

SENATE BILL NO. 277—SENATOR PICKARD

MARCH 14, 2019

JOINT SPONSOR: ASSEMBLYWOMAN COHEN

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the support of children. (BDR 11-630)

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 the support of children; revising provisions governing the calculation of the support of children; revising provisions relating to the modification of support; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law and regulations require each state to establish child support guidelines and to review such guidelines at least once every 4 years to ensure that the application of such guidelines results in appropriate awards of child support. (42 U.S.C. § 667(a); 45 C.F.R. § 302.56(e)) Existing federal regulations also establish minimum standards for such guidelines. (45 C.F.R. § 302.56(c)) Existing state law establishes the general formula used to calculate child support and sets forth several other related provisions. (NRS 125B.070-125B.085, 125B.095)

Existing state law: (1) requires child support to be based on the gross monthly income of a parent; and (2) defines “gross monthly income” as the total income received each month by a person, whether self-employed or not, after a deduction of business expenses, but without deducting personal income taxes, retirement benefits, contributions to a pension or any other personal expense. (NRS 125B.070)

Section 3 of this bill revises the definition of gross monthly income to reflect the calculation required pursuant to **section 4** of this bill. **Section 4** requires gross monthly income to be calculated as the total amount of money received each month by a person from certain sources of income.

Existing state law authorizes certain persons to request judicial review of an order for support every 3 years. Upon such a request, existing state law requires a court to review such an order to determine whether the order should be modified or adjusted. Existing state law authorizes a court to modify or adjust such an order if



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there has been a legal or factual change in circumstances since the issuance of the previous order. (NRS 125B.145; *Rivero v. Rivero*, 125 Nev. 410, 431-33 (2009)) **Section 7** of this bill authorizes a court to modify or adjust such an order without a legal or factual change of circumstances.

Existing state law authorizes a court to review an order for support at any time there is a change in circumstances. Existing state law provides that a change of 20 percent or more in the gross monthly income of a parent constitutes a change in circumstances. (NRS 125B.145) **Section 7** additionally provides that the following circumstances constitute a change of circumstances: (1) the emancipation of the child who is the subject of the order of support; (2) a material change in the cost of child care for the child; (3) the commencement of formal schooling by the child; (4) the completion of elementary, middle or high school by the child; or (5) a change in the custodial circumstances of the child regardless of whether an order for the custodial change was issued by a court.

Existing state law also requires: (1) the Committee to Review Child Support Guidelines to review the existing child support guidelines established in this State and to provide any recommendations for revisions to the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services; and (2) the Administrator, after reviewing and considering such recommendations, to adopt regulations establishing the support guidelines in this State. (NRS 425.620) Existing state law provides that such regulations adopted by the Administrator will replace the guidelines currently set forth in existing law upon the effective date of the regulations. (Chapter 371, Statutes of Nevada 2017, p. 2292) **Section 9** of this bill requires such guidelines that relate to the determination or modification of child support to be based on the gross monthly income of the parent as calculated pursuant to **section 4. Sections 1, 5, 6, 8, 10 and 11** of this bill make conforming changes.

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

Section 1. NRS 125.150 is hereby amended to read as follows:
125.150 Except as otherwise provided in NRS 125.155 and 125.165, and unless the action is contrary to a premarital agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to either spouse, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, including, without limitation, any community property transferred into an irrevocable trust pursuant to NRS 123.125 over which the court acquires jurisdiction pursuant to NRS 164.010, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.



2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➔ As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain adjudication of any community property or liability omitted from the decree or judgment as the result of fraud or mistake. A motion pursuant to this subsection must be filed within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or



liability and sets forth in writing the reasons for making the unequal disposition.

↳ If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.

4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

5. In granting a divorce, the court may also set apart such portion of the separate property of either spouse for the other spouse's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

6. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

7. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and acknowledged by the parties to the action, and in accordance with the terms thereof.

8. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

9. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

(a) The financial condition of each spouse;



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(b) The nature and value of the respective property of each spouse;

(c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;

(d) The duration of the marriage;

(e) The income, earning capacity, age and health of each spouse;

(f) The standard of living during the marriage;

(g) The career before the marriage of the spouse who would receive the alimony;

(h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;

(i) The contribution of either spouse as homemaker;

(j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and

(k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

10. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

11. If the court determines that alimony should be awarded pursuant to the provisions of subsection 10:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;



(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

12. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" has the meaning ascribed to it in ~~NRS-125B.070.~~ *section 3 of this act.*

Sec. 2. Chapter 125B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. *"Gross monthly income" means the amount calculated pursuant to section 4 of this act.*

Sec. 4. 1. *Except as otherwise provided in subsection 3, gross monthly income must be determined by calculating the total amount of money received each month by a person from:*

(a) *Salary and wages, including, without limitation, money earned from overtime pay if such overtime pay is substantial, consistent and can be accurately determined.*

(b) *Alimony received.*

(c) *Interest and investment income, not including the principal.*

(d) *Social security disability benefits and old-age insurance benefits under federal law.*

(e) *Any periodic payment from a pension, retirement plan or annuity which is considered remuneration for employment.*

(f) *Net proceeds resulting from workers' compensation or other personal injury awards intended to replace income.*

(g) *Unemployment insurance.*

(h) *Income continuation benefits.*

(i) *Military allowances and veterans' benefits.*

(j) *Voluntary contributions to a deferred compensation plan, employee contributions to an employee benefit or profit-sharing plan and voluntary employee contributions to a pension or retirement account, regardless of whether the account provides for a tax deferral or avoidance.*

(k) *Compensation for lost wages.*

(l) *Undistributed income of a business entity in which a party has an ownership interest sufficient to individually exercise*



1 *control over or access the earning of the business, if a court*
2 *determines that such undistributed income must be imputed on the*
3 *basis that the person is underemployed or unemployed without*
4 *good cause. As used in this paragraph:*

5 (1) *“Reasonable allowance for economic depreciation”*
6 *means the amount of depreciation on assets computed using the*
7 *straight-line method and useful lives as determined under federal*
8 *income tax laws and regulations.*

9 (2) *“Undistributed income” means federal taxable income*
10 *of a business entity plus depreciation claimed on the federal*
11 *income tax return of the business less a reasonable allowance for*
12 *economic depreciation.*

13 (m) *Child care subsidy payments if the person is a child care*
14 *provider.*

15 (n) *Except as otherwise provided in subsection 2, all other*
16 *income of a party, regardless of whether such income is taxable.*

17 2. *The following sources of income must not be included in*
18 *the calculation of gross monthly income pursuant to subsection 1:*

19 (a) *Child support received.*

20 (b) *Foster care or kinship care payments.*

21 (c) *Benefits received under the federal Supplemental*
22 *Nutritional Assistance Program.*

23 (d) *Cash benefits paid by a county.*

24 (e) *Supplemental security income benefits and state*
25 *supplemental payments.*

26 (f) *Except as otherwise provided in paragraph (m) of*
27 *subsection 1, payments made for social services or any other*
28 *public assistance benefits.*

29 (g) *Compensation for losses, both general and special*
30 *damages, in personal injury awards not intended to replace*
31 *income.*

32 3. *Paragraph (b) of subsection 1 must not be used in any*
33 *calculation of gross monthly income pursuant to NRS 125.150.*

34 4. *This section must not be construed to limit income*
35 *withholding or the assignment of workers’ compensation benefits*
36 *for the collection of child support.*

37 **Sec. 5.** NRS 125B.002 is hereby amended to read as follows:

38 125B.002 As used in NRS 125B.002 to 125B.180, inclusive,
39 *and sections 3 and 4 of this act*, unless the context otherwise
40 requires, the words and terms defined in NRS 125B.004 and
41 125B.008 *and section 3 of this act* have the meanings ascribed to
42 them in those sections.

