

Amendment No. 289

Senate Amendment to Senate Bill No. 483	(BDR 38-344)
Proposed by: Senate Committee on Health and Human Services	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will ADD an unfunded mandate not requested by the affected local government to S.B. 483 (§ 5).

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) 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.

MNM/BAW



Date: 4/17/2017

S.B. No. 483—Creates a procedure for the establishment of paternity in proceedings concerning a child in need of protection.
(BDR 38-344)



SENATE BILL NO. 483—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON
CHILD WELFARE AND JUVENILE JUSTICE)

MARCH 27, 2017

Referred to Committee on Health and Human Services

SUMMARY—Creates a procedure for the establishment of paternity in proceedings concerning a child in need of protection. (BDR 38-344)

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

CONTAINS UNFUNDED MANDATE (§ 5)
(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 children; creating a procedure for the establishment of paternity in proceedings concerning a child in need of protection; 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 99 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)~~ **agency which provides child welfare services**

in the county in which the court is located 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.

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

Section 1. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *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:*

1. Be in writing.

2. Be scheduled for a hearing to establish legal paternity.

3. Include, without limitation:

(a) The name of the alleged father of the child.

(b) Facts which support the alleged father being the natural father of the child, including, without limitation:

(1) Whether the natural mother of the child was married to or cohabiting with the alleged father at the time of the conception or birth of the child;

(2) Whether the natural mother of the child receives or has received any payment or promise for payment for the support of the child or costs relating to her pregnancy with the child from the alleged father; and

(3) Whether the alleged father has formally or informally acknowledged or declared his possible paternity.

(c) A statement that if the alleged father does not appear at the hearing to consider the motion or file with the court a written response denying paternity, the court may, without any further notice to the alleged father, enter a recommendation or order, as applicable, that declares and establishes the alleged father as the natural father of the child.

4. Be served on the alleged father by personal service.

Sec. 3. *If the alleged father of a child is personally served with a motion pursuant to section 2 of this act 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, without any further notice to the alleged father, enter a recommendation or order, as applicable, that declares and establishes the alleged father as the natural father of the child.*

Sec. 4. *If the paternity of a child has not been legally established, regardless of whether a motion to establish paternity has been filed pursuant to section 2 of this act, a court may, during any proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, and sections 2 to 6, inclusive, of this act, enter a recommendation or order, as applicable, establishing the legal paternity of the child if both parents sign an affidavit or other sworn statement indicating that the paternity of the child has not been legally established and the father is presumed to be the natural father of the child pursuant to NRS 126.051.*

Sec. 5. *1. If a motion to establish paternity is filed with a court pursuant to section 2 of this act, the court shall order tests for the typing of blood or taking*

1 of specimens for genetic identification of the child, the natural mother of the
2 child and the alleged father of the child pursuant to NRS 126.121 if:

3 (a) The alleged father submits a written response or gives sworn testimony to
4 the court denying paternity;

5 (b) Any person alleges that more than one person could be the natural father
6 of the child and none of the persons who could be the natural father of the child
7 acknowledges paternity;

8 (c) The child, the natural mother or the alleged father submits a written
9 statement signed under oath or gives sworn testimony which:

10 (1) Alleges paternity and sets forth facts establishing that the natural
11 mother and the alleged father had sexual intercourse at or about the probable
12 time of conception; or

13 (2) Denies paternity and sets forth facts establishing that the natural
14 mother and the alleged father did not have sexual intercourse at or about the
15 probable time of conception; or

16 (d) The court determines that there is a valid issue concerning the paternity
17 of the child.

18 2. There is a conclusive presumption that the alleged father of a child is the
19 natural father of the child if the results of tests for the typing of blood or taking
20 of specimens for genetic identification show a probability of 99 percent or more
21 that he is the natural father of the child. Such a presumption may be rebutted if
22 the alleged father establishes that he has an identical sibling who could be the
23 natural father of the child.

