

Amendment No. 341

Assembly Amendment to Assembly Bill No. 101 (BDR 38-340)

Proposed by: Assembly Committee on Health and Human Services**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will REMOVE the unfunded mandate from A.B. 101.

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 dashed underlining* is newly added transitory language.

JRS/TMC



Date: 4/17/2009

A.B. No. 101—Revises provisions governing the support of children.
(BDR 38-340)



ASSEMBLY BILL NO. 101—COMMITTEE ON
HEALTH AND HUMAN SERVICES(ON BEHALF OF THE DIVISION OF WELFARE
AND SUPPORTIVE SERVICES)

PREFILED DECEMBER 15, 2008

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the support of children.
(BDR 38-340)FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.~~{CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)}~~

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

AN ACT relating to the support of children; ~~{requiring certain counties}~~
authorizing each county in this State to participate ~~{fully}~~ in the
Program for the Enforcement of Child Support; ~~{authorizing other~~
~~counties to participate in the Program;}~~ requiring each county that
participates in the Program to pay the cost of the Program in that
county; revising certain provisions governing the administration and
enforcement of the Program; deleting provisions relating to the
placement and confidentiality of certain records concerning the support
of a dependent child; requiring a district court to review, on the record,
certain recommendations of a master; revising provisions governing
the failure of an employer to deliver money that is withheld from the
income of an employee for child support; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill ~~{requires}~~ **authorizes** each county ~~{whose population is 100,000 or~~
~~more (currently Clark and Washoe Counties)}~~ **in this State** to participate ~~{fully}~~ in the
Program for the Enforcement of Child Support created under federal law. ~~{and to}~~ **If a county**
participates in the Program, the county must pay for the cost of the Program in that county.
Section 1 also authorizes ~~{any other}~~ a county ~~{to participate}~~ **that participates** in the
Program. ~~{If such a county participates in the Program, the county must pay for the cost of}~~ **to**
withdraw from the Program ~~{in that county}~~ **after providing a notice of withdrawal to the**
Division of Welfare and Supportive Services of the Department of Health and Human
Services.

Section 2 of this bill provides that any payment of public assistance made by the Division
~~{of Welfare and Supportive Services of the Department of Health and Human Services}~~ for the

support of a child creates a debt against the responsible parent, regardless of any court order for custody or support of the child to the contrary. (NRS 425.360)

Section 3 of this bill specifies that the Administrator of the Division or his designee is responsible for and is required to supervise the Program. (NRS 425.365)

Sections 5, 7, 10, 14 and 15 of this bill specify that the approval by a district court of a recommendation made by a master concerning the support of a dependent child must be made in accordance with certain procedural requirements. (NRS 425.382, 425.383, 425.3836, 425.540)

Sections 6, 11, 12, 19 and 21 of this bill delete provisions of existing law that require a master, after making a recommendation for the support of a dependent child, or a district court to ensure that the social security numbers of the parents or legal guardians of the child and the person to whom support is paid are placed in the records relating to the matter and remain confidential. (NRS 425.3828, 425.3844, 425.3855, 125.230, 125B.055)

Section 8 of this bill authorizes a master who conducts a hearing relating to the support of a dependent child to conduct the hearing by telephone or by any audiovisual or other electronic means outside the judicial district in which the master is appointed. (NRS 425.3832)

Section 9 of this bill provides that if a district court reviews a recommendation of a master concerning the support of a dependent child, the review must be conducted on the record of the case before the master. (NRS 425.3834)

Under existing law, a master who makes a recommendation concerning the support of a dependent child must furnish the recommendation to each party in the case before the master. Each party may then file an objection to the recommendation within 10 days after receiving the recommendation. If a notice of objection is not filed, the district court must accept the recommendation and may enter judgment thereon. **Section 11** of this bill provides that if a notice of objection is not filed, the recommendation of the master shall be deemed approved by the district court and the clerk of the court may file the recommendation. (NRS 425.3844)

Section 13 of this bill provides that a financial institution which is doing business in Nevada and which receives notification of a lien against a responsible parent from an agency for the enforcement of child support located in another state is required to encumber all assets held by the financial institution on behalf of the responsible parent and surrender those assets upon the enforcement of the lien. **Section 13** also provides immunity from liability for the agency located in another state for disclosing information and providing assets to certain other persons. (NRS 425.460)

Sections 16 and 17 of this bill set forth penalties that may be imposed against an employer who fails to deliver to the appropriate enforcing authority any money that the employer is required to withhold from an employee's wages for child support owed by the employee. The penalties include, without limitation, the payment of punitive damages to the person to whom the child support is owed. (NRS 31A.095, 31A.120)

Section 18 of this bill deletes provisions of existing law that require a court that grants a decree of divorce to ensure that the social security numbers of both parties to the decree are provided to the Division. (NRS 125.130)

