

ASSEMBLY BILL NO. 389—ASSEMBLYMEN COHEN, FRIERSON, DIAZ;
DONDERO LOOP, DUNCAN, FIORE, HEALEY AND SPIEGEL

MARCH 18, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing parentage.
(BDR 11-922)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to parentage; providing that a child is not required to be made a party to certain actions to determine the paternity of the child; revising provisions governing the representation of a child in such an action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, in an action to determine paternity, a child is required to be
2 made a party to the action. Existing law also requires the child, if he or she is a
3 minor, to be represented by his or her general guardian or a guardian ad litem
4 appointed by the court. (NRS 126.101) This bill removes from existing law the
5 requirement that a child be made a party to an action to determine the paternity of
6 the child and instead authorizes the child to be made a party to the action. Unless
7 the action is brought by the district attorney pursuant to NRS 125B.150, this bill
8 also removes from existing law the requirement that a minor child be represented
9 by his or her general guardian or a guardian litem in an action to determine the
10 paternity of the child but maintains the provisions of existing law governing the
11 appointment of a guardian ad litem in certain child support actions brought by a
12 district attorney.

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

1 **Section 1.** NRS 126.101 is hereby amended to read as follows:
2 126.101 1. The child ~~must~~ *may* be made a party to the
3 action. ~~If the child is a minor, the child must be represented by his~~
4 ~~or her general guardian or a guardian ad litem appointed by the~~



1 ~~court.~~ The child's mother or father may not represent the child as
2 guardian or otherwise. If a district attorney brings an action pursuant
3 to NRS 125B.150 and the interests of the child:

4 (a) Are adequately represented by the appointment of the district
5 attorney as the child's guardian ad litem, the district attorney shall
6 act as guardian ad litem for the child without the need for court
7 appointment.

8 (b) Are not adequately represented by the appointment of the
9 district attorney as the child's guardian ad litem, the Division of
10 Welfare and Supportive Services of the Department of Health and
11 Human Services must be appointed as guardian ad litem in the case.

12 2. The natural mother and a man presumed to be the father
13 under NRS 126.051 must be made parties, but if more than one man
14 is presumed to be the natural father, only a man presumed pursuant
15 to subsection 2 or 3 of NRS 126.051 is an indispensable party. Any
16 other presumed or alleged father may be made a party.

17 3. The court may align the parties.

