

SENATE BILL NO. 17—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE DIVISION OF WELFARE AND
SUPPORTIVE SERVICES OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES)

PREFILED NOVEMBER 15, 2018

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes relating to enforcement of
child support obligations. (BDR 38-200)

FISCAL NOTE: Effect on Local Government: No.
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 the support of children; revising the procedure
for the suspension of certain licenses and permits issued
by the Department of Wildlife to a person who has failed
to comply with certain subpoenas or warrants or who is in
arrears in the payment of support for one or more
children; removing provisions exempting certain
recreational licenses, certificates and permits from
suspension for noncompliance with a subpoena or warrant
or nonpayment of support for one or more children; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing federal law requires each state to establish procedures under which the
2 state has the authority to withhold or suspend professional, occupational and
3 recreational licenses of a person who: (1) has failed, after receiving notice, to
4 comply with a subpoena or warrant relating to paternity or child support
5 proceedings; or (2) is in arrears in the payment of support for one or more children.
6 (42 U.S.C. § 666) Existing law requires a district court to provide to the Secretary
7 of State and all agencies that issue professional, occupational and recreational
8 licenses, certificates or permits a copy of a court order determining that a person:
9 (1) has failed to comply with a subpoena or warrant relating to a proceeding to
10 determine the paternity of a child or to establish or enforce an obligation for the
11 support of a child; or (2) is in arrears in the payment of support for one or more
12 children. The court order must provide that if the person does not submit certain



proof of compliance with the subpoena or warrant or satisfaction of the arrearage to the Secretary of State or agency that has issued such a license, certificate or permit to that person, as applicable, the state business license and any professional, occupational or recreational licenses issued to the person will be automatically suspended. (NRS 425.540) Under existing law, if the Department of Wildlife receives such a court order that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who holds a license or permit to hunt, fish or trap, the Department is required to suspend a license or permit to hunt, fish or trap which was issued to that person and which expires 6 months or more after it is issued, unless, within 30 days after the issuance of the court order, the Department receives certain proof of compliance with the subpoena or warrant or satisfaction of the arrearage. (NRS 425.540, 502.115, 503.5835)

Sections 2 and 3 of this bill remove the requirement for a district court to provide to the Department a copy of a court order providing for the suspension of all licenses and permits to hunt, fish or trap. Instead, **section 1** of this bill requires the district attorney or other public agency collecting support for children to report to the Department the name of a person who has, after receiving notice, failed to comply with a subpoena or warrant relating to paternity or child support proceedings or who is in arrears in the payment of support for one or more children. Under **section 1**, for a person who receives a notice of failure to comply with a subpoena or warrant relating to paternity or child support proceedings or arrearage in the payment of support for one or more children and who requests a hearing, the district attorney or other public agency collecting support for children is required to report the name of that person to the Department only if: (1) a master, after a hearing, determines that the person has failed to comply with a subpoena or warrant or that the person is in arrears in the payment of support for one or more children; and (2) the determination of the master is approved by the district court.

Sections 5 and 7 of this bill require the Department to suspend a license or permit to hunt, fish or trap upon receipt of the report from the district attorney or other public agency collecting support for children indicating that the holder of the license or permit has, after receiving notice, failed to comply with a subpoena or warrant relating to paternity or child support proceedings or is in arrears in the payment of support for child support unless, within 30 days, the holder of the license or permit provide certain proof of compliance with the subpoena or warrant or satisfaction of the arrearage.

Under existing law, a license or permit to hunt, fish or trap that expires less than 6 months after the license or permit is issued is not subject to suspension because the holder of the license or permit has failed to comply with a subpoena or warrant relating to paternity or child support proceedings or is in arrears in the payment of child support. (NRS 425.540, 502.115, 503.5835) **Sections 3-6** of this bill remove the exception to suspension for licenses or permits to hunt, fish or trap that expire less than 6 months after the license or permit is issued and, thus, make any license or permit to hunt, fish or trap subject to suspension because the holder of the license or permit has failed to comply with a subpoena or warrant relating to paternity or child support proceedings or is in arrears in the payment of child support.



