

ASSEMBLY BILL NO. 278—ASSEMBLYMEN PICKARD, HAMBRICK,
COHEN; PAUL ANDERSON, ELLISON, TOLLES AND WHEELER

MARCH 13, 2017

JOINT SPONSOR: SENATOR HARRIS

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the support of
children. (BDR 11-892)

FISCAL NOTE: Effect on Local Government: No.
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 the support of children; creating the Committee
to Review Child Support Guidelines; requiring the
Committee to review quadrennially the support guidelines
established in this State and submit any recommendations
for revision to the Administrator of the Division of
Welfare and Supportive Services of the Department of
Health and Human Services; requiring the Administrator
to adopt regulations establishing support guidelines;
repealing provisions relating to the calculation of support
upon the adoption of such regulations; and providing
other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law and regulations require each state to establish child support
guidelines and review such guidelines at least once every 4 years to ensure that the
application of such guidelines results in appropriate awards of child support. (42
U.S.C. § 667(a); 45 C.F.R. § 302.56(e)) Existing federal regulations also establish
minimum standards for such guidelines. (45 C.F.R. § 302.56(c)) Existing Nevada
law establishes the general formula used to calculate child support and sets forth
several other related provisions. (NRS 125B.070, 125B.080, 125B.085, 125B.095)

Section 7 of this bill creates the Committee to Review Child Support
Guidelines, and **section 8** of this bill requires the Committee to review the existing
child support guidelines established in this State and provide any recommendations
for revisions to the Administrator of the Division of Welfare and Supportive
Services of the Department of Health and Human Services not later than



* A B 2 7 8 *

July 1, 2018. **Section 8** requires the Administrator to review and consider any recommendations of the Committee and, after reviewing and considering such recommendations, to adopt regulations establishing the child support guidelines in this State. **Section 8** also requires the Committee to review the guidelines at least once every 4 years. **Section 13** of this bill repeals the provisions of existing law establishing the general formula for calculating child support and certain related provisions, and **section 14** of this bill provides that the repeal of such provisions becomes effective on the effective date of the regulations adopted by the Administrator establishing child support guidelines pursuant to **section 8**. **Sections 1-3 and 9-12** of this bill make conforming changes that are also effective upon the effective date of the adopted regulations.

Existing law exempts the Division from the provisions of the Nevada Administrative Procedure Act. (NRS 233B.039) **Section 4** of this bill provides an exception to such an exemption for the regulations establishing the child support guidelines that are adopted by the Administrator, and **section 8** requires that such regulations be adopted in accordance with the Nevada Administrative Procedure Act and codified in the Nevada Administrative Code.

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

Section 1. NRS 125.150 is hereby amended to read as follows:
125.150 Except as otherwise provided in NRS 125.155 and 125.165, and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of



* A B 2 7 8 *

1 reimbursement must not exceed the value, at the time of the
2 disposition, of the property held in joint tenancy for which the
3 contribution of separate property was made. In determining whether
4 to provide for the reimbursement, in whole or in part, of a party who
5 has contributed separate property, the court shall consider:

6 (a) The intention of the parties in placing the property in joint
7 tenancy;

8 (b) The length of the marriage; and

9 (c) Any other factor which the court deems relevant in making a
10 just and equitable disposition of that property.

11 ➤ As used in this subsection, "contribution" includes, without
12 limitation, a down payment, a payment for the acquisition or
13 improvement of property, and a payment reducing the principal of a
14 loan used to finance the purchase or improvement of property. The
15 term does not include a payment of interest on a loan used to finance
16 the purchase or improvement of property, or a payment made for
17 maintenance, insurance or taxes on property.

18 3. A party may file a postjudgment motion in any action for
19 divorce, annulment or separate maintenance to obtain adjudication
20 of any community property or liability omitted from the decree or
21 judgment as the result of fraud or mistake. A motion pursuant to this
22 subsection must be filed within 3 years after the discovery by the
23 aggrieved party of the facts constituting the fraud or mistake. The
24 court has continuing jurisdiction to hear such a motion and shall
25 equally divide the omitted community property or liability between
26 the parties unless the court finds that:

27 (a) The community property or liability was included in a prior
28 equal disposition of the community property of the parties or in an
29 unequal disposition of the community property of the parties which
30 was made pursuant to written findings of a compelling reason for
31 making that unequal disposition; or

32 (b) The court determines a compelling reason in the interests of
33 justice to make an unequal disposition of the community property or
34 liability and sets forth in writing the reasons for making the unequal
35 disposition.

