

Amendment No. 230

Assembly Amendment to Assembly Bill No. 459 (BDR 38-1026)

Proposed by: Assembly Committee on Judiciary

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

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

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

MKM/BJF



Date: 4/17/2017

A.B. No. 459—Creates a procedure for the establishment of paternity in proceedings concerning a child in need of protection.
(BDR 38-1026)



ASSEMBLY BILL NO. 459--ASSEMBLYMAN FRIERSON

MARCH 27, 2017

Referred to Committee on Judiciary

SUMMARY— ~~[Creates a procedure for the establishment of paternity in proceedings.]~~ Authorizes a court to order certain blood and genetic testing concerning a child in need of protection. (BDR 38-1026)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 children; ~~[creating a procedure for the establishment of paternity in proceedings concerning a child in need of protection;]~~ authorizing a court to order certain tests for the typing of blood or taking of specimens for the genetic identification of a child in need of protection, the natural mother of such a child or the alleged father of such a child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions governing proceedings concerning a child who is or may be in need of protection. (NRS 432B.410-432B.590) ~~[Section 2 of this bill provides that if a petition alleging that a child is or may be in need of protection is filed with a court and the paternity of the child has not been legally established, a motion to establish paternity may be filed with the court. Such a motion must include certain information and be served by personal service upon the alleged father of the child. Section 3 of this bill provides that if the alleged father of the child is personally served with a motion to establish paternity and he does not appear at the hearing to consider the motion or does not file with the court a written response denying paternity, the court may enter a recommendation or order, as applicable, that declares and establishes the alleged father as the natural father of the child.]~~

~~Section 4 of this bill authorizes a court to enter a recommendation or order, as applicable, establishing the legal paternity of a child during any proceeding concerning a child who is or may be in need of protection if both parents sign an affidavit or other sworn statement indicating that paternity of the child has not been legally established and the father is presumed to be the natural father of the child pursuant to applicable provisions of law.~~

~~Section 5 of this bill requires a court to order tests for the typing of blood or taking of specimens for genetic identification of a child, the natural mother of the child and the alleged father of the child in certain circumstances. Section 5 provides that after receipt of the results of such tests showing a probability of 90 percent or more that the alleged father is the natural father of the child, if a written objection to the result of such tests is not timely filed, the court may enter a recommendation or order, as applicable, establishing the legal paternity of the child. Section 5 further requires the Division of Welfare and Supportive Services of the Department of Health and Human Services to pay the costs of such tests except for any additional tests conducted for the purpose of contesting the results of a test.~~

~~Section 6 of this bill provides that any approved recommendation or order establishing the legal paternity of a child establishes legal paternity for all purposes and is excluded from certain confidentiality requirements. Section 6 also requires that such a recommendation or order provide for the issuance of a new birth certificate that includes the name of the natural father if necessary.~~

~~Sections 7-13 of this bill make conforming changes.~~ This bill authorizes a court to order tests for the typing of blood or taking of specimens for the genetic identification of such a child, the natural mother of such a child or the alleged father of such a child.

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

Delete existing sections 1 through 14 of this bill and replace with the following new sections 1 and 2:

Section 1. 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.

(d) Tests for the typing of blood or taking of specimens for genetic identification of the child, the natural mother of the child or the alleged father of the child pursuant to NRS 126.121.

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, 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:

(a) 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.

1 *Sec. 2. This act becomes effective on July 1, 2017.*