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FIRST REPRINT

A.B. 371

ASSEMBLY BILL NO. 371—ASSEMBLYWOMEN COHEN,
BACKUS; AND BILBRAY-AXELROD

MARCH 22, 2023

JOINT SPONSOR: SENATOR OHRENSCHALL

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to parentage.
(BDR 11-140)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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 parentage; adopting provisions of the Uniform Parentage Act; revising provisions relating to the establishment of a parent and child relationship and the presumption of parentage; establishing provisions concerning the voluntary acknowledgment of parentage and denial of parentage by certain persons; authorizing the State Board of Health to adopt regulations relating to an acknowledgment of parentage or denial of parentage; establishing provisions governing genetic testing in proceedings to adjudicate parentage; establishing and revising various provisions relating to proceedings to adjudicate parentage; authorizing a person who claims to be a de facto parent of a child to be adjudicated as a parent of the child in certain circumstances; authorizing a court to adjudicate a child to have more than two parents in certain circumstances; establishing and revising provisions relating to assisted reproduction and gestational agreements; providing for the right of a gestational carrier to make all health care decisions regarding the gestational carrier and the pregnancy of the gestational carrier; repealing various provisions relating to parentage; providing a penalty; and providing other matters properly relating thereto.



* A B 3 7 1 R 1 *

Legislative Counsel's Digest:

Existing law sets forth provisions governing parentage and the establishment of parent and child relationships. (Chapter 126 of NRS) **Sections 28-91** of this bill generally replace such provisions with provisions modeled after those of the Uniform Parentage Act (hereinafter "UPA"), adopted by the Uniform Law Commission in 2017. **Sections 4-26** of this bill define terms for the purposes of chapter 126 of NRS that are modeled after the definitions of the terms used in the UPA.

Existing law provides the manners in which the legal relationship of a mother and child can be established, including: (1) except in the case of a gestational agreement, proof that a woman gave birth to a child; (2) an adjudication that a woman is the mother of a child; (3) proof that a woman has adopted a child; (4) an un rebutted presumption of a woman's maternity; (5) the consent of a woman to assisted reproduction that resulted in the birth of a child; or (6) an adjudication confirming a woman as a parent of a child born to a gestational carrier. (NRS 126.041) Existing law also provides the manners in which the legal relationship of a father and child can be established, including: (1) an adjudication that a man is the father of a child; (2) proof that a man has adopted a child; (3) the consent of a man to assisted reproduction that resulted in the birth of a child; (4) an adjudication confirming a man as a parent of a child born to a gestational carrier; (5) a presumption of paternity that arises if a man was married to or cohabiting with the natural mother of a child or resides with and holds out a child as his natural child; (6) genetic testing establishing a man as the father of a child; or (7) a voluntary acknowledgment of paternity by a man. (NRS 126.041, 126.051, 126.053) **Section 34** of this bill uses the gender-neutral language of the UPA to set forth the circumstances in which a parent and child relationship is established between a person and a child. Similarly, **section 37** of this bill uses the gender-neutral language of the UPA to establish the circumstances in which a person is presumed to be a parent of a child.

Sections 38-51 of this bill establish provisions modeled after those of the UPA relating to the voluntary acknowledgment or voluntary denial of parentage by certain persons, including provisions relating to the requirements for, rescission of and challenge to an acknowledgment of parentage or denial of parentage. **Section 42** of this bill provides that, unless an acknowledgment of parentage or denial of parentage is rescinded or challenged, such an acknowledgment of parentage or denial of parentage that meets all requirements of law and is filed with the State Registrar of Vital Statistics is equivalent to an adjudication of the parentage of a child or the nonparentage of a person, respectively. **Section 43** of this bill prohibits the State Registrar of Vital Statistics from charging a fee for filing an acknowledgment of parentage or denial of parentage, and **section 51** of this bill authorizes the State Board of Health to adopt any necessary regulations relating to an acknowledgment of parentage or denial of parentage.

Existing law provides that in an action to determine paternity, a court is authorized or required, depending on the circumstances, to order genetic testing of a mother, child, alleged father or any other person. (NRS 126.121) **Sections 52-68** of this bill establish various provisions modeled after those of the UPA concerning genetic testing, including: (1) the limitation on the use of genetic testing; (2) the authority to order, facilitate or deny genetic testing; (3) the requirements of genetic testing; (4) reports and costs of genetic testing; (5) additional genetic testing when a result is contested; (6) genetic testing when a specimen is not available from an alleged genetic parent; and (7) genetic testing of a deceased person or identical sibling. **Section 68** of this bill provides that a person commits a misdemeanor if, without proper authority, he or she intentionally releases an identifiable specimen of another person collected for genetic testing for a purpose not relevant to a proceeding regarding parentage.



Existing law establishes various provisions relating to an action to determine paternity or maternity. (NRS 126.071-126.231) **Sections 69-89** of this bill replace several of those provisions with provisions modeled after those of the UPA governing proceedings to adjudicate parentage. Existing law provides that if an action to determine paternity is brought before the birth of a child, all proceedings are generally required to be stayed until after the birth of the child. (NRS 126.071) **Section 84** of this bill instead authorizes a proceeding to adjudicate parentage to be commenced and an order or judgment to be entered before the birth of a child, but requires enforcement of the order or judgment to be stayed until after the birth of the child.