Section 22 of this bill revises provisions governing the amounts paid by a parent for medical support for a child pursuant to a court order requiring the payment of that support. (NRS 125B.085)

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

Section 1. Chapter 425 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each county ~~(whose population is 100,000 or more shall)~~ may participate (fully) in the Program . and If a county participates in the Program, the county shall pay the cost of the Program in that county. Any services provided by the county under the Program must be provided in accordance with:

1 (a) *Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq., and*
2 *any regulations adopted pursuant thereto; ~~and~~*

3 (b) *Any regulations adopted pursuant to NRS 425.365 ~~for~~*
4 ~~*2. Each county whose population is less than 100,000 may participate in the*~~
5 ~~*Program. If such a county participates in the Program, the county shall pay the*~~
6 ~~*cost of the Program in that county in accordance with a*~~; *and*

7 ~~*(c) A contract entered into with the Division ~~for~~ for that purpose.*~~
8 *2. If a county participates in the Program pursuant to subsection 1, the*
9 *county may, on or before September 1 of each even-numbered year, elect to*
10 *withdraw from the Program by submitting a notice of withdrawal to the Division.*
11 *If a county submits a notice of withdrawal pursuant to this subsection, the*
12 *withdrawal becomes effective on July 1 of the next following year.*

13 Sec. 2. NRS 425.360 is hereby amended to read as follows:

14 425.360 1. Any payment of public assistance pursuant to this chapter
15 creates a debt for support to the Division by the responsible parent, ~~(whether or not)~~
16 *regardless of:*

17 (a) *Any court order for custody or support to the contrary, including, without*
18 *limitation, an order for joint physical custody; or*

19 (b) *Whether* the parent received prior notice that his child was receiving public
20 assistance.

21 2. The Division is entitled to the amount to which a dependent child or a
22 person having the care, custody and control of a dependent child would have been
23 entitled for support, to the extent of the assignment of those rights to support
24 pursuant to NRS 425.350, and may prosecute or maintain any action for support or
25 execute any administrative remedy existing under the laws of this State to obtain
26 reimbursement of money expended for public assistance from any liable third party,
27 including, *without limitation*, an insurer, group health plan as defined in section
28 607(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C.A. §
29 1167(1), service benefit plan, self-insured plan or health maintenance organization.
30 If a court enters judgment for an amount of support to be paid by a responsible
31 parent, the Division is entitled to the amount of the debt created by that judgment to
32 the extent of the assignment of rights to support pursuant to NRS 425.350, and the
33 judgment awarded shall be deemed to be in favor of the Division to that extent.
34 This entitlement applies to, but is not limited to, a temporary order for spousal
35 support, a family maintenance order or an alimony order, whether or not allocated
36 to the benefit of the child on the basis of providing necessities for the caretaker of
37 the child, up to the amount paid by the Division in public assistance to or for the
38 benefit of a dependent child. The Division may petition the appropriate court for
39 modification of its order on the same grounds as a party to the action.

40 3. If there is no court order for support, or if the order provides that no
41 support is due but the facts on which the order was based have changed, the amount
42 due is the amount computed pursuant to NRS 125B.070 and 125B.080, using the
43 Nevada average wage, determined by the Employment Security Division of the
44 Department of Employment, Training and Rehabilitation, if the gross income of
45 the responsible parent cannot be otherwise ascertained.

46 4. Debts for support may not be incurred by a parent or any other person who
47 is the recipient of public assistance for the benefit of a dependent child for the
48 period when the parent or other person is a recipient.

49 5. If a state agency is assigned any rights of a dependent child or a person
50 having the care, custody and control of a dependent child who is eligible for
51 medical assistance under Medicaid, the person having the care, custody and control
52 of the dependent child shall, upon request of the state agency, provide to the state

agency information regarding the dependent child or a person having the care, custody and control of a dependent child to determine:

(a) Any period during which the dependent child or a person having the care, custody and control of a dependent child may be or may have been covered by an insurer; and

(b) The nature of any coverage that is or was provided by the insurer, including, without limitation, the name and address of the insured dependent child or a person having the care, custody and control of a dependent child and the identifying number of the policy, evidence of coverage or contract.

6. As used in this section, "joint physical custody" means the physical custody of a dependent child for which the time spent by the dependent child with each responsible parent or with the responsible parent and a custodian of the child is equal.

Sec. 3. NRS 425.365 is hereby amended to read as follows:

425.365 1. The Administrator or his designee is responsible for and shall supervise the Program, subject to administrative supervision by the Director of the Department of Health and Human Services.

2. The Administrator may adopt such regulations and take such actions as are necessary to carry out the provisions of this chapter.