36 ➤ If a motion pursuant to this subsection results in a judgment
37 dividing a defined benefit pension plan, the judgment may not be
38 enforced against an installment payment made by the plan more
39 than 6 years after the installment payment.

40 4. Except as otherwise provided in NRS 125.141, whether or
41 not application for suit money has been made under the provisions
42 of NRS 125.040, the court may award a reasonable attorney's fee to
43 either party to an action for divorce.

44 5. In granting a divorce, the court may also set apart such
45 portion of the husband's separate property for the wife's support, the



1 wife's separate property for the husband's support or the separate
2 property of either spouse for the support of their children as is
3 deemed just and equitable.

4 6. In the event of the death of either party or the subsequent
5 remarriage of the spouse to whom specified periodic payments were
6 to be made, all the payments required by the decree must cease,
7 unless it was otherwise ordered by the court.

8 7. If the court adjudicates the property rights of the parties, or
9 an agreement by the parties settling their property rights has been
10 approved by the court, whether or not the court has retained
11 jurisdiction to modify them, the adjudication of property rights, and
12 the agreements settling property rights, may nevertheless at any time
13 thereafter be modified by the court upon written stipulation signed
14 and acknowledged by the parties to the action, and in accordance
15 with the terms thereof.

16 8. If a decree of divorce, or an agreement between the parties
17 which was ratified, adopted or approved in a decree of divorce,
18 provides for specified periodic payments of alimony, the decree or
19 agreement is not subject to modification by the court as to accrued
20 payments. Payments pursuant to a decree entered on or after July 1,
21 1975, which have not accrued at the time a motion for modification
22 is filed may be modified upon a showing of changed circumstances,
23 whether or not the court has expressly retained jurisdiction for the
24 modification. In addition to any other factors the court considers
25 relevant in determining whether to modify the order, the court shall
26 consider whether the income of the spouse who is ordered to pay
27 alimony, as indicated on the spouse's federal income tax return for
28 the preceding calendar year, has been reduced to such a level that
29 the spouse is financially unable to pay the amount of alimony the
30 spouse has been ordered to pay.

31 9. In addition to any other factors the court considers relevant
32 in determining whether to award alimony and the amount of such an
33 award, the court shall consider:

34 (a) The financial condition of each spouse;

35 (b) The nature and value of the respective property of each
36 spouse;

37 (c) The contribution of each spouse to any property held by the
38 spouses pursuant to NRS 123.030;

39 (d) The duration of the marriage;

40 (e) The income, earning capacity, age and health of each spouse;

41 (f) The standard of living during the marriage;

42 (g) The career before the marriage of the spouse who would
43 receive the alimony;



(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

10. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

11. If the court determines that alimony should be awarded pursuant to the provisions of subsection 10:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or



(III) Courses of training in skills desirable for employment.

12. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" ~~has the meaning ascribed to it in NRS 125B.070.~~ *means the total amount of income received each month from any source of a person who is not self-employed or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.*

Sec. 2. NRS 125B.080 is hereby amended to read as follows:

125B.080 ~~{Except as otherwise provided in NRS 425.450:~~

~~—1.} A court of this State shall apply the {appropriate formula set forth in NRS 125B.070} *guidelines established by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to section 8 of this act to:*~~

~~{(a)} 1. Determine the required support in any case involving the support of children {~~

~~—(b) Any request filed after July 1, 1987, to change} ; or~~

2. Change the amount of the required support of children.

~~{2. If the parties agree as to the amount of support required, the parties shall certify that the amount of support is consistent with the appropriate formula set forth in NRS 125B.070. If the amount of support deviates from the formula, the parties must stipulate sufficient facts in accordance with subsection 9 which justify the deviation to the court, and the court shall make a written finding thereon. Any inaccuracy or falsification of financial information which results in an inappropriate award of support is grounds for a motion to modify or adjust the award.~~

