

SENATE BILL NO. 40—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Judiciary

**SUMMARY**—Revises provisions relating to the registration of child custody determinations and support orders from outside Nevada. (BDR 11-401)

**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 domestic relations; revising the provisions of the Uniform Child Custody Jurisdiction and Enforcement Act that set forth the procedures for serving notice of the registration of a child custody determination issued by a court in another state; revising the provisions of the Uniform Interstate Family Support Act that set forth the procedures for notifying certain persons of the registration of certain support orders; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, Nevada has enacted the Uniform Child Custody Jurisdiction and Enforcement Act to establish the procedures and jurisdictional requirements regarding the enforcement of a child custody determination issued by a court in another state. (Chapter 125A of NRS) To make a child custody determination issued by a court in another state enforceable in this State, existing law authorizes a person to register a child custody determination in this State. The court in which the child custody determination is being registered is required to serve notice upon any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination. (NRS 125A.465) **Section 1** of this bill amends the Uniform Act by requiring the person seeking registration, instead of the court, to notify any parent or person who has been awarded custody or visitation in the child custody determination.

Existing federal law requires each state to adopt the Uniform Interstate Family Support Act, as amended in 2008, not later than July 1, 2015, as a condition for the receipt of certain federal funds for support enforcement efforts. (42 U.S.C. § 654(20)(A), 42 U.S.C. § 666(f); Pub. L. No. 113-183, 128 Stat. 1919) To comply



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with this federal requirement, Nevada has enacted the Uniform Interstate Family Support Act and the amendments to that Act to establish the procedures and jurisdictional requirements regarding the issuance, enforcement and modification of interstate child-support and spousal support orders. (NRS 130.0902-130.802) Under the Act, a support order or income-withholding order issued in another state or a foreign support order may be registered in this State for enforcement. (NRS 130.601) When such an order is registered in this State, the tribunal of this State in which the order is registered is required to notify the nonregistering party, the support-enforcement agency of this State and, in certain cases, the employer of an obligor under an income-withholding order. (NRS 130.605) **Section 2** of this bill amends the Act by requiring the party who registers the order, instead of the tribunal, to provide these notices.

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

**Section 1.** NRS 125A.465 is hereby amended to read as follows:

125A.465 1. A child custody determination issued by a court of another state may be registered in this state, with or without a simultaneous request for enforcement, by sending to a court of this state which is competent to hear custody matters:

(a) A letter or other document requesting registration;

(b) Two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and

(c) Except as otherwise provided in NRS 125A.385, the name and address of the person seeking registration and any parent or person acting as a parent who has been awarded custody or visitation in the child custody determination sought to be registered.

2. On receipt of the documents required by subsection 1, the registering court shall ~~†~~

~~—(a) Cause†~~ *cause* the determination to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form. ~~† and~~

~~—(b) Serve notice upon†~~

*3. The registering court shall provide* the persons named pursuant to paragraph (c) of subsection 1 ~~†and provide them†~~ with an opportunity to contest the registration in accordance with this section.

~~†3.†~~ *4. The person seeking registration of a child custody determination pursuant to subsection 1 shall serve notice upon each parent or person who has been awarded custody or visitation identified pursuant to paragraph (c) of subsection 1.*



1        **5.** The notice required by ~~paragraph (b) of~~ subsection ~~21~~ **4**  
2 must state that:

3        (a) A registered determination is enforceable as of the date of  
4 the registration in the same manner as a determination issued by a  
5 court of this state;

6        (b) A hearing to contest the validity of the registered  
7 determination must be requested within 20 days after service of  
8 notice; and

9        (c) Failure to contest the registration will result in confirmation  
10 of the child custody determination and preclude further contest of  
11 that determination with respect to any matter that could have been  
12 asserted.

13        ~~14~~ **6.** A person seeking to contest the validity of a registered  
14 order must request a hearing within 20 days after service of the  
15 notice. At that hearing, the court shall confirm the registered order  
16 unless the person contesting registration establishes that:

17        (a) The issuing court did not have jurisdiction pursuant to NRS  
18 125A.305 to 125A.395, inclusive;

19        (b) The child custody determination sought to be registered has  
20 been vacated, stayed or modified by a court having jurisdiction to do  
21 so pursuant to NRS 125A.305 to 125A.395, inclusive; or

22        (c) The person contesting registration was entitled to notice, but  
23 notice was not given in accordance with the standards of NRS  
24 125A.255, in the proceedings before the court that issued the order  
25 for which registration is sought.

26        ~~15~~ **7.** If a timely request for a hearing to contest the validity of  
27 the registration is not made, the registration is confirmed as a matter  
28 of law and the person requesting registration and all persons served  
29 must be notified of the confirmation.

30        ~~16~~ **8.** Confirmation of a registered order, whether by operation  
31 of law or after notice and hearing, precludes further contest of the  
32 order with respect to any matter that could have been asserted at the  
33 time of registration.

34        ~~17~~ **9.** The provisions of this section do not apply to an order  
35 for protection against domestic violence issued by the court of  
36 another state, territory or Indian tribe within the United States which  
37 is registered pursuant to NRS 33.090.

38        **Sec. 2.** NRS 130.605 is hereby amended to read as follows:

39        130.605 1. When a support order or income-withholding  
40 order issued in another state or a foreign support order is registered,  
41 the registering ~~tribunal of this State~~ **party** shall notify the  
42 nonregistering party and a support-enforcement agency of this State.  
43 The notice must be accompanied by a copy of the registered order  
44 and the documents and relevant information accompanying the  
45 order.



- 1        2. The notice must inform the nonregistering party:  
2        (a) That a registered order is enforceable as of the date of  
3 registration in the same manner as an order issued by a tribunal of  
4 this State;  
5        (b) That a hearing to contest the validity or enforcement of the  
6 registered order must be requested within 20 days after the notice  
7 unless the registered order is pursuant to NRS 130.707;  
8        (c) That failure to contest the validity or enforcement of the  
9 registered order in a timely manner will result in confirmation of the  
10 order and enforcement of the order and the alleged arrearages and  
11 precludes further contest of that order with respect to any matter that  
12 could have been asserted; and  
13        (d) Of the amount of any alleged arrearages.  
14        3. If the registering party asserts that two or more orders are in  
15 effect, the notice must also:  
16        (a) Identify the two or more orders and the order alleged by the  
17 registering party to be the controlling order and the consolidated  
18 arrears, if any;  
19        (b) Notify the nonregistering party of the right to a  
20 determination of which is the controlling order;  
21        (c) State that the procedures provided in subsection 2 apply to  
22 the determination of which is the controlling order; and  
23        (d) State that failure to contest the validity or enforcement of the  
24 order alleged to be the controlling order in a timely manner may  
25 result in confirmation that the order is the controlling order.  
26        4. Upon registration of an income-withholding order for  
27 enforcement, the support enforcement agency or the registering  
28 ~~tribunal~~ party shall cause appropriate notice of the order to be  
29 provided to the employer of the obligor in accordance with chapter  
30 31A of NRS.  
31        **Sec. 3.** This act becomes effective on July 1, 2017.

