NRS 442.008 or a provision of federal law; ~~for~~

8. To carry out the provisions of NRS 442.300 to 442.330, inclusive; **or**

9. By an agency of criminal justice pursuant to NRS 179A.075.

Sec. 129. NRS 126.011, 126.041, 126.045, 126.051, 126.053, 126.061, 126.071, 126.081, 126.091, 126.101, 126.105, 126.111, 126.121, 126.131, 126.141, 126.143, 126.151, 126.161, 126.163, 126.171, 126.181, 126.191, 126.193, 126.201, 126.211, 126.221, 126.223, 126.231, 126.371, ~~128.085, 128.150~~ and 440.287 are hereby repealed.

Sec. 130. A proceeding to adjudicate parentage which was commenced before October 1, 2007, is governed by the law in effect at the time the proceeding was commenced.

LEADLINES OF REPEALED SECTIONS

126.011 Applicability of chapter.

126.041 Establishment of relationship.

126.045 Contract requirements; treatment of intended parents as natural parents; unlawful acts.

126.051 Presumptions of paternity.

126.053 Voluntary acknowledgment of paternity.

126.061 Artificial insemination.

126.071 Who may bring action; when action may be brought.

126.081 Period of limitations.

126.091 Jurisdiction; venue.

126.101 Parties.

126.105 Service of process.

126.111 Pretrial hearing; testimony.

126.121 Tests for typing of blood or genetic identification; admissibility in court; effect of refusal to submit to test.

126.131 Evidence relating to paternity; evidence of costs of certain medical services.

126.141 Pretrial recommendations.

126.143 Order for temporary support of child.

126.151 Trial: Applicability of Nevada Rules of Civil Procedure; admissibility of evidence of other sexual contact; without jury.

126.161 Contents and effect of judgment or order.

126.163 Order issued on or after October 1, 1998: Provision of information by court and parties to action; regulations.

126.171 Costs.

126.181 Enforcement of judgment or order.

126.191 Modification of judgment or order.

126.193 Cause of action subsequent to issuance of order: Notice and service of process.

126.201 Right to counsel; appointment of counsel by court; free transcript on appeal.

126.211 Hearings and records: Confidentiality.

126.221 Substitution of certificate of birth.

126.223 Entry of default upon failure to plead or defend in action.

126.231 Who may bring action; provisions of chapter applicable to action.

126.371 Promise to furnish support for child: Enforcement; confidentiality.

~~{ **128.085** Petition by mother of unborn child: Notice to father or putative father; time of hearing.~~

~~**128.150** Termination of parental rights of father when child becomes subject of adoption. }~~

440.287 Rescission of affidavit for voluntary acknowledgment of paternity.