Sec. 4. NRS 425.370 is hereby amended to read as follows:

425.370 Subject to administrative supervision by the Director of the Department of Health and Human Services pursuant to NRS 425.365:

1. Whenever the Division provides public assistance on behalf of a child, the Division and the prosecuting attorney shall take appropriate action to carry out the Program with regard to that child.

2. As to any other child, the Division and the prosecuting attorney shall, when such action is required by the Social Security Act, ~~42~~ 42 U.S.C. §§ 301 et seq., ~~42~~ take appropriate action to carry out the Program.

Sec. 5. NRS 425.382 is hereby amended to read as follows:

425.382 1. Except as otherwise provided in NRS 425.346, the Chief may proceed pursuant to NRS 425.3822 to 425.3852, inclusive, after:

(a) Payment of public assistance by the Division; or

(b) Receipt of a request for services to carry out the Program.

2. Subject to approval by the district court ~~42~~ pursuant to NRS 425.3844, a master may:

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

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

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

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

(3) Establish paternity;

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

(5) Order the withholding of income;

(6) Determine the amount of any arrearages and specify a method of payment;

(7) Enforce orders by civil or criminal contempt, or both;

(8) Set aside property for satisfaction of an order for the support of a dependent child;

(9) Place liens and order execution on the property of the responsible parent;

(10) Order a responsible parent to keep the master informed of his current residential address, telephone number, employer, address of employment and telephone number at the place of employment;

(11) Issue a bench warrant for a responsible parent who has failed after proper notice to appear at a hearing ordered by the master and enter the bench warrant in any local and state computer system for criminal warrants;

(12) Order the responsible parent to seek appropriate employment by specified methods;

(13) Order the responsible parent to participate in a program intended to resolve issues that prevent the responsible parent from obtaining employment, including, without limitation, a program for the treatment of substance abuse or a program to address mental health issues;

(14) Upon the request of the Division, require a responsible parent to:

(I) Pay any support owed in accordance with a plan approved by the Division; or

(II) Participate in such work activities, as that term is defined in 42 U.S.C. § 607(d), as the Division deems appropriate;

(15) Award reasonable attorney's fees and other fees and costs; and

(16) Grant any other available remedy.

Sec. 6. NRS 425.3828 is hereby amended to read as follows:

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

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

(a) Include in that recommendation:

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

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

(3) The amount of arrearages owed.

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

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

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

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

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

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

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

~~(1) Provided~~ **provided** to the enforcing authority.

~~{(2) Placed in the records relating to the matter and, except as otherwise required to carry out the provisions of NRS 239.0115 or any other specific statute, maintained in a confidential manner.}~~

3. The parent must be sent a copy of the recommendation for the support of a dependent child by regular mail addressed to the last known address of the parent, or if applicable, the last known address of the attorney for the parent.

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

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

Sec. 7. NRS 425.383 is hereby amended to read as follows:

425.383 1. After the entry of a recommendation for the support of a dependent child by the master that has been approved by the district court ~~or~~ pursuant to NRS 425.3844, or after entry of an order for the support of a dependent child by a district court regarding which the Chief is authorized to proceed pursuant to NRS 425.382 to 425.3852, inclusive, the responsible parent, the person entitled to support or the enforcing authority may move for the amount of the child support being enforced to be modified or adjusted in accordance with NRS 125B.145.

2. The motion must:

(a) Be in writing.

(b) Set out the reasons for the modification or adjustment.

(c) State the address of the moving party.

(d) Be served by the moving party upon the responsible parent or the person entitled to support, as appropriate, by first-class mail to the last known address of that person.

3. The moving party shall mail or deliver a copy of the motion and the original return of service to the Chief.

4. The Chief shall set the matter for a hearing within 30 days after the date of receipt of the motion unless a stipulated agreement between the parties is reached. The Chief shall send to the parties and person with physical custody of the dependent child a notice of the hearing by first-class mail to the last known address of those persons.

5. A motion for modification or adjustment requested pursuant to this section does not prohibit the Chief from enforcing and collecting upon the existing order for support of a dependent child unless so ordered by the district court.

6. The only support payments that may be modified or adjusted pursuant to this section are monthly support payments that:

(a) A court of this State has jurisdiction to modify pursuant to chapter 130 of NRS; and

(b) Accrue after the moving party serves notice that a motion has been filed for modification or adjustment.

7. The party requesting the modification or adjustment has the burden of showing a change of circumstances and good cause for the modification or adjustment, unless the request is filed in accordance with subsection 1 of NRS 125B.145.

Sec. 8. NRS 425.3832 is hereby amended to read as follows:

425.3832 1. Except as otherwise provided in this chapter, a hearing conducted pursuant to NRS 425.382 to 425.3852, inclusive, must be conducted in

1 accordance with the provisions of this section by a qualified master appointed
2 pursuant to NRS 425.381.