~~—3. If the parties disagree as to the amount of the gross monthly income of either party, the court shall determine the amount and may direct either party to furnish financial information or other records, including income tax returns for the preceding 3 years. Once a court has established an obligation for support by reference to a formula set forth in NRS 125B.070, any subsequent modification or adjustment of that support, except for any modification or adjustment made pursuant to subsection 3 of NRS 125B.070 or NRS 425.450 or as a result of a review conducted pursuant to subsection 1 of NRS 125B.145, must be based upon changed circumstances.~~



1 ~~—4. Notwithstanding the formulas set forth in NRS 125B.070,~~
2 ~~the minimum amount of support that may be awarded by a court in~~
3 ~~any case is \$100 per month per child, unless the court makes a~~
4 ~~written finding that the obligor is unable to pay the minimum~~
5 ~~amount. Willful underemployment or unemployment is not a~~
6 ~~sufficient cause to deviate from the awarding of at least the~~
7 ~~minimum amount.~~

8 ~~—5. It is presumed that the basic needs of a child are met by the~~
9 ~~formulas set forth in NRS 125B.070. This presumption may be~~
10 ~~rebutted by evidence proving that the needs of a particular child are~~
11 ~~not met by the applicable formula.~~

12 ~~—6. If the amount of the awarded support for a child is greater or~~
13 ~~less than the amount which would be established under the~~
14 ~~applicable formula, the court shall:~~

15 ~~—(a) Set forth findings of fact as to the basis for the deviation~~
16 ~~from the formula; and~~

17 ~~—(b) Provide in the findings of fact the amount of support that~~
18 ~~would have been established under the applicable formula.~~

19 ~~—7. Expenses for health care which are not reimbursed,~~
20 ~~including expenses for medical, surgical, dental, orthodontic and~~
21 ~~optical expenses, must be borne equally by both parents in the~~
22 ~~absence of extraordinary circumstances.~~

23 ~~—8. If a parent who has an obligation for support is willfully~~
24 ~~underemployed or unemployed to avoid an obligation for support of~~
25 ~~a child, that obligation must be based upon the parent's true~~
26 ~~potential earning capacity.~~

27 ~~—9. The court shall consider the following factors when~~
28 ~~adjusting the amount of support of a child upon specific findings of~~
29 ~~fact:~~

30 ~~—(a) The cost of health insurance;~~

31 ~~—(b) The cost of child care;~~

32 ~~—(c) Any special educational needs of the child;~~

33 ~~—(d) The age of the child;~~

34 ~~—(e) The legal responsibility of the parents for the support of~~
35 ~~others;~~

36 ~~—(f) The value of services contributed by either parent;~~

37 ~~—(g) Any public assistance paid to support the child;~~

38 ~~—(h) Any expenses reasonably related to the mother's pregnancy~~
39 ~~and confinement;~~

40 ~~—(i) The cost of transportation of the child to and from visitation~~
41 ~~if the custodial parent moved with the child from the jurisdiction of~~
42 ~~the court which ordered the support and the noncustodial parent~~
43 ~~remained;~~



- ~~(j) The amount of time the child spends with each parent;~~
~~(k) Any other necessary expenses for the benefit of the child;~~
~~and~~
~~(l) The relative income of both parents.]~~

Sec. 3. NRS 125B.145 is hereby amended to read as follows:

125B.145 1. An order for the support of a child must, upon the filing of a request for review by:

(a) The Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative or the district attorney, if the Division of Welfare and Supportive Services or the district attorney has jurisdiction in the case; or

(b) A parent or legal guardian of the child,
➔ be reviewed by the court at least every 3 years pursuant to this section to determine whether the order should be modified or adjusted. Each review conducted pursuant to this section must be in response to a separate request.

2. If the court:

(a) Does not have jurisdiction to modify the order, the court may forward the request to any court with appropriate jurisdiction.

(b) Has jurisdiction to modify the order and, taking into account the best interests of the child, determines that modification or adjustment of the order is appropriate, the court shall enter an order modifying or adjusting the previous order for support in accordance with the ~~requirements of NRS 125B.070 and 125B.080.]~~ *guidelines established by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to section 8 of this act.*

3. The court shall ensure that:

(a) Each person who is subject to an order for the support of a child is notified, not less than once every 3 years, that the person may request a review of the order pursuant to this section; or

(b) An order for the support of a child includes notification that each person who is subject to the order may request a review of the order pursuant to this section.