Existing law does not bar an action to determine paternity until 3 years after a child reaches the age of majority. (NRS 126.081) **Sections 75 and 76** of this bill instead provide that a proceeding to determine whether an alleged genetic parent or presumed parent, respectively, is a parent of a child may be commenced after the child becomes an adult if the child initiates the proceeding.

Existing law requires that an informal hearing be held after an action to determine paternity has been brought and further requires a court to attempt to resolve the issues raised in the action during the pretrial hearing. (NRS 126.111) **Section 136** of this bill repeals the provisions relating to such a pretrial hearing, as the UPA does not require any such pretrial hearing to be conducted.

Section 77 of this bill authorizes a person who claims to be a de facto parent of a child to commence a proceeding to establish parentage of the child if the child is alive and less than 18 years of age. **Section 77** provides that a person who claims to be a de facto parent of a child must be adjudicated as a parent of the child if there is only one other person who is a parent or has a claim to parentage of the child and the person who claims to be a de facto parent can demonstrate certain facts by clear and convincing evidence. **Section 81** of this bill authorizes a court to adjudicate a child to have more than two parents if the court finds that failure to recognize more than two parents would be detrimental to the child.

Existing law establishes provisions concerning assisted reproduction and gestational surrogacy. (NRS 126.500-126.810) This bill establishes only certain provisions modeled after those of the UPA relating to such matters. **Section 92** of this bill establishes provisions relating to the parental status of certain persons who die before a child is conceived by assisted reproduction. **Section 93** of this bill authorizes a party to a gestational agreement to terminate the agreement at any time before an embryo transfer or, if an embryo transfer does not result in pregnancy, at any time before a subsequent embryo transfer.

Existing law requires that a gestational agreement provide for the express written agreement of the gestational carrier to undergo embryo or gamete transfer and attempt to carry and give birth to any resulting child. (NRS 126.750) **Section 107** of this bill specifies that a gestational carrier has the right to make all health and welfare decisions regarding the gestational carrier and the pregnancy of the gestational carrier, including whether to: (1) consent to a cesarean section or the transfer of multiple embryos; (2) use the services of a health care practitioner chosen by the gestational carrier; (3) terminate or continue the pregnancy; and (4) reduce or retain the number of fetuses or embryos carried by the gestational carrier. **Section 107** provides that any provision in a gestational agreement that contradicts such a right is void and unenforceable.

Existing law provides that the subsequent marriage or domestic partnership of a gestational carrier after the execution of a gestational agreement does not affect the validity of the agreement. (NRS 126.770) **Section 108** of this bill provides that the subsequent marriage, domestic partnership or divorce of any party to a gestational agreement does not affect the validity of the agreement unless the agreement expressly provides otherwise.



Existing law provides that if a gestational carrier breaches a gestational agreement, a specific performance remedy that would require the gestational carrier to be impregnated is prohibited. (NRS 126.780) **Section 109** of this bill instead provides that specific performance is not an available remedy with regard to a gestational agreement except to enforce any provision in the agreement that is necessary to enable the intended parents to exercise the full rights of parentage immediately upon the birth of the child, if the intended parents are being prevented from exercising such rights.

Sections 98-106 of this bill make various other changes to the provisions of existing law concerning assisted reproduction and gestational surrogacy.

Section 136 repeals provisions of existing law that are not necessary because of the establishment of the provisions modeled after those of the UPA in **sections 28-91**.

Sections 1, 94-97, 110-133 and 136 of this bill make conforming changes to reflect the revisions made to existing law because of the establishment of the provisions modeled after those of the UPA in **sections 28-91** and the repeal of unnecessary provisions in **section 136**.

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

Section 1. NRS 125C.003 is hereby amended to read as follows:

125C.003 ~~{1.}~~ A court may award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child. An award of joint physical custody is presumed not to be in the best interest of the child if:

~~{(a)}~~ 1. The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year;

~~{(b) A child is born out of wedlock and the provisions of subsection 2 are applicable;}~~ or

~~{(c)}~~ 2. Except as otherwise provided in subsection 6 of NRS 125C.0035 or NRS 125C.210, there has been a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that a parent has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child. The presumption created by this ~~{paragraph}~~ **subsection** is a rebuttable presumption.

~~{2. A court may award primary physical custody of a child born out of wedlock to:~~

~~—(a) The mother of the child if:~~

~~—(1) The mother has not married the father of the child;~~

~~—(2) A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the paternity of the child has not been entered; and~~

~~—(3) The father of the child;~~



~~(I) Is not subject to any presumption of paternity under NRS 126.051;~~

~~(II) Has never acknowledged paternity pursuant to NRS 126.053; or~~

~~(III) Has had actual knowledge of his paternity but has abandoned the child.~~

~~(b) The father of the child if:~~

~~(1) The mother has abandoned the child; and~~

~~(2) The father has provided sole care and custody of the child in her absence.~~

~~3. As used in this section:~~

~~(a) "Abandoned" means that a mother or father has:~~

~~(1) Failed, for a continuous period of not less than 6 months, to provide substantial personal and economic support to the child; or~~

~~(2) Knowingly declined, for a continuous period of not less than 6 months, to have any meaningful relationship with the child.~~

~~(b) "Expedited process" has the meaning ascribed to it in NRS 126.161.]~~

Sec. 2. Chapter 126 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 93, inclusive, of this act.