43 **Sec. 6.** NRS 125B.070 is hereby amended to read as follows:

44 125B.070 1. As used in this section and NRS 125B.080,
45 unless the context otherwise requires ~~E~~



1 — (a) “Gross monthly income” means the total amount of income
2 received each month from any source of a person who is not self-
3 employed or the gross income from any source of a self-employed
4 person, after deduction of all legitimate business expenses, but
5 without deduction for personal income taxes, contributions for
6 retirement benefits, contributions to a pension or for any other
7 personal expenses.

8 — (b) “Obligation” , “obligation for support” means the sum
9 certain dollar amount determined according to the following
10 schedule:

- 11 ~~[(1)]~~ (a) For one child, 18 percent;
12 ~~[(2)]~~ (b) For two children, 25 percent;
13 ~~[(3)]~~ (c) For three children, 29 percent;
14 ~~[(4)]~~ (d) For four children, 31 percent; and
15 ~~[(5)]~~ (e) For each additional child, an additional 2 percent,
16 ➤ of a parent’s gross monthly income, but not more than the
17 presumptive maximum amount per month per child set forth for the
18 parent in subsection 2 for an obligation for support determined
19 pursuant to ~~[subparagraphs (1)]~~ paragraphs (a) to ~~[(4)]~~ (d),
20 inclusive, unless the court sets forth findings of fact as to the basis
21 for a different amount pursuant to subsection 6 of NRS 125B.080.

22 2. For the purposes of ~~[paragraph (b) of]~~ subsection 1, the
23 presumptive maximum amount per month per child for an obligation
24 for support, as adjusted pursuant to subsection 3, is:

| PRESUMPTIVE MAXIMUM AMOUNT | | | |
|---|-----------|---------|-------|
| The Presumptive Maximum Amount the | | | |
| Parent May Be Required to Pay | | | |
| per Month per Child Pursuant to | | | |
| [Paragraph (b) of] Subsection 1 Is | | | |
| INCOME RANGE | | | |
| If the Parent’s Gross | But | | |
| Monthly Income Is at Least | Less Than | | |
| \$0 | - | \$4,168 | \$500 |
| 4,168 | - | 6,251 | 550 |
| 6,251 | - | 8,334 | 600 |
| 8,334 | - | 10,418 | 650 |
| 10,418 | - | 12,501 | 700 |
| 12,501 | - | 14,583 | 750 |

38
39 If a parent’s gross monthly income is equal to or greater than
40 \$14,583, the presumptive maximum amount the parent may be
41 required to pay pursuant to ~~[paragraph (b) of]~~ subsection 1 is \$800.

42 3. The presumptive maximum amounts set forth in subsection
43 2 for the obligation for support must be adjusted on July 1 of each
44 year for the fiscal year beginning that day and ending June 30 in a
45 rounded dollar amount corresponding to the percentage of increase
46 or decrease in the Consumer Price Index (All Items) published by



1 the United States Department of Labor for the preceding calendar
2 year. On April 1 of each year, the Office of Court Administrator
3 shall determine the amount of the increase or decrease required by
4 this subsection, establish the adjusted amounts to take effect on July
5 1 of that year and notify each district court of the adjusted amounts.

6 4. As used in this section, "Office of Court Administrator"
7 means the Office of Court Administrator created pursuant to
8 NRS 1.320.