24 3. After receipt of the results of tests for the typing of blood or taking of
25 specimens for genetic identification showing a probability of 99 percent or more
26 that the alleged father of a child is the natural father of the child, if a written
27 objection to the results of such tests is not filed pursuant to NRS 126.121, the
28 court may enter a recommendation or order, as applicable, establishing the legal
29 paternity of the child.

30 4. Except as otherwise provided in this subsection, the ~~Division of Welfare~~
31 ~~and Supportive Services of the Department of Health and Human Services,~~
32 agency which provides child welfare services in the county in which the court is
33 located shall pay the costs of any tests conducted pursuant to this section. If the
34 natural mother or alleged father objects to the results of a test, the costs of any
35 additional tests must be paid by the person contesting the results.

36 Sec. 6. 1. Any recommendation by a master of the juvenile court
37 declaring and establishing an alleged father of a child as the natural father of the
38 child pursuant to sections 2 to 6, inclusive, of this act which is approved by the
39 juvenile court, and any order establishing the legal paternity of a child entered
40 pursuant to sections 2 to 6, inclusive, of this act:

41 (a) Establishes the legal paternity of the child for all purposes; and

42 (b) Is not subject to the confidentiality requirements set forth in NRS
43 432B.280 and 432B.290.

44 2. If the birth certificate of a child does not contain the name of the natural
45 father of the child, as determined by the court pursuant to sections 2 to 6,
46 inclusive, of this act, the recommendation or order establishing legal paternity of
47 the child must direct that a new birth certificate which includes the name of the
48 natural father be issued as provided in NRS 440.270 to 440.340, inclusive.

49 3. A court that enters a recommendation or order, as applicable,
50 establishing the legal paternity of a child shall ensure that the social security
51 numbers of the natural mother and natural father are:

52 (a) Provided to the Division of Welfare and Supportive Services of the
53 Department of Health and Human Services; and

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

3 **Sec. 7.** NRS 432B.280 is hereby amended to read as follows:

4 432B.280 1. Except as otherwise provided in NRS 239.0115, 432B.165,
5 432B.175 and 439.538 *and section 6 of this act* and except as otherwise authorized
6 or required pursuant to NRS 432B.290, information maintained by an agency which
7 provides child welfare services, including, without limitation, reports and
8 investigations made pursuant to this chapter, is confidential.

9 2. Any person, law enforcement agency or public agency, institution or
10 facility who willfully releases or disseminates such information, except:

11 (a) Pursuant to a criminal prosecution relating to the abuse or neglect of a
12 child;

13 (b) As otherwise authorized pursuant to NRS 432B.165 and 432B.175;

14 (c) As otherwise authorized or required pursuant to NRS 432B.290;

15 (d) As otherwise authorized or required pursuant to NRS 439.538; or

16 (e) As otherwise required pursuant to NRS 432B.513,

17 is guilty of a gross misdemeanor.

18 **Sec. 8.** NRS 432B.290 is hereby amended to read as follows:

19 432B.290 1. Information maintained by an agency which provides child
20 welfare services must be maintained by the agency which provides child welfare
21 services as required by federal law as a condition of the allocation of federal money
22 to this State.

23 2. Except as otherwise provided in this section and NRS 432B.165, 432B.175
24 and 432B.513, *and section 6 of this act*, information maintained by an agency
25 which provides child welfare services may, at the discretion of the agency which
26 provides child welfare services, be made available only to:

27 (a) A physician, if the physician has before him or her a child who the
28 physician has reasonable cause to believe has been abused or neglected;

29 (b) A person authorized to place a child in protective custody, if the person has
30 before him or her a child who the person has reasonable cause to believe has been
31 abused or neglected and the person requires the information to determine whether
32 to place the child in protective custody;

33 (c) An agency, including, without limitation, an agency in another jurisdiction,
34 responsible for or authorized to undertake the care, treatment or supervision of:

35 (1) The child; or

36 (2) The person responsible for the welfare of the child;

37 (d) A district attorney or other law enforcement officer who requires the
38 information in connection with an investigation or prosecution of the abuse or
39 neglect of a child;