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 26, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Acknowledged parent" means a person who has established a parent and child relationship under sections 38 to 51, inclusive, of this act.*

Sec. 5. *"Adjudicated parent" means a person who has been adjudicated to be a parent of a child by a court with jurisdiction.*

Sec. 6. *"Alleged genetic parent" means a person who is alleged to be, or alleges that the person is, a genetic parent or possible genetic parent of a child whose parentage has not been adjudicated. The term includes an alleged genetic father and alleged genetic mother. The term does not include:*

1. A presumed parent;

2. A person whose parental rights have been terminated or declared not to exist; or

3. A donor.

Sec. 7. *"Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes:*

1. Intrauterine or intracervical insemination;

2. Donation of gametes;

3. Donation of embryos;

4. In vitro fertilization and transfer of embryos; and



5. *Intracytoplasmic sperm injection.*

Sec. 8. *“Birth” includes stillbirth.*

Sec. 9. *“Child” means a person of any age whose parentage may be determined under sections 28 to 91, inclusive, of this act.*

Sec. 10. *“Child support agency” means a governmental entity, public official or private agency authorized to provide parentage-establishment services under Title IV-D of the Social Security Act, 42 U.S.C. §§ 651 to 669, inclusive.*

Sec. 11. *“Custodial parent” means a parent who has been awarded physical custody of a child or, if no award of physical custody has been made by a court, the parent with whom the child resides.*

Sec. 12. *“Determination of parentage” means establishment of a parent and child relationship by a judicial or administrative proceeding or signing of a valid acknowledgment of parentage under sections 38 to 51, inclusive, of this act.*

Sec. 13. *“Donor” means a person who provides gametes intended for use in assisted reproduction, whether or not for consideration. The term does not include:*

1. *A person who gives birth to a child conceived by assisted reproduction, except as otherwise provided in NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or*

2. *A parent or an intended parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.*

Sec. 14. *“Gamete” means a sperm or egg.*

Sec. 15. *“Genetic testing” means an analysis of genetic markers to identify or exclude a genetic relationship.*

Sec. 16. *“Intended parent” means a person, married or unmarried, or in or not in a domestic partnership, who manifests an intent to be legally bound as a parent of a child conceived by assisted reproduction.*

Sec. 17. *“Parent” means a person who has established a parent and child relationship under section 34 of this act.*

Sec. 18. *“Parentage” or “parent and child relationship” means the legal relationship between a child and a parent of the child.*

Sec. 19. *“Person” means a natural person of any age.*

Sec. 20. *“Presumed parent” means a person who under section 37 of this act is presumed to be a parent of a child, unless the presumption is overcome in a judicial proceeding, a valid denial of parentage is made under sections 38 to 51, inclusive, of this act or a court adjudicates the person to be a parent.*

Sec. 21. *“Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*



1 **Sec. 22.** *“Sign” means, with present intent to authenticate or*
2 *adopt a record:*

- 3 1. *To execute or adopt a tangible symbol; or*
4 2. *To attach to or logically associate with the record an*
5 *electronic symbol, sound or process.*

6 **Sec. 23.** *“Signatory” means a person who signs a record.*

7 **Sec. 24.** *“State” means a state of the United States, the*
8 *District of Columbia, Puerto Rico, the United States Virgin*
9 *Islands or any territory or insular possession under the*
10 *jurisdiction of the United States. The term includes a federally*
11 *recognized Indian tribe.*

12 **Sec. 25.** *“Transfer” means a procedure for assisted*
13 *reproduction by which an embryo is placed in the body of the*
14 *person who will give birth to the child.*

15 **Sec. 26.** *“Witnessed” means that at least one person who is*
16 *authorized to sign has signed a record to verify that the person*
17 *personally observed a signatory sign the record.*

18 **Sec. 27.** *As used in this chapter, unless the context otherwise*
19 *requires, any reference to the father of a child or the mother of a*
20 *child includes a parent of any gender, and any reference to*
21 *paternity is equally applicable to parentage.*

22 **Sec. 28.** *Sections 28 to 91, inclusive, of this act may be cited*
23 *as the Uniform Parentage Act (2017).*

24 **Sec. 29.** 1. *Sections 28 to 91, inclusive, of this act apply to*
25 *an adjudication or determination of parentage.*

26 2. *Sections 28 to 91, inclusive, of this act do not create, affect,*
27 *enlarge or diminish parental rights or duties under law of this*
28 *State other than sections 28 to 91, inclusive, of this act.*

29 **Sec. 30.** *Each district court may adjudicate parentage under*
30 *sections 28 to 91, inclusive, of this act.*

31 **Sec. 31.** *In any proceeding in which a court of this State has*
32 *jurisdiction to determine the parentage of a child, the court shall*
33 *apply the law of this State to adjudicate parentage. The applicable*
34 *law does not depend on:*

- 35 1. *The place of birth of the child; or*
36 2. *The past or present residence of the child.*

37 **Sec. 32.** *A proceeding under sections 28 to 91, inclusive, of*
38 *this act is subject to law of this State other than sections 28 to 91,*
39 *inclusive, of this act which governs the health, safety, privacy and*
40 *liberty of a child or other person who could be affected by*
41 *disclosure of information that could identify the child or other*
42 *person, including, without limitation, address, telephone number,*
43 *digital contact information, place of employment, social security*
44 *number and the child’s day care facility or school.*