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

Section 1. NRS 425.510 is hereby amended to read as follows:

425.510 1. Each district attorney or other public agency collecting support for children shall send a notice by first-class mail to each person who:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

➤ The notice must include the information set forth in subsection 2 and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

2. If the person does not, within 30 days after the person receives the notice required by subsection 1:

(a) Comply with the subpoena or warrant;

(b) Satisfy the arrearage pursuant to NRS 425.560; or

(c) Submit to the district attorney or other public agency a written request for a hearing.

➤ the district attorney or other public agency shall report the name of that person to the Department of Motor Vehicles ~~and~~ *and to the Department of Wildlife.*

3. Before a hearing requested pursuant to subsection 2 may be held, the person requesting the hearing and a representative of the enforcing authority must meet and make a good faith effort to resolve the matter.

4. If a person requests a hearing within the period prescribed in subsection 2 and meets with the enforcing authority as required pursuant to subsection 3, a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of the recommendation of the master at the conclusion of the hearing or as soon thereafter as is practicable. If the master determines that the person has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child, the master shall include in the notice the information set forth in subsection 5. If the master determines that the person is in arrears in the payment for the support of one or more children, the master shall include in the notice the information set forth in subsection 6.

5. If the master determines that a person who requested a hearing pursuant to subsection 2 has not complied with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a



child and the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the Department ~~H~~ of Motor Vehicles and to the Department of Wildlife.

6. If the master determines that a person who requested a hearing pursuant to subsection 2 is in arrears in the payment for the support of one or more children, the master shall notify the person that if the person does not immediately agree to enter into a plan for the repayment of the arrearages that is approved by the district attorney or other public agency, the driver's license and motorcycle driver's license of *the person and any license or permit to hunt, fish or trap issued by the Department of Wildlife to the person pursuant to chapters 502 and 503 of NRS*, may be subject to suspension. If the person does not agree to enter into such a plan and the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the Department of Motor Vehicles ~~H~~ and to the Department of Wildlife.

7. The district attorney or other public agency shall, within 5 days after the person who has failed to comply with a subpoena or warrant or is in arrears in the payment for the support of one or more children complies with the subpoena or warrant or satisfies the arrearage pursuant to NRS 425.560, notify the Department of Motor Vehicles *and the Department of Wildlife* that the person has complied with the subpoena or warrant or has satisfied the arrearage.

8. For the purposes of this section, a person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at the last known address of the person.

Sec. 2. NRS 425.530 is hereby amended to read as follows:

425.530 1. Each district attorney or other public agency collecting support for children shall send a notice by certified mail, restricted delivery, with return receipt requested to each person who:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish, modify or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

➤ The notice must include the information set forth in subsections 2 and 4 and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

2. If the person does not, within 30 days after the person receives the notice required by subsection 1:



- 1 (a) Comply with the subpoena or warrant;
- 2 (b) Satisfy the arrearage pursuant to NRS 425.560; or
- 3 (c) Submit to the district attorney or other public agency a
- 4 written request for a hearing,

5 ➤ the district attorney or other public agency shall request in
6 writing that the master suspend all professional, occupational and
7 recreational licenses, certificates and permits issued to that person,
8 and any state business license issued to that person if he or she is
9 conducting business in this State as a sole proprietor.

10 3. Before a hearing requested pursuant to subsection 2 may be
11 held, the person requesting the hearing and a representative of the
12 enforcing authority must meet and make a good faith effort to
13 resolve the matter.

14 4. If the master receives from a district attorney or other public
15 agency a request to suspend the professional, occupational and
16 recreational licenses, certificates and permits issued to a person, and
17 any state business license issued to that person if he or she is
18 conducting business in this State as a sole proprietor, the master
19 shall enter a recommendation determining whether the person:

20 (a) Has failed to comply with a subpoena or warrant relating to a
21 proceeding to determine the paternity of a child or to establish,
22 modify or enforce an obligation for the support of a child; or

23 (b) Is in arrears in the payment for the support of one or more
24 children.