9 **Sec. 7.** NRS 125B.145 is hereby amended to read as follows:

10 125B.145 1. An order for the support of a child must, upon
11 the filing of a request for review by:

12 (a) The Division of Welfare and Supportive Services of the
13 Department of Health and Human Services, its designated
14 representative or the district attorney, if the Division of Welfare and
15 Supportive Services or the district attorney has jurisdiction in the
16 case; or

17 (b) A parent or legal guardian of the child,
18 ➡ be reviewed by the court at least every 3 years pursuant to this
19 section . ~~{to determine whether the order should be modified or~~
20 ~~adjusted.}~~ Each review conducted pursuant to this section must be in
21 response to a separate request. *A legal or factual change in*
22 *circumstances is not required for a court to modify or adjust an*
23 *order pursuant to this subsection, so long as the modification or*
24 *adjustment otherwise complies with the requirements of this*
25 *section.*

26 2. If the court:

27 (a) Does not have jurisdiction to modify the order, the court may
28 forward the request to any court with appropriate jurisdiction.

29 (b) Has jurisdiction to modify the order and, taking into account
30 the best interests of the child, determines that modification or
31 adjustment of the order is appropriate, the court shall enter an order
32 modifying or adjusting the previous order for support in accordance
33 with the requirements of NRS 125B.070 and 125B.080.

34 3. The court shall ensure that:

35 (a) Each person who is subject to an order for the support of a
36 child is notified, not less than once every 3 years, that the person
37 may request a review of the order pursuant to this section; or

38 (b) An order for the support of a child includes notification that
39 each person who is subject to the order may request a review of the
40 order pursuant to this section.

41 4. An order for the support of a child may be reviewed at any
42 time on the basis of changed circumstances. For the purposes of this
43 subsection, ~~{a}~~ *the following shall be deemed to constitute changed*
44 *circumstances requiring a review for modification of the order:*



(a) A change of 20 percent or more in the gross monthly income of a person who is subject to an order for the support of a child ~~[shall be deemed to constitute changed circumstances requiring a review for modification of the order for the support of a child.] ;~~

(b) *The emancipation of the child;*

(c) *A material change in the cost of child care for the child;*

(d) *The enrollment of the child in school, including, without limitation, a public or private school;*

(e) *Completion of elementary or middle school by the child, or the child graduated from high school or obtained a high school diploma or its equivalent; or*

(f) *A change in the custodial circumstances of the child regardless of whether the custodial change was issued by a court.*

5. As used in this section ~~[-~~:

~~—(a) “Gross monthly income” has the meaning ascribed to it in NRS 125B.070.~~

~~—(b) “Order] , “order~~ for the support of a child” means such an order that was issued or is being enforced by a court of this State.

Sec. 8. NRS 125B.145 is hereby amended to read as follows:

125B.145 1. An order for the support of a child must, upon the filing of a request for review by:

(a) The Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative or the district attorney, if the Division of Welfare and Supportive Services or the district attorney has jurisdiction in the case; or

(b) A parent or legal guardian of the child, ➤ be reviewed by the court at least every 3 years pursuant to this section. Each review conducted pursuant to this section must be in response to a separate request. A legal or factual change in circumstances is not required for a court to modify or adjust an order pursuant to this subsection, so long as the modification or adjustment otherwise complies with the requirements of this section.

2. If the court:

(a) Does not have jurisdiction to modify the order, the court may forward the request to any court with appropriate jurisdiction.

(b) Has jurisdiction to modify the order and, taking into account the best interests of the child, determines that modification or adjustment of the order is appropriate, the court shall enter an order modifying or adjusting the previous order for support in accordance with the guidelines established by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.620.

3. The court shall ensure that:



(a) Each person who is subject to an order for the support of a child is notified, not less than once every 3 years, that the person may request a review of the order pursuant to this section; or

(b) An order for the support of a child includes notification that each person who is subject to the order may request a review of the order pursuant to this section.

4. An order for the support of a child may be reviewed at any time on the basis of changed circumstances. For the purposes of this subsection, the following shall be deemed to constitute changed circumstances requiring a review for modification of the order:

(a) A change of 20 percent or more in the gross monthly income of a person who is subject to an order for the support of a child;

(b) The emancipation of the child;

(c) A material change in the cost of child care for the child;

(d) The enrollment of the child in school, including, without limitation, a public or private school;

(e) Completion of elementary or middle school by the child, or the child graduated from high school or obtained a high school diploma or its equivalent; or

(f) A change in the custodial circumstances of the child regardless of whether the custodial change was issued by a court.