1 **Sec. 33.** *To the extent practicable, a provision of sections 28*
2 *to 91, inclusive, of this act applicable to a father and child*
3 *relationship applies to a mother and child relationship and a*
4 *provision of sections 28 to 91, inclusive, of this act applicable to a*
5 *mother and child relationship applies to a father and child*
6 *relationship.*

7 **Sec. 34.** *A parent and child relationship is established*
8 *between a person and a child if:*

9 1. *The person gives birth to the child, except as otherwise*
10 *provided in NRS 126.500 to 126.810, inclusive, and sections 92*
11 *and 93 of this act;*

12 2. *There is a presumption under section 37 of this act of the*
13 *person's parentage of the child, unless the presumption is*
14 *overcome in a judicial proceeding or a valid denial of parentage is*
15 *made under sections 38 to 51, inclusive, of this act;*

16 3. *The person is adjudicated a parent of the child by a court*
17 *of this State or any other state;*

18 4. *The person adopts the child;*

19 5. *The person acknowledges parentage of the child under*
20 *sections 38 to 51, inclusive, of this act, unless the acknowledgment*
21 *is rescinded under section 45 of this act or successfully challenged*
22 *under sections 38 to 51, inclusive, or sections 69 to 89, inclusive,*
23 *of this act; or*

24 6. *The person's parentage of the child is established under*
25 *NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this*
26 *act.*

27 **Sec. 35.** *A parent and child relationship extends equally to*
28 *every child and parent, regardless of the marital status of the*
29 *parent.*

30 **Sec. 36.** *Unless parental rights are terminated, a parent and*
31 *child relationship established under sections 28 to 91, inclusive, of*
32 *this act applies for all purposes.*

33 **Sec. 37.** 1. *A person is presumed to be a parent of a child*
34 *if:*

35 (a) *Except as otherwise provided under NRS 126.500 to*
36 *126.810, inclusive, and sections 92 and 93 of this act or law of this*
37 *State other than sections 28 to 91, inclusive, of this act:*

38 (1) *The person and the person who gave birth to the child*
39 *are married to or in a domestic partnership with each other and*
40 *the child is born during the marriage or domestic partnership,*
41 *whether the marriage or domestic partnership is or could be*
42 *declared invalid;*

43 (2) *The person and the person who gave birth to the child*
44 *were married to or in a domestic partnership with each other and*
45 *the child is born not later than 300 days after the marriage or*



domestic partnership is terminated by death, divorce, dissolution, annulment or declaration of invalidity, or after a decree of separation or separate maintenance, whether the marriage or domestic partnership is or could be declared invalid; or

(3) The person and the person who gave birth to the child married or entered into a domestic partnership with each other after the birth of the child, whether the marriage or domestic partnership is or could be declared invalid, the person at any time asserted parentage of the child, and:

(I) The assertion is in a record filed with the State Registrar of Vital Statistics; or

(II) The person agreed to be and is named as a parent of the child on the birth certificate of the child; or

(b) The person resided in the same household with the child for the first 2 years of the life of the child, including any period of temporary absence, and openly held out the child as the person's child.

2. A presumption of parentage under this section may be overcome, and competing claims to parentage may be resolved, only by an adjudication under sections 69 to 89, inclusive, of this act or a valid denial of parentage under sections 38 to 51, inclusive, of this act.

Sec. 38. A person who gave birth to a child and an alleged genetic parent of the child, intended parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, or presumed parent may sign an acknowledgment of parentage to establish the parentage of the child.

Sec. 39. 1. An acknowledgment of parentage under section 38 of this act must:

(a) Be in a record signed by the person who gave birth to the child and by the person seeking to establish a parent and child relationship, and the signatures must be attested by an electronic notary public or other notarial officer or signed by at least one witness;

(b) State that the child whose parentage is being acknowledged:

(1) Does not have a presumed parent other than the person seeking to establish the parent and child relationship or has a presumed parent whose full name is stated; and

(2) Does not have another acknowledged parent, adjudicated parent or person who is a parent of the child under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act other than the person who gave birth to the child; and

(c) State that the signatories understand that the acknowledgement is the equivalent of an adjudication of



parentage of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred 2 years after the effective date of the acknowledgment.

2. An acknowledgment of parentage is void if, at the time of signing:

(a) A person other than the person seeking to establish parentage is a presumed parent, unless a denial of parentage by the presumed parent in a signed record is filed with the State Registrar of Vital Statistics; or

(b) A person, other than the person who gave birth to the child or the person seeking to establish parentage, is an acknowledged or adjudicated parent or a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

Sec. 40. A presumed parent or alleged genetic parent may sign a denial of parentage in a record. The denial of parentage is valid only if:

1. An acknowledgment of parentage by another person is filed under section 42 of this act;

2. The signature of the presumed parent or alleged genetic parent is attested by an electronic notary public or other notarial officer or signed by at least one witness; and

3. The presumed parent or alleged genetic parent has not previously:

(a) Completed a valid acknowledgment of parentage for the same child, unless the previous acknowledgment was rescinded under section 45 of this act or challenged successfully under section 46 of this act; or

(b) Been adjudicated to be a parent of the child.