4. An order for the support of a child may be reviewed at any time on the basis of changed circumstances. For the purposes of this subsection, a change of 20 percent or more in the gross monthly income of a person who is subject to an order for the support of a child shall be deemed to constitute changed circumstances requiring a review for modification of the order for the support of a child.

5. As used in this section:

(a) "Gross monthly income" has the meaning ascribed to it in NRS ~~125B.070.]~~ *125.150.*



(b) "Order for the support of a child" means such an order that was issued or is being enforced by a court of this State.

Sec. 4. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) ~~The~~ *Except as otherwise provided in section 8 of this act,* the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(n) The Silver State Health Insurance Exchange.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;



(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➤ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694; or

(d) The judicial review of decisions of the Public Utilities Commission of Nevada.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 5. Chapter 425 of NRS is hereby amended by adding thereto the provisions set forth as sections 6, 7 and 8 of this act.

Sec. 6. *As used in this section and sections 7 and 8 of this act, unless the context otherwise requires, "Committee" means the Committee to Review Child Support Guidelines created by section 7 of this act.*

Sec. 7. 1. The Committee to Review Child Support Guidelines is hereby created. The Committee consists of:

(a) The presiding judge of the Family Division of the Second Judicial District Court or his or her designee;

(b) The presiding judge of the Family Division of the Eighth Judicial District Court or his or her designee;

(c) One member who is a district court judge or master from a judicial district other than the Second or Eighth Judicial District, appointed by the Chief Justice of the Supreme Court;



1 (d) One member who is a justice or retired justice of the
2 Supreme Court, appointed by the Chief Justice of the Supreme
3 Court;

4 (e) One member who is a district attorney in Clark County,
5 appointed by the governing body of the Nevada District Attorneys
6 Association, or his or her designee;

7 (f) One member who is a district attorney in Washoe County,
8 appointed by the governing body of the Nevada District Attorneys
9 Association, or his or her designee;

10 (g) One member who is a district attorney in a county other
11 than Clark or Washoe County, appointed by the governing body of
12 the Nevada District Attorneys Association, or his or her designee;

13 (h) Two members who are members of the Family Law Section
14 of the State Bar of Nevada, appointed by the Executive Council of
15 the Family Law Section;

16 (i) One member who is an employee of the Division, appointed
17 by the Administrator;

18 (j) One member who has expertise in economics and child
19 support, appointed by the Administrator;

20 (k) Two members who are Senators, one of whom is appointed
21 by the Majority Leader of the Senate and one of whom is
22 appointed by the Minority Leader of the Senate; and

23 (l) Two members who are members of the Assembly, one of
24 whom is appointed by the Speaker of the Assembly and one of
25 whom is appointed by the Minority Leader of the Assembly.

26 ↪ If any association listed in this subsection ceases to exist, the
27 appointment required by this subsection must be made by the
28 association's successor in interest or, if there is no successor in
29 interest, by the Governor.

30 2. Each appointed member serves a term of 4 years. Members
31 may be reappointed for additional terms of 4 years in the same
32 manner as the original appointments. Any vacancy occurring in
33 the membership of the Committee must be filled in the same
34 manner as the original appointment not later than 30 days after
35 the vacancy occurs.

36 3. At the first regular meeting every 4 years, the members of
37 the Committee shall elect a Chair by majority vote who shall serve
38 until the next Chair is elected.

39 4. The Committee shall meet at least once every 4 years and
40 may meet at such further times as deemed necessary by the Chair.

41 5. A majority of the members of the Committee constitutes a
42 quorum for the transaction of business, and a majority of those
43 members present at any meeting is sufficient for any official
44 action taken by the Committee.