5. As used in this section ~~f~~:

~~—(a) “Gross monthly income” has the meaning ascribed to it in NRS 125.150.~~

~~—(b) “Order”~~, *“order”* for the support of a child” means such an order that was issued or is being enforced by a court of this State.

Sec. 9. NRS 425.620 is hereby amended to read as follows:

425.620 1. On or before July 1, 2018, the Committee shall review the existing guidelines established in this State for the support of one or more children and provide any recommendations for revisions to the Administrator.

2. *Any recommendation regarding the determination of the required support of children or a change in the amount of the required support pursuant to NRS 125B.080 or a modification or an adjustment to an order for support pursuant to NRS 125B.145 must be based on the gross monthly income of the parent as calculated pursuant to section 4 of this act.*

3. The Administrator shall review and consider any recommendations of the Committee to revise the guidelines. After reviewing and considering such recommendations, the Administrator shall adopt regulations establishing the guidelines in this State for the support of one or more children in accordance with the requirements set forth in 42 U.S.C. § 667 and 45 C.F.R. § 302.56.



~~{3}~~ 4. In accordance with the provisions of 42 U.S.C. § 667(a) and 45 C.F.R. § 302.56(e), the Committee shall review the guidelines established by regulation pursuant to subsection 2 at least once every 4 years to ensure the maintenance of effective, efficient and appropriate guidelines that best serve the interests of the children of this State and that comply with any requirements set forth in federal law.

~~{4}~~ 5. After each review of the guidelines by the Committee pursuant to subsection ~~{3}~~ 4, the Committee shall provide any recommendations for revisions to the Administrator. The Administrator shall review and consider any such recommendations and may revise or adopt any regulations that the Administrator deems appropriate.

~~{5}~~ 6. The Administrator shall ensure that any recommendations for revisions to the guidelines received from the Committee pursuant to this section are made available to the public.

~~{6}~~ 7. The regulations adopted pursuant to this section must be adopted in accordance with the provisions of chapter 233B of NRS and must be codified in the Nevada Administrative Code.

Sec. 10. Section 14 of chapter 371, Statutes of Nevada 2017, at page 2292, is hereby amended to read as follows:

Sec. 14. 1. This section and sections 4 to 8, inclusive, of this act become effective upon passage and approval.

2. Sections ~~{4}~~ 2, 3 and 9 to 13, inclusive, of this act become effective on the effective date of the regulations adopted by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services establishing the guidelines in this State for the support of one or more children pursuant to section 8 of this act.

Sec. 11. Section 1 of chapter 371, Statutes of Nevada 2017, at page 2281, is hereby repealed.

Sec. 12. This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTION

Section 1 of chapter 371, Statutes of Nevada 2017:

Section 1. NRS 125.150 is hereby amended to read as follows:

125.150 Except as otherwise provided in NRS 125.155 and 125.165, and unless the action is contrary to a premarital



agreement between the parties which is enforceable pursuant to chapter 123A of NRS:

1. In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.

2. Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

➔ As used in this subsection, "contribution" includes, without limitation, a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.

3. A party may file a postjudgment motion in any action for divorce, annulment or separate maintenance to obtain



adjudication of any community property or liability omitted from the decree or judgment as the result of fraud or mistake. A motion pursuant to this subsection must be filed within 3 years after the discovery by the aggrieved party of the facts constituting the fraud or mistake. The court has continuing jurisdiction to hear such a motion and shall equally divide the omitted community property or liability between the parties unless the court finds that:

(a) The community property or liability was included in a prior equal disposition of the community property of the parties or in an unequal disposition of the community property of the parties which was made pursuant to written findings of a compelling reason for making that unequal disposition; or

(b) The court determines a compelling reason in the interests of justice to make an unequal disposition of the community property or liability and sets forth in writing the reasons for making the unequal disposition.