3 2. Subpoenas may be issued by:

4 (a) The master.

5 (b) The attorney of record for the office.

6 ➔ Obedience to the subpoena may be compelled in the same manner as provided in
7 chapter 22 of NRS. A witness appearing pursuant to a subpoena, other than a party
8 or an officer or employee of the Chief, is entitled to receive the fees and payment
9 for mileage prescribed for a witness in a civil action.

10 3. Except as otherwise provided in this section, the master need not observe
11 strict rules of evidence ~~§~~ but shall apply those rules of evidence prescribed in
12 NRS 233B.123.

13 4. The affidavit of any party who resides outside of the judicial district is
14 admissible as evidence regarding the duty of support, any arrearages and the
15 establishment of paternity. The master may continue the hearing to allow
16 procedures for discovery regarding any matter set forth in the affidavit.

17 5. The physical presence of a person seeking the establishment, enforcement,
18 modification or adjustment of an order for the support of a dependent child or the
19 establishment of paternity is not required.

20 6. A verified petition, an affidavit, a document substantially complying with
21 federally mandated forms and a document incorporated by reference in any of
22 them, not excluded under NRS 51.065 if given in person, is admissible in evidence
23 if given under oath by a party or witness residing outside of the judicial district.

24 7. A copy of the record of payments for the support of a dependent child,
25 certified as a true copy of the original by the custodian of the record, may be
26 forwarded to the master. The copy is evidence of facts asserted therein and is
27 admissible to show whether payments were made.

28 8. Copies of bills for testing for paternity, and for prenatal and postnatal
29 health care of the mother and child, furnished to the adverse party at least 20 days
30 before the hearing, are admissible in evidence to prove the amount of the charges
31 billed and that the charges were reasonable, necessary and customary.

32 9. Documentary evidence transmitted from outside of the judicial district by
33 telephone, telecopier or other means that do not provide an original writing may not
34 be excluded from evidence on an objection based on the means of transmission.

35 10. The master may ~~permit~~:

36 (a) *Conduct a hearing by telephone, audiovisual means or other electronic*
37 *means outside of the judicial district in which he is appointed.*

38 (b) *Permit* a party or witness residing outside of the judicial district to be
39 deposed or to testify by telephone, audiovisual means or other electronic means
40 before a designated court or at another location outside of the judicial district.

41 ➔ The master shall cooperate with courts outside of the judicial district in
42 designating an appropriate location for the *hearing*, deposition or testimony.

43 11. If a party called to testify at a hearing refuses to answer a question on the
44 ground that the testimony may be self-incriminating, the master may draw an
45 adverse inference from the refusal.

46 12. A privilege against the disclosure of communications between husband
47 and wife does not apply.

48 13. The defense of immunity based on the relationship of husband and wife or
49 parent and child does not apply.

50 **Sec. 9.** NRS 425.3834 is hereby amended to read as follows:

51 425.3834 1. Upon issuance by a district court of an order approving a
52 recommendation entered by a master pursuant to NRS 425.382 to 425.3852,
53 inclusive, the Chief shall enforce and collect upon the order, including arrearages.

2. A recommendation entered by a master pursuant to NRS 425.382 to 425.3852, inclusive, is final upon approval by the district court pursuant to NRS 425.3844. Upon such approval, the recommendation is in full force and effect while any judicial review is pending unless the recommendation is stayed by the district court.

3. The district court may review ~~[, pursuant to the rules adopted therefor by the district judges of the judicial district in which the court is located,]~~ a recommendation entered by a master pursuant to NRS 425.382 to 425.3852, inclusive. *If a review is conducted, the district court shall review the recommendation on the record of the case before the master.*

Sec. 10. NRS 425.3836 is hereby amended to read as follows:

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

2. The notice must include:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 a dependent child in accordance with the notice and shall include in that
2 recommendation:

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

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

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

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

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

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

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

20 6. The master may hold a hearing to enforce a recommendation for the
21 support of a dependent child after the recommendation has been entered and
22 approved by the district court ~~and~~ pursuant to NRS 425.3844. The master may enter
23 a finding that the parent has not complied with the order of the court and may
24 recommend to the district court that the parent be held in contempt of court. The
25 finding and recommendation is effective upon review and approval of the district
26 court.

27 **Sec. 11.** NRS 425.3844 is hereby amended to read as follows:

28 425.3844 1. A recommendation entered by a master pursuant to NRS
29 425.382 to 425.3852, inclusive, including a recommendation establishing paternity,
30 must be furnished to each party or his attorney at the conclusion of the proceedings
31 or as soon thereafter as possible.

