

ASSEMBLY BILL NO. 33—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Judiciary

SUMMARY—Authorizes the establishment of paternity in proceedings concerning the protection of children. (BDR 11-436)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the protection of children; authorizing the paternity of a child to be legally established during a proceeding concerning the protection of the child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions concerning actions in which the paternity of a child may be legally established. (NRS 126.071-126.223) Existing law also authorizes the paternity of a child to be legally established during a proceeding concerning the support of a dependent child. (NRS 425.382-425.3852) Additionally, existing law establishes provisions relating to civil proceedings concerning the protection of children from abuse and neglect. (NRS 432B.410-432B.590) This bill authorizes the paternity of a child to be legally established during a civil proceeding concerning the protection of a child.

Existing law provides that a district court has jurisdiction of an action to determine parentage pursuant to chapter 126 of NRS and allows such an action to be joined with an action for divorce, annulment, separate maintenance or support. (NRS 126.091) **Section 12.3** of this bill provides that such an action may also be joined with a civil proceeding concerning the protection of a child. **Section 12** of this bill makes a conforming change to indicate that the parent and child relationship may be legally established in an action to establish paternity that is part of a civil proceeding concerning the protection of a child.

Existing law sets forth the content and effect of a judgment or order entered in an action to establish paternity. (NRS 126.161) **Section 12.7** of this bill provides that such a judgment or order issued during a proceeding concerning the protection of a child: (1) is not subject to the provisions relating to the confidentiality of



21 judgments or orders in a proceeding concerning the protection of a child; and (2) is
22 a final order.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 4.** (Deleted by amendment.)

5 **Sec. 5.** (Deleted by amendment.)

6 **Sec. 6.** (Deleted by amendment.)

7 **Sec. 7.** (Deleted by amendment.)

8 **Sec. 8.** (Deleted by amendment.)

9 **Sec. 9.** (Deleted by amendment.)

10 **Sec. 10.** (Deleted by amendment.)

11 **Sec. 11.** (Deleted by amendment.)

12 **Sec. 12.** NRS 126.041 is hereby amended to read as follows:

13 126.041 The parent and child relationship between a child and:

14 1. A woman may be established by:

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

17 (b) An adjudication of the woman's maternity pursuant to this
18 chapter, ~~for~~ NRS 125B.150 or 130.402 ~~or~~ *chapter 432B of*
19 *NRS;*

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

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

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

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

29 2. A man may be established:

30 (a) Under this chapter, NRS 125B.150, 130.402, or 425.382 to
31 425.3852, inclusive ~~or~~ *chapter 432B of NRS;*

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

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

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



Sec. 12.3. NRS 126.091 is hereby amended to read as follows:

126.091 1. Each district court has jurisdiction of an action brought under this chapter. The action may be joined with ~~an~~ :

(a) An action for divorce, annulment, separate maintenance or support ~~and~~; or

(b) *A proceeding held pursuant to chapter 432B of NRS. An action brought under this chapter that is joined with a proceeding held pursuant to chapter 432B of NRS may be initiated at any time during the proceeding by filing a petition within the proceeding.*

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

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

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

Sec. 12.7. NRS 126.161 is hereby amended to read as follows:

126.161 1. A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the existence or nonexistence of the relationship of parent and child is determinative for all purposes.

2. If such a judgment or order of this State is at variance with the child's birth certificate, the judgment or order must direct that a new birth certificate be issued as provided in NRS 440.270 to 440.340, inclusive.

3. If the child is a minor, such a judgment or order of this State must provide for the child's support as required by chapter 125B of NRS and must include an order directing the withholding or assignment of income for the payment of the support unless:

(a) One of the parties demonstrates and good cause is found by the court, or pursuant to the expedited process, for the postponement of the withholding or assignment; or

(b) All parties otherwise agree in writing.

4. Such a judgment or order of this State may:



(a) Contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child.

(b) Direct the father to pay the reasonable expenses of the mother's pregnancy and confinement. The court may limit the father's liability for past support of the child to the proportion of the expenses already incurred which the court deems just.

5. A court that enters such a judgment or order shall ensure that the social security numbers of the mother and father are:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

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

6. *A judgment or order issued pursuant to this chapter within a proceeding held pursuant to chapter 432B of NRS:*

(a) Is not subject to the provisions relating to the confidentiality of judgments or orders set forth in chapter 432B of NRS; and

(b) Is a final order.

7. As used in this section, "expedited process" means a voluntary acknowledgment of paternity developed by the State Board of Health pursuant to NRS 440.283, a voluntary acknowledgment of parentage developed by the State Board of Health pursuant to NRS 440.285, judicial procedure or an administrative procedure established by this or another state, as that term is defined in NRS 130.10179, to facilitate the collection of an obligation for the support of a child.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