1 **Sec. 8. 1. On or before July 1, 2018, the Committee shall**
2 *review the existing guidelines established in this State for the*
3 *support of one or more children and provide any*
4 *recommendations for revisions to the Administrator.*

5 **2. The Administrator shall review and consider any**
6 *recommendations of the Committee to revise the guidelines. After*
7 *reviewing and considering such recommendations, the*
8 *Administrator shall adopt regulations establishing the guidelines*
9 *in this State for the support of one or more children in accordance*
10 *with the requirements set forth in 42 U.S.C. § 667 and 45 C.F.R. §*
11 *302.56.*

12 **3. In accordance with the provisions of 42 U.S.C. § 667(a)**
13 *and 45 C.F.R. § 302.56(e), the Committee shall review the*
14 *guidelines established by regulation pursuant to subsection 2 at*
15 *least once every 4 years to ensure the maintenance of effective,*
16 *efficient and appropriate guidelines that best serve the interests of*
17 *the children of this State and that comply with any requirements*
18 *set forth in federal law.*

19 **4. After each review of the guidelines by the Committee**
20 *pursuant to subsection 3, the Committee shall provide any*
21 *recommendations for revisions to the Administrator. The*
22 *Administrator shall review and consider any such*
23 *recommendations and may revise or adopt any regulations that the*
24 *Administrator deems appropriate.*

25 **5. The Administrator shall ensure that any recommendations**
26 *for revisions to the guidelines received from the Committee*
27 *pursuant to this section are made available to the public.*

28 **6. The regulations adopted pursuant to this section must be**
29 *adopted in accordance with the provisions of chapter 233B of NRS*
30 *and must be codified in the Nevada Administrative Code.*

31 **Sec. 9. NRS 425.360 is hereby amended to read as follows:**

32 **425.360 1.** Any payment of public assistance pursuant to this
33 chapter creates a debt for support to the Division by the responsible
34 parent, whether or not the parent received prior notice that the child
35 of the parent was receiving public assistance.

36 **2.** The Division is entitled to the amount to which a dependent
37 child or a person having the care, custody and control of a
38 dependent child would have been entitled for support, to the extent
39 of the assignment of those rights to support pursuant to NRS
40 425.350, and may prosecute or maintain any action for support or
41 execute any administrative remedy existing under the laws of this
42 State to obtain reimbursement of money expended for public
43 assistance from any liable third party, including an insurer, group
44 health plan as defined in section 607(1) of the Employee Retirement
45 Income Security Act of 1974, 29 U.S.C.A. § 1167(1), service



1 benefit plan, self-insured plan or health maintenance organization. If
2 a court enters judgment for an amount of support to be paid by a
3 responsible parent, the Division is entitled to the amount of the debt
4 created by that judgment to the extent of the assignment of rights to
5 support pursuant to NRS 425.350, and the judgment awarded shall
6 be deemed to be in favor of the Division to that extent. This
7 entitlement applies to, but is not limited to, a temporary order for
8 spousal support, a family maintenance order or an alimony order,
9 whether or not allocated to the benefit of the child on the basis of
10 providing necessities for the caretaker of the child, up to the amount
11 paid by the Division in public assistance to or for the benefit of a
12 dependent child. The Division may petition the appropriate court for
13 modification of its order on the same grounds as a party to the
14 action.

15 3. If there is no court order for support, or if the order provides
16 that no support is due but the facts on which the order was based
17 have changed, the amount due is the amount computed pursuant to
18 ~~NRS 125B.070 and 125B.080,~~ *the guidelines established by the*
19 *Administrator pursuant to section 8 of this act*, using the Nevada
20 average wage, determined by the Employment Security Division of
21 the Department of Employment, Training and Rehabilitation, if the
22 gross income of the responsible parent cannot be otherwise
23 ascertained.

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

28 5. If a state agency is assigned any rights of a dependent child
29 or a person having the care, custody and control of a dependent
30 child who is eligible for medical assistance under Medicaid, the
31 person having the care, custody and control of the dependent child
32 shall, upon request of the state agency, provide to the state agency
33 information regarding the dependent child or a person having the
34 care, custody and control of a dependent child to determine:

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

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



* A B 2 7 8 *

- 1 **Sec. 10.** NRS 425.3824 is hereby amended to read as follows:
2 425.3824 1. The notice and finding of financial responsibility
3 issued pursuant to NRS 425.3822 must include:
4 (a) The name of the person who has physical custody of the
5 dependent child and the name of the child for whom support is to be
6 paid.
7 (b) A statement of the monthly support for which the parent is
8 responsible.
9 (c) A statement of the amount of arrearages sought, if any.
10 (d) A statement that the parent may be required to provide
11 coverage for the health care of the dependent child when coverage is
12 available to the parent at a reasonable cost.
13 (e) A statement of any requirements the Division will request
14 pursuant to subparagraph (14) of paragraph (b) of subsection 2 of
15 NRS 425.382, regarding a plan for the payment of support by the
16 parent or the participation of the parent in work activities.
17 (f) A statement that if the parent desires to discuss the amount of
18 support or coverage for health care that the parent should be
19 required to pay or provide, the parent may contact the office that
20 sent the notice within 20 days after the date of receipt of service and
21 request a conference for negotiation.
22 (g) A statement that if the parent objects to any part of the notice
23 and finding of financial responsibility, the parent must send to the
24 office that issued the notice a written response within 20 days after
25 the date of receipt of service that sets forth any objections and
26 requests a hearing.
27 (h) A statement that if a response is received within the specified
28 period, the parent is entitled to a hearing and that if a written
29 response is not received within the specified period, the master may
30 enter a recommendation for support of a dependent child in
31 accordance with the notice and finding of financial responsibility.
32 (i) A statement that as soon as the recommendation is entered
33 and approved by the court, the property of the parent is subject to an
34 attachment or other procedure for collection, including, but not
35 limited to, withholding of wages, garnishment, liens and execution
36 on liens.
37 (j) A reference to NRS 425.382 to 425.3852, inclusive.
38 (k) A statement that the parent is responsible for notifying the
39 office of any change of address or employment.
40 (l) A statement that if the parent has any questions, the parent
41 may contact the office or consult an attorney.
42 (m) Such other information as the Chief finds appropriate.
43 2. The statement of the monthly support required pursuant to
44 paragraph (b) of subsection 1 must be computed in accordance with



~~NRS 125B.070.~~ *the guidelines established by the Administrator pursuant to section 8 of this act.*

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

Sec. 11. NRS 425.450 is hereby amended to read as follows:

425.450 1. The Division shall adopt regulations establishing a formula for:

(a) The adjustment of court orders for the support of children based upon changes in the cost of living; and

(b) The times at which such an adjustment is appropriate.

2. If a request for the review of a court order for the support of a child has not been filed pursuant to NRS 125B.145 for such a time as the Division establishes pursuant to subsection 1, the Chief may, as provided in this section, order the responsible parent to pay monthly the amount the responsible parent is required to pay pursuant to the court order plus an additional amount to compensate for changes in the cost of living.

3. Upon request by the responsible parent, the person to whom support is owed or the enforcing authority, the Chief shall:

(a) Determine, in accordance with the formula established pursuant to subsection 1, the amount of the additional payments; and

(b) Notify the responsible parent, by first-class mail to the last known address of the responsible parent, of the amount of the additional payments and that the additional payments must be made within 30 days after the mailing of the notice to the parent unless a request for a review of the court order is filed pursuant to NRS 125B.145 within that time.

4. If a request for a review of the court order:

(a) Is filed pursuant to NRS 125B.145 within those 30 days, the court shall proceed pursuant to that section and the Chief shall not enter an order pursuant to this section.

(b) Is not filed pursuant to NRS 125B.145 within those 30 days, the Chief shall order the responsible parent to pay the additional amount.

5. An order entered by the Chief pursuant to this section expires upon modification or adjustment, pursuant to NRS 125B.145, of the court order upon which the order entered by the Chief is based.



* A B 2 7 8 *

6. ~~The provisions of NRS 125B.080 do not apply to the entry of an order by the Chief pursuant to this section.~~

~~7.~~ As used in this section, "court order" means an order that a court of this state has jurisdiction to modify pursuant to chapter 130 of NRS.

Sec. 12. NRS 432B.560 is hereby amended to read as follows:

432B.560 1. The court may also order:

(a) The child, a parent or the guardian to undergo such medical, psychiatric, psychological, or other care or treatment as the court considers to be in the best interests of the child.

(b) A parent or guardian to refrain from:

(1) Any harmful or offensive conduct toward the child, the other parent, the custodian of the child or the person given physical custody of the child; and

(2) Visiting the child if the court determines that the visitation is not in the best interest of the child.

(c) A reasonable right of visitation for a grandparent of the child if the child is not permitted to remain in the custody of the parents of the child.