40 (e) Except as otherwise provided in paragraph (f), a court other than a juvenile
41 court, for in camera inspection only, unless the court determines that public
42 disclosure of the information is necessary for the determination of an issue before
43 it;

44 (f) A court as defined in NRS 159.015 to determine whether a guardian or
45 successor guardian of a child should be appointed pursuant to chapter 159 of NRS
46 or NRS 432B.466 to 432B.468, inclusive;

47 (g) A person engaged in bona fide research or an audit, but information
48 identifying the subjects of a report must not be made available to the person;

49 (h) The attorney and the guardian ad litem of the child, if the information is
50 reasonably necessary to promote the safety, permanency and well-being of the
51 child;

52 (i) A person who files or intends to file a petition for the appointment of a
53 guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS

1 432B.466 to 432B.468, inclusive, if the identity of the person responsible for
2 reporting the abuse or neglect of the child to a public agency is kept confidential
3 and the information is reasonably necessary to promote the safety, permanency and
4 well-being of the child;

5 (j) The proposed guardian or proposed successor guardian of a child over
6 whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466
7 to 432B.468, inclusive, if the identity of the person responsible for reporting the
8 abuse or neglect of the child to a public agency is kept confidential and the
9 information is reasonably necessary to promote the safety, permanency and well-
10 being of the child;

11 (k) A grand jury upon its determination that access to these records and the
12 information is necessary in the conduct of its official business;

13 (l) A federal, state or local governmental entity, or an agency of such an entity,
14 or a juvenile court, that needs access to the information to carry out its legal
15 responsibilities to protect children from abuse and neglect;

16 (m) A person or an organization that has entered into a written agreement with
17 an agency which provides child welfare services to provide assessments or services
18 and that has been trained to make such assessments or provide such services;

19 (n) A team organized pursuant to NRS 432B.350 for the protection of a child;

20 (o) A team organized pursuant to NRS 432B.405 to review the death of a child;

21 (p) A parent or legal guardian of the child and an attorney of a parent or
22 guardian of the child, including, without limitation, the parent or guardian of a child
23 over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS
24 432B.466 to 432B.468, inclusive, if the identity of the person responsible for
25 reporting the abuse or neglect of the child to a public agency is kept confidential
26 and the information is reasonably necessary to promote the safety, permanency and
27 well-being of the child and is limited to information concerning that parent or
28 guardian;

29 (q) The child over whom a guardianship is sought pursuant to chapter 159 of
30 NRS or NRS 432B.466 to 432B.468, inclusive, if:

31 (1) The child is 14 years of age or older; and

32 (2) The identity of the person responsible for reporting the abuse or neglect
33 of the child to a public agency is kept confidential and the information is reasonably
34 necessary to promote the safety, permanency and well-being of the child;

35 (r) The persons or agent of the persons who are the subject of a report, if the
36 information is reasonably necessary to promote the safety, permanency and well-
37 being of the child and is limited to information concerning those persons;

38 (s) An agency that is authorized by law to license foster homes or facilities for
39 children or to investigate persons applying for approval to adopt a child, if the
40 agency has before it an application for that license or is investigating an applicant to
41 adopt a child;

42 (t) Upon written consent of the parent, any officer of this State or a city or
43 county thereof or Legislator authorized by the agency or department having
44 jurisdiction or by the Legislature, acting within its jurisdiction, to investigate the
45 activities or programs of an agency which provides child welfare services if:

46 (1) The identity of the person making the report is kept confidential; and

47 (2) The officer, Legislator or a member of the family of the officer or
48 Legislator is not the person alleged to have committed the abuse or neglect;

49 (u) The Division of Parole and Probation of the Department of Public Safety
50 for use pursuant to NRS 176.135 in making a presentence investigation and report
51 to the district court or pursuant to NRS 176.151 in making a general investigation
52 and report;

(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(w) A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(y) An employer in accordance with subsection 3 of NRS 432.100;

(z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence; or

(aa) The Committee to Review Suicide Fatalities created by NRS 439.5104.