Sec. 41. 1. An acknowledgment of parentage and a denial of parentage may be contained in a single document or may be in counterparts and may be filed with the State Registrar of Vital Statistics separately or simultaneously. If filing of the acknowledgment and denial both are required under sections 28 to 91, inclusive, of this act, neither is effective until both are filed.

2. An acknowledgment of parentage or denial of parentage may only be signed after the birth of the child.

3. Subject to subsection 1, an acknowledgment of parentage or denial of parentage takes effect on the filing of the document with the State Registrar of Vital Statistics.

4. An acknowledgment of parentage or denial of parentage signed by a person who is a minor is valid if the acknowledgment complies with sections 28 to 91, inclusive, of this act.

Sec. 42. 1. Except as otherwise provided in sections 45 and 46 of this act, an acknowledgment of parentage that complies with sections 38 to 51, inclusive, of this act and is filed with the State



1 Registrar of Vital Statistics is equivalent to an adjudication of
2 parentage of the child and confers on the acknowledged parent all
3 rights and duties of a parent.

4 2. Except as otherwise provided in sections 45 and 46 of this
5 act, a denial of parentage by a presumed parent or alleged genetic
6 parent which complies with sections 38 to 51, inclusive, of this act
7 and is filed with the State Registrar of Vital Statistics with an
8 acknowledgment of parentage that complies with sections 38 to 51,
9 inclusive, of this act is equivalent to an adjudication of the
10 nonparentage of the presumed parent or alleged genetic parent
11 who signed the denial and discharges the presumed parent or
12 alleged genetic parent who signed the denial from all rights and
13 duties of a parent.

14 Sec. 43. The State Registrar of Vital Statistics may not
15 charge a fee for filing an acknowledgment of parentage or denial
16 of parentage.

17 Sec. 44. A court conducting a judicial proceeding or an
18 administrative agency conducting an administrative proceeding is
19 not required or permitted to ratify an unchallenged
20 acknowledgment of parentage. A court may determine that a
21 person who signed an acknowledgment of parentage is a parent in
22 a later proceeding based on other grounds.

23 Sec. 45. 1. A signatory may rescind an acknowledgment of
24 parentage or denial of parentage by filing with the State Registrar
25 of Vital Statistics a rescission in a signed record which is attested
26 by an electronic notary public or notarial officer or signed by at
27 least one witness, before the earlier of:

28 (a) Sixty days after the effective date under section 41 of this
29 act of the acknowledgment or denial; or

30 (b) The date of the first hearing before a court in a proceeding,
31 to which the signatory is a party, to adjudicate an issue relating to
32 the child, including a proceeding that establishes support.

33 2. If an acknowledgment of parentage is rescinded under
34 subsection 1, an associated denial of parentage is invalid, and the
35 State Registrar of Vital Statistics shall notify the person who gave
36 birth to the child and the person who signed a denial of parentage
37 of the child that the acknowledgment has been rescinded. Failure
38 to give the notice required by this subsection does not affect the
39 validity of the rescission.

40 Sec. 46. 1. After the period for rescission under section 45
41 of this act expires, but not later than 2 years after the effective date
42 under section 41 of this act of an acknowledgment of parentage or
43 denial of parentage, a signatory of the acknowledgment or denial
44 may commence a proceeding to challenge the acknowledgment or



denial only on the basis of fraud, duress or material mistake of fact.

2. A challenge to an acknowledgment of parentage or denial of parentage by a person who was not a signatory to the acknowledgment or denial is governed by section 78 of this act.

Sec. 47. 1. Every signatory to an acknowledgment of parentage and any related denial of parentage must be made a party to a proceeding to challenge the acknowledgment or denial.

2. By signing an acknowledgment of parentage or denial of parentage, a signatory submits to personal jurisdiction in this State in a proceeding to challenge the acknowledgment or denial, effective on the filing of the acknowledgment or denial with the State Registrar of Vital Statistics.

3. The court may not suspend the legal responsibilities arising from an acknowledgment of parentage, including the duty to pay child support, during the pendency of a proceeding to challenge the acknowledgment or a related denial of parentage, unless the party challenging the acknowledgment or denial shows good cause.

4. A party challenging an acknowledgment of parentage or denial of parentage has the burden of proof.

5. If the court determines that a party has satisfied the burden of proof under subsection 4, the court shall order the State Registrar of Vital Statistics to amend the birth record of the child to reflect the legal parentage of the child.

6. A proceeding to challenge an acknowledgment of parentage or denial of parentage must be conducted under sections 69 to 89, inclusive, of this act.

Sec. 48. The court shall give full faith and credit to an acknowledgment of parentage or denial of parentage effective in another state if the acknowledgment or denial was in a signed record and otherwise complies with the law of the other state.

Sec. 49. A valid acknowledgment of parentage or denial of parentage is not affected by a later modification of the declaration developed by the State Board of Health pursuant to NRS 440.285.

Sec. 50. The State Registrar of Vital Statistics may release information relating to an acknowledgment of parentage or denial of parentage to a signatory of the acknowledgment or denial, a court, federal agency and child support agency of this or another state.

Sec. 51. The State Board of Health may adopt any regulations that are necessary to implement sections 38 to 51, inclusive, of this act.