2. The court shall order a parent or guardian to pay to the custodian an amount sufficient to support the child while the child is in the care of the custodian pursuant to an order of the court, unless the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent is unknown. Payments for the obligation of support must be determined in accordance with ~~NRS 125B.070 and 125B.080,~~ *the guidelines established by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to section 8 of this act*, but must not exceed the reasonable cost of the child's care, including food, shelter, clothing, medical care and education. An order for support made pursuant to this subsection must:

(a) Require that payments be made to the appropriate agency or office;

(b) Provide that the custodian is entitled to a lien on the obligor's property in the event of nonpayment of support; and

(c) Provide for the immediate withholding of income for the payment of support unless:

(1) All parties enter into an alternative written agreement; or

(2) One party demonstrates and the court finds good cause to postpone the withholding.

3. A court that enters an order pursuant to subsection 2 shall ensure that the social security number of the parent or guardian who is the subject of the order is:



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

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

6 **Sec. 13.** NRS 125B.070, 125B.085 and 125B.095 are hereby
7 repealed.

8 **Sec. 14.** 1. This section and sections 4 to 8, inclusive, of this
9 act become effective upon passage and approval.

10 2. Sections 1, 2, 3 and 9 to 13, inclusive, of this act become
11 effective on the effective date of the regulations adopted by the
12 Administrator of the Division of Welfare and Supportive Services of the
13 Department of Health and Human Services establishing the
14 guidelines in this State for the support of one or more children
15 pursuant to section 8 of this act.

TEXT OF REPEALED SECTIONS

125B.070 Amount of payment: Definitions; adjustment of presumptive maximum amount based on change in Consumer Price Index.

1. As used in this section and NRS 125B.080, unless the context otherwise requires:

(a) "Gross monthly income" means the total amount of income received each month from any source of a person who is not self-employed or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.

(b) "Obligation for support" means the sum certain dollar amount determined according to the following schedule:

- (1) For one child, 18 percent;
- (2) For two children, 25 percent;
- (3) For three children, 29 percent;
- (4) For four children, 31 percent; and
- (5) For each additional child, an additional 2 percent,

→ of a parent's gross monthly income, but not more than the presumptive maximum amount per month per child set forth for the parent in subsection 2 for an obligation for support determined pursuant to subparagraphs (1) to (4), inclusive, unless the court sets



forth findings of fact as to the basis for a different amount pursuant to subsection 6 of NRS 125B.080.

2. For the purposes of paragraph (b) of subsection 1, the presumptive maximum amount per month per child for an obligation for support, as adjusted pursuant to subsection 3, is:

PRESUMPTIVE MAXIMUM AMOUNT			
The Presumptive Maximum Amount the			
INCOME RANGE		Parent May Be Required to Pay	
If the Parent's Gross	But	per Month per Child Pursuant to	
Monthly Income is at Least	Less Than	Paragraph (b) of Subsection 1 Is	
\$0	-	\$4,168	\$500
4,168	-	6,251	550
6,251	-	8,334	600
8,334	-	10,418	650
10,418	-	12,501	700
12,501	-	14,583	750

If a parent's gross monthly income is equal to or greater than \$14,583, the presumptive maximum amount the parent may be required to pay pursuant to paragraph (b) of subsection 1 is \$800.

3. The presumptive maximum amounts set forth in subsection 2 for the obligation for support must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On April 1 of each year, the Office of Court Administrator shall determine the amount of the increase or decrease required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each district court of the adjusted amounts.

4. As used in this section, "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320.

125B.085 Order for support to include provision regarding medical support for child.

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.

125B.095 Penalty for delinquent payment of installment of obligation of support.

1. Except as otherwise provided in this section and NRS 125B.012, if an installment of an obligation to pay support for a child which arises from the judgment of a court becomes delinquent in the amount owed for 1 month’s support, a penalty must be added by operation of this section to the amount of the installment. This penalty must be included in a computation of arrearages by a court of this State and may be so included in a judicial or administrative proceeding of another state. A penalty must not be added to the amount of the installment pursuant to this subsection if the court finds that the employer of the responsible parent or the district attorney or other public agency in this State that enforces an obligation to pay support for a child caused the payment to be delinquent.

2. The amount of the penalty is 10 percent per annum, or portion thereof, that the installment remains unpaid. Each district attorney or other public agency in this State undertaking to enforce an obligation to pay support for a child shall enforce the provisions of this section.