3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. A person who is the subject of an unsubstantiated report of child abuse or neglect made pursuant to this chapter and who believes that the report was made in bad faith or with malicious intent may petition a district court to order the agency which provides child welfare services to release information maintained by the agency which provides child welfare services. The petition must specifically set forth the reasons supporting the belief that the report was made in bad faith or with malicious intent. The petitioner shall provide notice to the agency which provides child welfare services so that the agency may participate in the action through its counsel. The district court shall review the information which the petitioner requests to be released and the petitioner shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report was made in bad faith or with malicious intent and that the disclosure of the identity of the person who made the report would not be likely to endanger the life or safety of the person who made the report, the court shall provide a copy of the information to the petitioner and the original information is subject to discovery in a subsequent civil action regarding the making of the report.

7. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

8. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

9. An agency which provides child welfare services may provide a summary of the outcome of an investigation of the alleged abuse or neglect of a child to the person who reported the suspected abuse or neglect.

10. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings;

(b) An employee of the Division of Parole and Probation of the Department of Public Safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151; or

(c) An employee of a juvenile justice agency who provides the information to the juvenile court.

11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

13. As used in this section, "juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

Sec. 9. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the welfare of a child who is alleged to have abused or neglected the child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive ~~††~~, and sections 2 to 6, inclusive, of this act. Except as otherwise provided in subsection 2, if the person is indigent, the court may appoint an attorney to represent the person. The court may, if it finds it appropriate, appoint an attorney to represent the child. The child may be represented by an attorney at all stages of any proceedings held pursuant to NRS 432B.410 to 432B.590, inclusive ~~††~~, and sections 2 to 6, inclusive, of this act. If the child is represented by an attorney, the attorney has the same authority and rights as an attorney representing a party to the proceedings.

2. If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent;

(b) May appoint an attorney to represent the Indian child; and

(c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

as provided in the Indian Child Welfare Act.

3. Each attorney, other than a public defender, if appointed under the provisions of subsection 1, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime. Except as otherwise provided

1 in NRS 432B.500, an attorney appointed to represent a child may also be appointed
2 as guardian ad litem for the child.

3 **Sec. 10.** NRS 126.041 is hereby amended to read as follows:

4 126.041 The parent and child relationship between a child and:

5 1. A woman may be established by:

6 (a) Except as otherwise provided in NRS 126.710 to 126.810, inclusive, proof
7 of her having given birth to the child;

8 (b) An adjudication of the woman's maternity pursuant to this chapter, or NRS
9 125B.150 or 130.402;

10 (c) Proof of adoption of the child by the woman;

11 (d) An un rebutted presumption of the woman's maternity;

12 (e) The consent of the woman to assisted reproduction pursuant to NRS
13 126.670 and 126.680 which resulted in the birth of the child; or

14 (f) An adjudication confirming the woman as a parent of a child born to a
15 gestational carrier if the gestational agreement is enforceable under the provisions
16 of NRS 126.710 to 126.810, inclusive, or any other provision of law.

17 2. A man may be established:

18 (a) Under this chapter, NRS 125B.150, 130.402, or 425.382 to 425.3852,
19 inclusive ~~§~~, or chapter 432B of NRS;

20 (b) By proof of adoption of the child by the man;

21 (c) By the consent of the man to assisted reproduction pursuant to NRS
22 126.670 and 126.680 which resulted in the birth of the child; or

23 (d) By an adjudication confirming the man as a parent of a child born to a
24 gestational carrier if the gestational agreement was validated pursuant to the
25 provisions of NRS 126.710 to 126.810, inclusive, or other provision of law.

26 **Sec. 11.** NRS 126.091 is hereby amended to read as follows:

27 126.091 1. Each district court has jurisdiction of an action brought under
28 this chapter. The action may be joined with an action for divorce, annulment,
29 separate maintenance or support ~~§~~ or with a proceeding held pursuant to chapter
30 432B of NRS.