Sec. 52. As used in sections 52 to 68, inclusive, of this act, unless the context otherwise requires, the words and terms defined



in sections 53 to 57, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 53. “Combined relationship index” means the product of all tested relationship indices.

Sec. 54. “Ethnic or racial group” means, for the purpose of genetic testing, a recognized group that a person identifies as the person’s ancestry or part of the ancestry or that is identified by other information.

Sec. 55. “Hypothesized genetic relationship” means an asserted genetic relationship between a person and a child.

Sec. 56. “Probability of parentage” means, for the ethnic or racial group to which a person alleged to be a parent belongs, the probability that a hypothesized genetic relationship is supported, compared to the probability that a genetic relationship is supported between the child and a random person of the ethnic or racial group used in the hypothesized genetic relationship, expressed as a percentage incorporating the combined relationship index and a prior probability.

Sec. 57. “Relationship index” means a likelihood ratio that compares the probability of a genetic marker given a hypothesized genetic relationship and the probability of the genetic marker given a genetic relationship between the child and a random person of the ethnic or racial group used in the hypothesized genetic relationship.

Sec. 58. 1. Sections 52 to 68, inclusive, of this act govern genetic testing of a person in a proceeding to adjudicate parentage, whether the person:

(a) Voluntarily submits to testing; or

(b) Is tested under an order of the court or as a result of the facilitation of a child support agency.

2. Genetic testing may not be used:

(a) To challenge the parentage of a person who is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or

(b) To establish the parentage of a person who is a donor.

Sec. 59. 1. Except as otherwise provided in sections 52 to 68, inclusive, of this act or sections 69 to 89, inclusive, of this act, in a proceeding under sections 28 to 91, inclusive, of this act to determine parentage, the court shall order the child and any other person to submit to genetic testing if a request for testing is supported by the sworn statement of a party:

(a) Alleging a reasonable possibility that the person is the child’s genetic parent; or



(b) Denying genetic parentage of the child and stating facts establishing a reasonable possibility that the person is not a genetic parent.

2. A child support agency may facilitate genetic testing only if there is no acknowledged or adjudicated parent of a child other than the person who gave birth to the child.

3. The court may not order, and a child support agency may not facilitate, in utero genetic testing.

4. If two or more persons are subject to court-ordered genetic testing, the court may order that testing be completed concurrently or sequentially.

5. Genetic testing of a person who gave birth to a child is not a condition precedent to testing of the child and a person whose genetic parentage of the child is being determined. If the person who gave birth to the child is unavailable or declines to submit to genetic testing, the court may order genetic testing of the child and each person whose genetic parentage of the child is being adjudicated.

6. In a proceeding to adjudicate the parentage of a child having a presumed parent or a person who claims to be a parent under section 77 of this act, or to challenge an acknowledgment of parentage, the court may deny a motion for genetic testing of the child and any other person after considering the factors in subsections 1 and 2 of section 81 of this act.

7. If a person requesting genetic testing is barred under sections 69 to 89, inclusive, of this act from establishing the person's parentage, the court shall deny the request for genetic testing.

8. An order under this section for genetic testing is enforceable by contempt.

Sec. 60. 1. Genetic testing must be of a type reasonably relied on by experts in the field of genetic testing and performed in a testing laboratory accredited by:

(a) The AABB, formerly known as the American Association of Blood Banks, or a successor to its functions; or

(b) An accrediting body designated by the Secretary of the United States Department of Health and Human Services.

2. A specimen used in genetic testing may consist of a sample or a combination of samples of blood, buccal cells, bone, hair or other body tissue or fluid. The specimen used in the testing need not be of the same kind for each person undergoing genetic testing.

3. Based on the ethnic or racial group of a person undergoing genetic testing, a testing laboratory shall determine the databases from which to select frequencies for use in



calculating a relationship index. If a person or a child support agency objects to the laboratory's choice, the following rules apply:

(a) Not later than 30 days after receipt of the report of the test, the objecting person or child support agency may request the court to require the laboratory to recalculate the relationship index using an ethnic or racial group different from that used by the laboratory.

(b) The person or the child support agency objecting to the laboratory's choice under this subsection shall:

(1) If the requested frequencies are not available to the laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies; or

(2) Engage another laboratory to perform the calculations.

(c) The laboratory may use its own statistical estimate if there is a question which ethnic or racial group is appropriate. The laboratory shall calculate the frequencies using statistics, if available, for any other ethnic or racial group requested.

4. If, after recalculation of the relationship index under subsection 3 using a different ethnic or racial group, genetic testing under section 62 of this act does not identify a person as a genetic parent of a child, the court may require a person who has been tested to submit to additional genetic testing to identify a genetic parent.

Sec. 61. 1. A report of genetic testing must be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report complying with the requirements of sections 52 to 68, inclusive, of this act is self-authenticating.

2. Documentation from a testing laboratory of the following information is sufficient to establish a reliable chain of custody and allow the results of genetic testing to be admissible without testimony:

(a) The name and photograph of each person whose specimen has been taken;

(b) The name of the person who collected each specimen;

(c) The place and date each specimen was collected;

(d) The name of the person who received each specimen in the testing laboratory; and

(e) The date each specimen was received.