32 2. Within 10 days after receipt of the recommendation, any party may file
33 with the district court and serve upon the other parties a notice of objection to the
34 recommendation. The notice must include:

35 (a) A copy of the master's recommendation;

36 (b) The results of any blood tests or tests for genetic identification examined by
37 the master;

38 (c) A concise statement setting forth the reasons that the party disagrees with
39 the master's recommendation, including any affirmative defenses that must be
40 pleaded pursuant to the Nevada Rules of Civil Procedure;

41 (d) A statement of the relief requested;

42 (e) The notice and finding of financial responsibility if the Chief issued such a
43 notice and finding; and

44 (f) Any other relevant documents.

45 3. ~~The district court shall:~~

46 ~~—(a) If , within 10 days after receipt of the recommendation, a notice of~~
47 ~~objection is [not] :~~

48 (a) Not filed, ~~[accept]~~ the recommendation entered by the master ~~[including a~~
49 ~~recommendation establishing paternity, unless clearly erroneous.] shall be deemed~~
50 ~~approved by the district court, and the clerk of the district court may file the~~
51 ~~recommendation pursuant to subsection 7 and~~ judgment may be entered thereon;
52 or

(b) ~~[If a notice of objection is filed within the 10 day period,]~~ *Filed, the district court shall* review the matter pursuant to NRS 425.3834.

4. A party who receives a notice of objection pursuant to subsection 2 is not required to file an answer to that notice. The district court shall review each objection contained in the notice.

5. If a notice of objection includes an objection to a recommendation establishing paternity, the enforcement of any obligation for the support of the child recommended by the master must, upon the filing and service of the notice, be stayed until the district court rules upon the determination of paternity. The obligation for the support of the child continues to accrue during the consideration of the determination of paternity and must be collected as arrears after the completion of the trial if the court approves the recommendation of the master.

6. If a recommendation entered by a master, ~~[pursuant to NRS 425.382 to 425.3852, inclusive,]~~ including a recommendation establishing paternity, *is deemed approved by the district court pursuant to paragraph (a) of subsection 3 and the recommendation* modifies or adjusts a previous order for support issued by any district court in this State, that district court ~~[shall review the recommendation and approve or reject the recommendation issued]~~ *must be notified of the recommendation* by the master.

7. Upon approval by the district court of a recommendation entered by a master pursuant to NRS 425.382 to 425.3852, inclusive, including a recommendation establishing paternity, a copy of the recommendation, with the approval of the court endorsed thereon, must be filed:

(a) In the office of the clerk of the district court;

(b) If the order of the district court approving the recommendation of the master modifies or adjusts a previous order issued by any district court in this State, with the original order in the office of the clerk of that district court; and

(c) With any court that conducts a proceeding related thereto pursuant to the provisions of chapter 130 of NRS.

8. A district court that approves a recommendation pursuant to this section shall ensure that, before the recommendation is filed pursuant to subsection 7, the social security numbers of the parents or legal guardians of the child are ~~[-]~~

~~—(a) Provided]~~ *provided* to the enforcing authority.

~~[(b) Placed in the records relating to the matter and, except as otherwise required to carry out the provisions of NRS 239.0115 or any other specific statute, maintained in a confidential manner.]~~

9. Upon the approval and filing of the recommendation as provided in subsection 7, the recommendation has the force, effect and attributes of an order or decree of the district court, including, but not limited to, enforcement by supplementary proceedings, contempt of court proceedings, writs of execution, liens and writs of garnishment.

Sec. 12. NRS 425.3855 is hereby amended to read as follows:

425.3855 A district court that enters an order pursuant to NRS 425.382 to 425.3852, inclusive, or an order approving a recommendation for the support of a dependent child made by a master shall ensure that the social security numbers of the parents or legal guardians of the child are ~~[-]~~

~~—1. Provided]~~ *provided* to the enforcing authority.

~~[(2. Placed in the records relating to the matter and, except as otherwise required to carry out the provisions of NRS 239.0115 or any other specific statute, maintained in a confidential manner.)]~~

Sec. 13. NRS 425.460 is hereby amended to read as follows:

425.460 1. The Administrator shall enter into agreements with financial institutions doing business in this State to coordinate the development and

operation of a system for matching data, using automated exchanges of data to the maximum extent feasible.

2. A financial institution doing business in this State shall:

(a) Cooperate with the Administrator in carrying out subsection 1.

(b) Use the system to provide to the Division for each calendar quarter the name, address of record, social security number or other number assigned for taxpayer identification, and other identifying information for each responsible parent who maintains an account at the financial institution, as identified by the Division by name and social security number or other number assigned for taxpayer identification.

