

Amendment No. 268

Assembly Amendment to Assembly Bill No. 95	(BDR 38-197)
Proposed by: Assembly Committee on Health and Human Services	
Amends: Summary: No 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. 95—Revises provisions governing child support. (BDR 38-197)



ASSEMBLY BILL NO. 95—ASSEMBLYWOMAN BENITEZ-THOMPSON

PREFILED FEBRUARY 1, 2017

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing child support. (BDR 38-197)

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 child support; prohibiting debts for support of a child from being incurred by a parent or other person receiving ***certain*** public assistance for the benefit of a dependent child under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes a duty on a parent of a child to support his or her child. (NRS 125B.020, 425.350) Under existing law, if a parent or other person with custody of a child receives public assistance in his or her own behalf or in behalf of the child: (1) the parent or other person is deemed to have assigned his or her right to child support from any other person to the Division of Welfare and Supportive Services of the Department of Health and Human Services to the extent of the public assistance received; and (2) the Division is entitled to any child support to which the parent or other person is entitled to the extent of the public assistance provided by the Division. (NRS 425.350, 425.360)

Existing law also provides that a debt for the support of a child may not be incurred by a parent or any other person who is a recipient of public assistance for the benefit of a dependent child during the period when the parent or other person is a recipient of such public assistance. (NRS 425.360) In *Valdez v. Aguilar*, 132 Nev. Adv. Op. 37 (2016), the Nevada Supreme Court held that this provision of existing law suspends a debt for support of a child owed to the Division by a parent or other person who is a recipient of public assistance for the benefit of a dependent child, but does not suspend a debt for support of a child owed by the recipient of public assistance to another parent or any other person with custody of the child. This bill provides that a parent or other person who is a recipient of ~~public assistance~~ ***Temporary Assistance for Needy Families*** for the benefit of a dependent child does not incur a debt for support of a child, whether owed to the Division or any other person, during the period that the parent or other person is receiving such ~~public~~ assistance, ~~if~~ ***, unless a court finds that the parent or other person has remained purposefully unemployed. This bill also provides that any debt for support of a child incurred before the person becomes a recipient of Temporary Assistance for Needy Families are held in abeyance while the person is receiving such assistance.***

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

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

3 1. Notwithstanding the provisions of chapters 31A, 125B and 126 of NRS,
4 debts for support of a child owed to any person may not be incurred by a parent
5 or any other person who is the recipient of ~~public assistance~~ Temporary
6 Assistance for Needy Families pursuant to the provisions of chapter 422A of NRS
7 for the benefit of a dependent child for the period when the parent or other
8 person is a recipient ~~of~~, unless a court finds that the parent or other person has
9 remained purposefully unemployed.

10 2. Any debts for support of a child owed to any person incurred by a parent
11 or other person before becoming a recipient of Temporary Assistance for Needy
12 Families as described in subsection 1 must be held in abeyance while the parent
13 or other person is receiving such benefit.

14 3. As used in this section, "Temporary Assistance for Needy Families" has
15 the meaning ascribed to it in NRS 422A.080.

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