Sec. 62. 1. Subject to a challenge under subsection 2, a person is identified under sections 28 to 91, inclusive, of this act as a genetic parent of a child if genetic testing complies with sections 52 to 68, inclusive, of this act and the results of the testing disclose:



(a) The person has at least a 99 percent probability of parentage, using a prior probability of 0.50, as calculated by using the combined relationship index obtained in the testing; and

(b) A combined relationship index of at least 100 to 1.

2. A person identified under subsection 1 as a genetic parent of the child may challenge the genetic testing results only by other genetic testing satisfying the requirements of sections 52 to 68, inclusive, of this act which:

(a) Excludes the person as a genetic parent of the child; or

(b) Identifies another person as a possible genetic parent of the child other than:

(1) The person who gave birth to the child; or

(2) The person identified under subsection 1.

3. Except as otherwise provided in section 67 of this act, if more than one person other than the person who gave birth to the child is identified by genetic testing as a possible genetic parent of the child, the court shall order each person to submit to further genetic testing to identify a genetic parent.

Sec. 63. 1. Subject to assessment of fees under sections 69 to 89, inclusive, of this act, payment of the cost of initial genetic testing must be made in advance:

(a) By the person who made the request for genetic testing;

(b) As agreed by the parties; or

(c) As ordered by the court.

2. If the cost of genetic testing is paid by a child support agency, the agency may seek reimbursement from the genetic parent whose parent and child relationship is established.

Sec. 64. The court shall order, or a child support agency may facilitate, additional genetic testing on request of a person who contests the result of the initial testing under section 62 of this act. If initial genetic testing under section 62 of this act identified a person as a genetic parent of the child, the court may not order, and a child support agency may not facilitate, additional testing unless the contesting person pays for the testing in advance.

Sec. 65. 1. Subject to subsection 2, if a genetic-testing specimen is not available from an alleged genetic parent of a child, a person seeking genetic testing demonstrates good cause and the court finds that the circumstances are just, the court may order any of the following persons to submit specimens for genetic testing:

(a) A parent of the alleged genetic parent;

(b) A sibling of the alleged genetic parent;

(c) Another child of the alleged genetic parent and the person who gave birth to the other child; and



(d) Another relative of the alleged genetic parent necessary to complete genetic testing.

2. To issue an order under this section, the court must find that a need for genetic testing outweighs the legitimate interests of the person sought to be tested.

Sec. 66. If a person seeking genetic testing demonstrates good cause, the court may order genetic testing of a deceased person.

Sec. 67. 1. If the court finds there is reason to believe that an alleged genetic parent has an identical sibling and evidence that the sibling may be a genetic parent of the child, the court may order genetic testing of the sibling.

2. If more than one sibling is identified under section 62 of this act as a genetic parent of the child, the court may rely on nongenetic evidence to adjudicate which sibling is a genetic parent of the child.

Sec. 68. 1. Release of a report of genetic testing for parentage is controlled by law of this State other than sections 28 to 91, inclusive, of this act.

2. A person who intentionally releases an identifiable specimen of another person collected for genetic testing under sections 52 to 68, inclusive, of this act for a purpose not relevant to a proceeding regarding parentage, without a court order or written permission of the person who furnished the specimen, commits a misdemeanor.

Sec. 69. 1. A proceeding may be commenced to adjudicate the parentage of a child. Except as otherwise provided in sections 28 to 91, inclusive, of this act, the proceeding is governed by the Nevada Rules of Civil Procedure.

2. A proceeding to adjudicate the parentage of a child born under a gestational agreement is governed by NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

3. As used in this section, “gestational agreement” has the meaning ascribed to it in NRS 126.570.

Sec. 70. Except as otherwise provided in sections 38 to 51, inclusive, and sections 76 to 79, inclusive, of this act, a proceeding to adjudicate parentage may be maintained by:

1. The child;

2. The person who gave birth to the child, unless a court has adjudicated that the person who gave birth to the child is not a parent;

3. A person who is a parent under sections 28 to 91, inclusive, of this act;

4. A person whose parentage of the child is to be adjudicated;



5. A child support agency or other governmental agency authorized by law of this State other than sections 28 to 91, inclusive, of this act;

6. An adoption agency authorized by law of this State other than sections 28 to 91, inclusive, of this act or licensed child-placing agency; or

7. A representative authorized by law of this State other than sections 28 to 91, inclusive, of this act to act for a person who otherwise would be entitled to maintain a proceeding but is deceased, incapacitated or a minor.

Sec. 71. 1. The petitioner shall give notice of a proceeding to adjudicate parentage to the following persons, if the whereabouts of the person are known:

(a) The person who gave birth to the child, unless a court has adjudicated that the person who gave birth to the child is not a parent;

(b) A person who is a parent of the child under sections 28 to 91, inclusive, of this act;

(c) A presumed, acknowledged or adjudicated parent of the child; and

(d) A person whose parentage of the child is to be adjudicated.

2. A person entitled to notice under subsection 1 has a right to intervene in the proceeding.

3. Lack of notice required by subsection 1 does not render a judgment void. Lack of notice does not preclude a person entitled to notice under subsection 1 from bringing a proceeding under subsection 2 of section 79 of this act.

Sec. 72. 1. The court may adjudicate a person's parentage of a child only if the court has personal jurisdiction over the person.

2. A court of this State with jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident if the conditions prescribed in NRS 130.201 are satisfied.