(c) In response to the receipt from the Division *or an agency for the enforcement of child support located in another state* of:

(1) Notification of a lien against a responsible parent which:

(I) Arises pursuant to NRS 125B.142; or

(II) Is entitled to full faith and credit pursuant to NRS 125B.144,

➤ encumber ~~such~~ all assets held by the financial institution on behalf of the responsible parent ~~as may be required by the Chief.~~ *and surrender those assets upon the enforcement of the lien pursuant to those sections.*

(2) A notice of attachment pursuant to subsection 2 of NRS 425.470, surrender to the Chief such assets held by the financial institution on behalf of the responsible parent as may be required by the Chief.

(d) Except as otherwise provided in paragraph (c), in response to the receipt of notice of a lien which is entitled to full faith and credit pursuant to NRS 125B.144 or notice of a levy on such a lien, encumber or surrender, as the case may be, such assets held by the financial institution on behalf of the responsible parent as may be required to enforce the lien.

➤ A financial institution doing business in this State which receives from the Division *or an agency for the enforcement of child support located in another state* a notice of lien, notice of attachment or notice of levy on a lien is not required to encumber or surrender any assets received by the financial institution on behalf of the responsible parent after the financial institution received the notice of lien, notice of attachment or notice of levy on a lien.

3. A financial institution may not be held liable in any civil or criminal action for:

(a) Any disclosure of information to the Division *or an agency for the enforcement of child support located in another state* pursuant to this section.

(b) Encumbering or surrendering any assets held by the financial institution pursuant to this section.

(c) Any other action taken in good faith to comply with the requirements of this section.

4. If a court issues an order to return to a responsible parent any assets surrendered by a financial institution pursuant to subsection 2, the Division *or an agency for the enforcement of child support located in another state* is not liable to the responsible parent for any of those assets that have been provided to another person or agency in accordance with the order for the payment of support.

Sec. 14. NRS 425.540 is hereby amended to read as follows:

425.540 1. If a master enters a recommendation determining that a person:

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

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

➤ and the district court issues an order approving the recommendation of the master ~~to~~ *pursuant to NRS 425.3844*, the court shall provide a copy of the order to

all agencies that issue professional, occupational or recreational licenses, certificates or permits.

2. A court order issued pursuant to subsection 1 must provide that if the person named in the order does not, within 30 days after the date on which the order is issued, submit to any agency that has issued a professional, occupational or recreational license, certificate or permit to that person a letter from the district attorney or other public agency stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560, the professional, occupational or recreational licenses issued to the person by that agency will be automatically suspended. Such an order must not apply to a license, certificate or permit issued by the Department of Wildlife or the State Land Registrar if that license, certificate or permit expires less than 6 months after it is issued.

3. If a court issues an order pursuant to subsection 1, the district attorney or other public agency shall send a notice by first-class mail to the person who is subject to the order. The notice must include:

(a) If the person has failed to comply with a subpoena or warrant, a copy of the court order and a copy of the subpoena or warrant; or

(b) If the person is in arrears in the payment for the support of one or more children:

(1) A copy of the court order;

(2) A statement of the amount of the arrearage; and

(3) A statement of the action that the person may take to satisfy the arrearage pursuant to NRS 425.560.

Sec. 15. NRS 425.540 is hereby amended to read as follows:

425.540 1. If a master enters a recommendation determining that a person who is issued a professional or occupational license, certificate or permit pursuant to title 54 of NRS:

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

(b) Is in arrears in the payment for the support of one or more children, and the district court issues an order approving the recommendation of the master ~~and~~ pursuant to NRS 425.3844, the court shall provide a copy of the order to all agencies that issue professional or occupational licenses, certificates or permits pursuant to title 54 of NRS.

2. A court order issued pursuant to subsection 1 must provide that if the person named in the order does not, within 30 days after the date on which the order is issued, submit to any agency that has issued a professional or occupational license, certificate or permit pursuant to title 54 of NRS to that person a letter from the district attorney or other public agency stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560, any professional or occupational license, certificate or permit issued pursuant to title 54 of NRS to the person by that agency will be automatically suspended.

3. If a court issues an order pursuant to subsection 1, the district attorney or other public agency shall send a notice by first-class mail to the person who is subject to the order. The notice must include:

(a) If the person has failed to comply with a subpoena or warrant, a copy of the court order and a copy of the subpoena or warrant; or

(b) If the person is in arrears in the payment for the support of one or more children:

(1) A copy of the court order;

(2) A statement of the amount of the arrearage; and

(3) A statement of the action that the person may take to satisfy the arrearage pursuant to NRS 425.560.

Sec. 16. NRS 31A.095 is hereby amended to read as follows:

31A.095 1. If an employer ~~wrongfully~~:

(a) ~~Wrongfully~~ refuses to withhold income as required pursuant to NRS 31A.025 to 31A.190, inclusive, after receiving a notice to withhold income that was sent by certified mail pursuant to subsection 2 of NRS 31A.070 ~~or~~;

(b) ~~Fails to deliver to the enforcing authority any money required pursuant to NRS 31A.080; or~~ ~~knowingly~~

(c) ~~Knowingly~~ misrepresents the income of an employee,

the enforcing authority may apply for and the court may issue an order directing the employer to appear and show cause why he should not be subject to the penalty prescribed in subsection 2 of NRS 31A.120.

