

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 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; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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



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, by registered or certified mail, return receipt requested, upon each parent or person who has been awarded custody or visitation identified pursuant to paragraph (c) of subsection 1.***

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

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

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

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



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

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

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

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

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

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

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

Sec. 2. (Deleted by amendment.)

Sec. 3. This act becomes effective on July 1, 2017.