➡ If a motion pursuant to this subsection results in a judgment dividing a defined benefit pension plan, the judgment may not be enforced against an installment payment made by the plan more than 6 years after the installment payment.

4. Except as otherwise provided in NRS 125.141, whether or not application for suit money has been made under the provisions of NRS 125.040, the court may award a reasonable attorney's fee to either party to an action for divorce.

5. In granting a divorce, the court may also set apart such portion of the husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for the support of their children as is deemed just and equitable.

6. In the event of the death of either party or the subsequent remarriage of the spouse to whom specified periodic payments were to be made, all the payments required by the decree must cease, unless it was otherwise ordered by the court.

7. If the court adjudicates the property rights of the parties, or an agreement by the parties settling their property rights has been approved by the court, whether or not the court has retained jurisdiction to modify them, the adjudication of property rights, and the agreements settling property rights, may nevertheless at any time thereafter be modified by the court upon written stipulation signed and



acknowledged by the parties to the action, and in accordance with the terms thereof.

8. If a decree of divorce, or an agreement between the parties which was ratified, adopted or approved in a decree of divorce, provides for specified periodic payments of alimony, the decree or agreement is not subject to modification by the court as to accrued payments. Payments pursuant to a decree entered on or after July 1, 1975, which have not accrued at the time a motion for modification is filed may be modified upon a showing of changed circumstances, whether or not the court has expressly retained jurisdiction for the modification. In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony the spouse has been ordered to pay.

9. In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

- (a) The financial condition of each spouse;
- (b) The nature and value of the respective property of each spouse;
- (c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;
- (d) The duration of the marriage;
- (e) The income, earning capacity, age and health of each spouse;
- (f) The standard of living during the marriage;
- (g) The career before the marriage of the spouse who would receive the alimony;
- (h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;
- (i) The contribution of either spouse as homemaker;
- (j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and
- (k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

10. In granting a divorce, the court shall consider the need to grant alimony to a spouse for the purpose of obtaining training or education relating to a job, career or profession. In



addition to any other factors the court considers relevant in determining whether such alimony should be granted, the court shall consider:

(a) Whether the spouse who would pay such alimony has obtained greater job skills or education during the marriage; and

(b) Whether the spouse who would receive such alimony provided financial support while the other spouse obtained job skills or education.

11. If the court determines that alimony should be awarded pursuant to the provisions of subsection 10:

(a) The court, in its order, shall provide for the time within which the spouse who is the recipient of the alimony must commence the training or education relating to a job, career or profession.

(b) The spouse who is ordered to pay the alimony may, upon changed circumstances, file a motion to modify the order.

(c) The spouse who is the recipient of the alimony may be granted, in addition to any other alimony granted by the court, money to provide for:

(1) Testing of the recipient's skills relating to a job, career or profession;

(2) Evaluation of the recipient's abilities and goals relating to a job, career or profession;

(3) Guidance for the recipient in establishing a specific plan for training or education relating to a job, career or profession;

(4) Subsidization of an employer's costs incurred in training the recipient;

(5) Assisting the recipient to search for a job; or

(6) Payment of the costs of tuition, books and fees for:

(I) The equivalent of a high school diploma;

(II) College courses which are directly applicable to the recipient's goals for his or her career; or

(III) Courses of training in skills desirable for employment.

12. For the purposes of this section, a change of 20 percent or more in the gross monthly income of a spouse who is ordered to pay alimony shall be deemed to constitute changed circumstances requiring a review for modification of the payments of alimony. As used in this subsection, "gross monthly income" ~~has the meaning ascribed to it in NRS 125B.070.~~ *means the total amount of income received each month from any source of a person who is not self-employed*



or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.