2. At the hearing on the order to show cause, the court, upon a finding that the employer wrongfully refused to withhold income as required, ~~failed to deliver money to the enforcing authority as required~~ or knowingly misrepresented an employee's income:

(a) May order the employer to comply with the requirements of NRS 31A.025 to 31A.190, inclusive;

(b) May order the employer to provide accurate information concerning the employee's income;

(c) May fine the employer pursuant to subsection 2 of NRS 31A.120; and

(d) Shall require the employer to pay the amount the employer failed or refused to withhold from the obligor's income ~~or~~ ~~failed to deliver to the enforcing authority~~.

Sec. 17. NRS 31A.120 is hereby amended to read as follows:

31A.120 1. It is unlawful for an employer to use the withholding of income to collect an obligation of support as a basis for refusing to hire a potential employee, discharging the employee or taking disciplinary action against him. Any employer who violates this section shall hire or reinstate the employee with no loss of pay or benefits, is liable for any payments of support not withheld ~~or~~ and shall be fined \$1,000. If an employee prevails in an action based on this section, the employer is liable, in an amount not less than \$2,500, for payment of the employee's costs and attorney's fees incurred in that action.

2. If an employer ~~wrongfully~~:

(a) ~~Wrongfully~~ refuses to withhold from the income of an obligor as required pursuant to NRS 31A.025 to 31A.190, inclusive ~~or~~;

(b) ~~Fails to deliver to the enforcing authority any money required pursuant to NRS 31A.080; or~~ ~~knowingly~~

(c) ~~Knowingly~~ misrepresents the income of the employee,

he shall pay the amount he refused to withhold ~~or failed to deliver~~ to the enforcing authority and may be ordered to pay punitive damages to the person to whom support is owed in an amount not to exceed \$1,000 for each pay period he failed to withhold income as required, ~~failed to deliver money to the enforcing authority as required~~ or knowingly misrepresented the income of the employee.

Sec. 18. NRS 125.130 is hereby amended to read as follows:

125.130 1. A judgment or decree of divorce granted pursuant to the provisions of this chapter is a final decree.

2. Whenever a decree of divorce from the bonds of matrimony is granted in this State by a court of competent authority, the decree fully and completely dissolves the marriage contract as to both parties.

3. A court that grants a decree of divorce pursuant to the provisions of this section shall ensure that the social security numbers of both parties are ~~or~~

~~(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.~~

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

4. In all suits for divorce, if a divorce is granted, the court may, for just and reasonable cause and by an appropriate order embodied in its decree, change the name of the wife to any former name which she has legally borne.

Sec. 19. NRS 125.230 is hereby amended to read as follows:

125.230 1. The court in such actions may make such preliminary and final orders as it may deem proper for the custody, control and support of any minor child or children of the parties.

2. A court that enters an order pursuant to subsection 1 for the support of any minor child or children shall ensure that the social security numbers of the parties are ~~is~~

~~(a) Provided~~ provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

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

Sec. 20. NRS 125.510 is hereby amended to read as follows:

125.510 1. In determining the custody of a minor child in an action brought pursuant to this chapter, the court may, except as otherwise provided in this section , ~~and~~ chapter 130 of NRS ~~is~~ and NRS 425.360:

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of any of the children of the marriage, make such an order for the custody, care, education, maintenance and support of the minor children as appears in their best interest; and

(b) At any time , modify or vacate its order, even if the divorce was obtained by default without an appearance in the action by one of the parties.

➤ The party seeking such an order shall submit to the jurisdiction of the court for the purposes of this subsection. The court may make such an order upon the application of one of the parties or the legal guardian of the minor.

2. Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.

3. Any order for custody of a minor child or children of a marriage entered by a court of another state may, subject to the jurisdictional requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.

4. A party may proceed pursuant to this section without counsel.

5. Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.

6. All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS and must contain the following language:

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN

1 NRS 193.130. NRS 200.359 provides that every person having a limited right of
2 custody to a child or any parent having no right of custody to the child who
3 willfully detains, conceals or removes the child from a parent, guardian or other
4 person having lawful custody or a right of visitation of the child in violation of an
5 order of this court, or removes the child from the jurisdiction of the court without
6 the consent of either the court or all persons who have the right to custody or
7 visitation is subject to being punished for a category D felony as provided in
8 NRS 193.130.