25 ➤ As soon as practicable after the master enters a recommendation,
26 the district attorney or other public agency shall notify the person by
27 first-class mail of the recommendation of the master.

28 5. If a person requests a hearing within the period prescribed in
29 subsection 2 and meets with the enforcing authority as required in
30 subsection 3, a hearing must be held pursuant to NRS 425.3832. The
31 master shall notify the person of the recommendation of the master
32 at the conclusion of the hearing or as soon thereafter as is
33 practicable.

34 6. *As used in this section, "professional, occupational and*
35 *recreational licenses, certificates and permits" does not include*
36 *licenses and permits to hunt, fish or trap issued by the Department*
37 *of Wildlife pursuant to chapters 502 and 503 of NRS.*

38 **Sec. 3.** NRS 425.540 is hereby amended to read as follows:

39 425.540 1. If a master enters a recommendation determining
40 that a person:

41 (a) Has failed to comply with a subpoena or warrant relating to a
42 proceeding to determine the paternity of a child or to establish or
43 enforce an obligation for the support of a child; or

44 (b) Is in arrears in the payment for the support of one or more
45 children,



1 ➡ and the district court issues an order approving the
2 recommendation of the master pursuant to NRS 425.3844, the court
3 shall provide a copy of the order to the Secretary of State and all
4 agencies that issue professional, occupational or recreational
5 licenses, certificates or permits.

6 2. A court order issued pursuant to subsection 1 must provide
7 that if the person named in the order does not, within 30 days after
8 the date on which the order is issued, submit to any agency that has
9 issued a professional, occupational or recreational license, certificate
10 or permit to that person, and to the Secretary of State if he or she
11 conducts business in this State as a sole proprietor, a letter from the
12 district attorney or other public agency stating that the person has
13 complied with the subpoena or warrant or has satisfied the arrearage
14 pursuant to NRS 425.560, the professional, occupational or
15 recreational licenses issued to the person by that agency, or the state
16 business license issued to the person to conduct business in this
17 State as a sole proprietor by the Secretary of State, will be
18 automatically suspended. Such an order must not apply to a license,
19 certificate or permit issued by ~~the Department of Wildlife or~~ the
20 State Land Registrar if that license, certificate or permit expires less
21 than 6 months after it is issued.

22 3. If a court issues an order pursuant to subsection 1, the
23 district attorney or other public agency shall send a notice by first-
24 class mail to the person who is subject to the order. The notice must
25 include:

26 (a) If the person has failed to comply with a subpoena or
27 warrant, a copy of the court order and a copy of the subpoena or
28 warrant; or

29 (b) If the person is in arrears in the payment for the support of
30 one or more children:

31 (1) A copy of the court order;

32 (2) A statement of the amount of the arrearage; and

33 (3) A statement of the action that the person may take to
34 satisfy the arrearage pursuant to NRS 425.560.

35 4. *As used in this section, "professional, occupational and*
36 *recreational licenses, certificates and permits" does not include*
37 *licenses and permits to hunt, fish or trap issued by the Department*
38 *of Wildlife pursuant to chapters 502 and 503 of NRS.*

39 **Sec. 4.** NRS 502.063 is hereby amended to read as follows:

40 502.063 The Department shall, upon request of the Division of
41 Welfare and Supportive Services of the Department of Health and
42 Human Services, submit to the Division of Welfare and Supportive
43 Services the name, address and social security number of each
44 person who holds a license or permit to hunt, fish or trap, ~~that does~~
45 ~~not expire less than 6 months after it is issued,~~ or a license to



1 practice commercial taxidermy, and any pertinent changes in that
2 information.