31 2. A person who has sexual intercourse in this state thereby submits to the
32 jurisdiction of the courts of this state as to an action brought under this chapter with
33 respect to a child who may have been conceived by that act of intercourse. In
34 addition to any other method provided by law, personal jurisdiction may be
35 acquired by personal service of summons outside this state or by certified mail,
36 restricted delivery, with return receipt requested.

37 3. The action may be brought in the county in which the child, the mother or
38 the alleged father resides or is found or, if the father is deceased, in which
39 proceedings for probate of the father's estate have been or could be commenced.
40 The court has jurisdiction whether or not the plaintiff resides in this state.

41 4. If an action to establish paternity is transferred from one judicial district in
42 this state to another judicial district in this state, the district court to which the
43 action is transferred shall not require the petitioner to file additional documents
44 with the court or provide additional service of process upon the respondent to
45 maintain jurisdiction over the parties.

46 **Sec. 12.** NRS 126.121 is hereby amended to read as follows:

47 126.121 1. The court may, and shall upon the motion of a party, order the
48 mother, child, alleged father or any other person so involved to submit to one or
49 more tests for the typing of blood or taking of specimens for genetic identification
50 to be made by a designated person, by qualified physicians or by other qualified
51 persons, under such restrictions and directions as the court or judge deems proper.
52 Whenever such a test is ordered and made, the results of the test must be received
53 in evidence and must be made available to a judge, master or referee conducting a

1 hearing pursuant to NRS 126.111 ~~or~~ *or section 5 of this act*. The results of the test
2 and any sample or specimen taken may be used only for the purposes specified in
3 this chapter ~~or chapter 432B of NRS~~. Unless a party files a written objection to
4 the result of a test at least 30 days before the hearing at which the result is to be
5 received in evidence, the result is admissible as evidence of paternity without
6 foundational testimony or other proof of authenticity or accuracy. The order for
7 such a test also may direct that the testimony of the experts and of the persons so
8 examined may be taken by deposition or written interrogatories.

9 2. If any party refuses to submit to or fails to appear for a test ordered
10 pursuant to subsection 1, the court may presume that the result of the test would be
11 adverse to the interests of that party or may enforce its order if the rights of others
12 and the interests of justice so require.

13 3. The court, upon reasonable request by a party, shall order that independent
14 tests for determining paternity be performed by other experts or qualified
15 laboratories.

16 4. In all cases, the court shall determine the number and qualifications of the
17 experts and laboratories.

18 5. As used in this section:

19 (a) "Designated person" means a person who is:

20 (1) Properly trained to take samples or specimens for tests for the typing of
21 blood and genetic identification; and

22 (2) Designated by an enforcing authority to take such samples or
23 specimens.

24 (b) "Enforcing authority" means the Division of Welfare and Supportive
25 Services of the Department of Health and Human Services, its designated
26 representative, a district attorney or the Attorney General when acting pursuant to
27 NRS 425.380.

28 **Sec. 13.** NRS 239.010 is hereby amended to read as follows:

29 239.010 1. Except as otherwise provided in this section and NRS 1.4683,
30 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025,
31 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
32 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640,
33 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160,
34 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
35 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140,
36 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140,
37 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
38 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
39 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772,
40 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521,
41 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
42 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
43 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
44 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
45 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105,
46 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,
47 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.0068, 286.110, 287.0438,
48 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135,
49 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379,
50 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
51 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044,
52 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
53 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,

388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 6 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

1 (a) Shall not refuse to provide a copy of that public record in a readily
2 available medium because the officer, employee or agent has already prepared or
3 would prefer to provide the copy in a different medium.

4 (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare
5 the copy of the public record and shall not require the person who has requested the
6 copy to prepare the copy himself or herself.

7 **Sec. 13.5. The provisions of NRS 354.599 do not apply to any additional**
8 **expenses of a local government that are related to the provisions of this act.**

9 **Sec. 14.** This act becomes effective on July 1, 2017.