9
10 7. In addition to the language required pursuant to subsection 6, all orders
11 authorized by this section must specify that the terms of the Hague Convention *on*
12 *the Civil Aspects of International Child Abduction* of October 25, 1980, adopted
13 by the 14th Session of the Hague Conference on Private International Law, apply if
14 a parent abducts or wrongfully retains a child in a foreign country.

15 8. If a parent of the child lives in a foreign country or has significant
16 commitments in a foreign country:

17 (a) The parties may agree, and the court shall include in the order for custody
18 of the child, that the United States is the country of habitual residence of the child
19 for the purposes of applying the terms of the Hague Convention as set forth in
20 subsection 7.

21 (b) Upon motion of one of the parties, the court may order the parent to post a
22 bond if the court determines that the parent poses an imminent risk of wrongfully
23 removing or concealing the child outside the country of habitual residence. The
24 bond must be in an amount determined by the court and may be used only to pay
25 for the cost of locating the child and returning him to his habitual residence if the
26 child is wrongfully removed from or concealed outside the country of habitual
27 residence. The fact that a parent has significant commitments in a foreign country
28 does not create a presumption that the parent poses an imminent risk of wrongfully
29 removing or concealing the child.

30 9. Except where a contract providing otherwise has been executed pursuant to
31 NRS 123.080, the obligation for care, education, maintenance and support of any
32 minor child created by any order entered pursuant to this section ceases:

33 (a) Upon the death of the person to whom the order was directed; or

34 (b) When the child reaches 18 years of age if he is no longer enrolled in high
35 school, *or* otherwise, when he reaches 19 years of age.

36 10. As used in this section, a parent has "significant commitments in a foreign
37 country" if he:

38 (a) Is a citizen of a foreign country;

39 (b) Possesses a passport in his name from a foreign country;

40 (c) Became a citizen of the United States after marrying the other parent of the
41 child; or

42 (d) Frequently travels to a foreign country.

43 **Sec. 21.** NRS 125B.055 is hereby amended to read as follows:

44 125B.055 1. A court that, on or after October 1, 1998, issues or modifies an
45 order in this State for the support of a child shall ~~§~~

46 ~~—(a) Obtain~~ *obtain* and provide to the Division of Welfare and Supportive
47 Services of the Department of Health and Human Services such information
48 regarding the order as the Division of Welfare and Supportive Services determines
49 is necessary to carry out the provisions of 42 U.S.C. § 654a.

50 ~~[(b) Ensure that the social security numbers of the child and the parents of the~~
51 ~~child are placed in the records relating to the matter and, except as otherwise~~
52 ~~required to carry out a specific statute, maintained in a confidential manner.]~~

2. Within 10 days after a court of this State issues an order for the support of a child, each party to the cause of action shall file with the ~~court that issued the order and the~~ Division of Welfare and Supportive Services:

- (a) His social security number;
- (b) His residential and mailing addresses;
- (c) His telephone number;
- (d) His driver's license number; and
- (e) The name, address and telephone number of his employer.

Each party shall update the information filed with the ~~court and the~~ Division of Welfare and Supportive Services pursuant to this subsection within 10 days after that information becomes inaccurate.

3. The Division of Welfare and Supportive Services shall adopt regulations specifying the particular information required to be provided pursuant to subsection 1 to carry out the provisions of 42 U.S.C. § 654a.

Sec. 22. NRS 125B.085 is hereby amended to read as follows:

125B.085 1. Except as otherwise provided in NRS 125B.012, every court order for the support of a child issued or modified in this State on or after June 2, 2007, must include a provision specifying that one or both parents are required to provide medical support for the child and any details relating to that requirement.

2. As used in this section, "medical support" includes, without limitation, coverage for health care under a plan of insurance ~~that is reasonable in cost and accessible~~, including, without limitation, the payment of any premium, copayment or deductible and the payment of medical expenses. *For the purpose of this subsection:*

(a) *Payments of cash for medical support or the costs of coverage for health care under a plan of insurance are "reasonable in cost" if:*

(1) *In the case of payments of cash for medical support, the cost to each parent who is responsible for providing medical support is not more than 5 percent of the gross monthly income of the parent; or*

(2) *In the case of the costs of coverage for health care under a plan of insurance, the cost of adding a dependent child to any existing coverage for health care or the difference between individual and family coverage, whichever is less, is not more than 5 percent of the gross monthly income of the parent.*

(b) *Coverage for health care under a plan of insurance is "accessible" if the plan:*

(1) *Is not limited to coverage within a geographical area; or*

(2) *Is limited to coverage within a geographical area and the child resides within that geographical area.*

Sec. 23. ~~The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.~~
(Deleted by amendment.)

Sec. 24. 1. This section and sections 1 to 14, inclusive, and 16 to 23, inclusive, of this act become effective on October 1, 2009.

2. Section 14 of this act expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.

3. Section 15 of this act becomes effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.