3 **Sec. 5.** NRS 502.115 is hereby amended to read as follows:

4 502.115 1. If the Department receives ~~it~~ :

5 **(a)** A copy of a court order issued pursuant to NRS 425.540 that
6 provides for the suspension of all professional, occupational and
7 recreational licenses, certificates and permits issued to a person who
8 is the holder of a license ~~for permit to hunt, fish or trap that does not~~
9 ~~expire less than 6 months after it is issued, or a license~~ to practice
10 commercial taxidermy ~~it, the~~ ; or

11 **(b)** *A report made pursuant to NRS 425.510 that provides for*
12 *the suspension of all licenses and permits to hunt, fish or trap,*

13 *the* Department shall deem the license or permit issued to that
14 person to be suspended at the end of the 30th day after the date on
15 which the court order was issued *or the report was received, as*
16 *applicable*, unless the Department receives a *notice or* letter issued
17 ~~to the holder of the license or permit~~ by the district attorney or
18 other public agency pursuant to NRS *425.510 or* 425.550 , *as*
19 *applicable*, stating that the holder of the license or permit has
20 complied with the subpoena or warrant or has satisfied the arrearage
21 pursuant to NRS 425.560.

22 2. The Department shall reinstate a license or permit to hunt,
23 fish or trap or a license to practice commercial taxidermy that has
24 been suspended *in connection with a report pursuant to NRS*
25 *425.510 or* by a district court pursuant to NRS 425.540 , *as*
26 *applicable*, if the Department receives a *notice or* letter issued by
27 the district attorney or other public agency pursuant to NRS *425.510*
28 *or* 425.550 ~~to the person whose license or permit was suspended~~ ,
29 *as applicable*, stating that the person whose permit or license was
30 suspended has complied with the subpoena or warrant or has
31 satisfied the arrearage pursuant to NRS 425.560.

32 **Sec. 6.** NRS 503.5833 is hereby amended to read as follows:

33 503.5833 The Department shall, upon request of the Division
34 of Welfare and Supportive Services of the Department of Health and
35 Human Services, submit to the Division of Welfare and Supportive
36 Services the name, address and social security number of each
37 person who holds a permit or license issued pursuant to NRS
38 503.582 or 503.583 ~~that does not expire less than 6 months after it~~
39 ~~is issued~~ and any pertinent changes in that information.

40 **Sec. 7.** NRS 503.5835 is hereby amended to read as follows:

41 503.5835 1. If the Department receives a ~~copy of a court~~
42 ~~order~~ *report* issued pursuant to NRS ~~425.540~~ *425.510* that
43 provides for the suspension of all ~~professional, occupational and~~
44 recreational licenses ~~it, certificates~~ and permits issued to a person
45 who is the holder of a permit or license issued pursuant to



1 NRS 503.582 or 503.583 , ~~{that does not expire less than 6 months~~
2 ~~after it is issued,}~~ the Department shall deem the permit or license
3 issued to that person to be suspended at the end of the 30th day after
4 the date on which the ~~{court order}~~ **report** was issued unless the
5 Department receives ~~{a letter issued to the holder of the permit or~~
6 ~~license by}~~ **notice from** the district attorney or other public agency
7 pursuant to NRS ~~{425.550}~~ **425.510** stating that the holder of the
8 permit or license has complied with the subpoena or warrant or has
9 satisfied the arrearage pursuant to NRS 425.560.

10 2. The Department shall reinstate a permit or license issued
11 pursuant to NRS 503.582 or 503.583 that has been suspended by a
12 district court pursuant to NRS ~~{425.540}~~ **425.510** if the Department
13 receives a ~~{letter}~~ **notice** issued by the district attorney or other
14 public agency pursuant to NRS ~~{425.550 to the person whose permit~~
15 ~~or license was suspended}~~ **425.510** stating that the person whose
16 permit or license was suspended has complied with the subpoena or
17 warrant or has satisfied the arrearage pursuant to NRS 425.560.

18 **Sec. 8.** This act becomes effective on July 1, 2019, and expires
19 by limitation on the date on which the provisions of 42 U.S.C. § 666
20 requiring each state to establish procedures under which the state
21 has authority to withhold or suspend, or to restrict the use of
22 professional, occupational and recreational licenses of persons who:

23 1. Have failed to comply with a subpoena or warrant relating to
24 a proceeding to determine the paternity of a child or to establish or
25 enforce an obligation for the support of a child; or

26 2. Are in arrears in the payment for the support of one or more
27 children,

28 ➔ are repealed by the Congress of the United States.