3. Lack of jurisdiction over one person does not preclude the court from making an adjudication of parentage binding on another person.

Sec. 73. Venue for a proceeding to adjudicate parentage is in the county of this State in which:

1. The child resides or is located;

2. If the child does not reside in this State, the respondent resides or is located; or

3. A proceeding has been commenced for administration of the estate of a person who is or may be a parent under sections 28 to 91, inclusive, of this act.



Sec. 74. 1. Except as otherwise provided in subsection 2 of section 58 of this act, the court shall admit a report of genetic testing ordered by the court under section 59 of this act as evidence of the truth of the facts asserted in the report.

2. A party may object to the admission of a report described in subsection 1, not later than 14 days after the party receives the report. The party shall cite specific grounds for exclusion.

3. A party that objects to the results of genetic testing may call a genetic-testing expert to testify in person or by another method approved by the court. Unless the court orders otherwise, the party offering the testimony bears the expense for the expert testifying.

4. Admissibility of a report of genetic testing is not affected by whether the testing was performed:

(a) Voluntarily, under an order of the court or as a result of the facilitation of a child support agency; or

(b) Before, on or after commencement of the proceeding.

Sec. 75. 1. A proceeding to determine whether an alleged genetic parent who is not a presumed parent is a parent of a child may be commenced:

(a) Before the child becomes an adult; or

(b) After the child becomes an adult, but only if the child initiates the proceeding.

2. This subsection applies in a proceeding described in subsection 1 if the person who gave birth to the child is the only other person with a claim to parentage of the child. The court shall adjudicate an alleged genetic parent to be a parent of the child if the alleged genetic parent:

(a) Is identified under section 62 of this act as a genetic parent of the child and the identification is not successfully challenged under section 62 of this act;

(b) Admits parentage in a pleading, when making an appearance or during a hearing, the court accepts the admission and the court determines the alleged genetic parent to be a parent of the child;

(c) Declines to submit to genetic testing ordered by the court or facilitated by a child support agency, in which case the court may adjudicate the alleged genetic parent to be a parent of the child even if the alleged genetic parent denies a genetic relationship with the child;

(d) Is in default after service of process and the court determines the alleged genetic parent to be a parent of the child; or



(e) Is neither identified nor excluded as a genetic parent by genetic testing and, based on other evidence, the court determines the alleged genetic parent to be a parent of the child.

3. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding involving an alleged genetic parent, at least one other person in addition to the person who gave birth to the child has a claim to parentage of the child, the court shall adjudicate parentage under section 81 of this act.

Sec. 76. 1. A proceeding to determine whether a presumed parent is a parent of a child may be commenced:

(a) Before the child becomes an adult; or

(b) After the child becomes an adult, but only if the child initiates the proceeding.

2. A presumption of parentage under section 37 of this act cannot be overcome after the child attains 2 years of age unless the court determines:

(a) The presumed parent is not a genetic parent, never resided with the child and never held out the child as the presumed parent's child; or

(b) The child has more than one presumed parent.

3. The following rules apply in a proceeding to adjudicate a presumed parent's parentage of a child if the person who gave birth to the child is the only other person with a claim to parentage of the child:

(a) If no party to the proceeding challenges the presumed parent's parentage of the child, the court shall adjudicate the presumed parent to be a parent of the child.

(b) If the presumed parent is identified under section 62 of this act as a genetic parent of the child and that identification is not successfully challenged under section 62 of this act, the court shall adjudicate the presumed parent to be a parent of the child.

(c) If the presumed parent is not identified under section 62 of this act as a genetic parent of the child and the presumed parent or the person who gave birth to the child challenges the presumed parent's parentage of the child, the court shall adjudicate the parentage of the child in the best interest of the child based on the factors under subsections 1 and 2 of section 81 of this act.

4. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding to adjudicate a presumed parent's parentage of a child, another person in addition to the person who gave birth to the child asserts a claim to parentage of the child, the court shall adjudicate parentage under section 81 of this act.

Sec. 77. 1. A proceeding to establish parentage of a child under this section may be commenced only by a person who:

(a) Is alive when the proceeding is commenced; and



(b) Claims to be a de facto parent of the child.

2. A person who claims to be a de facto parent of a child must commence a proceeding to establish parentage of a child under this section:

(a) Before the child attains 18 years of age; and

(b) While the child is alive.

3. The following rules govern standing of a person who claims to be a de facto parent of a child to maintain a proceeding under this section:

(a) The person must file an initial verified pleading alleging specific facts that support the claim to parentage of the child asserted under this section. The verified pleading must be served on all parents and legal guardians of the child and any other party to the proceeding.

(b) An adverse party, parent or legal guardian may file a pleading in response to the pleading filed under paragraph (a). A responsive pleading must be verified and must be served on parties to the proceeding.

(c) Unless the court finds a hearing is necessary to determine disputed facts material to the issue of standing, the court shall determine, based on the pleadings under paragraphs (a) and (b), whether the person has alleged facts sufficient to satisfy by a preponderance of the evidence the requirements of paragraphs (a) to (g), inclusive, of subsection 4. If the court holds a hearing under this subsection, the hearing must be held on an expedited basis.

4. In a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, if there is only one other person who is a parent or has a claim to parentage of the child, the court shall adjudicate the person who claims to be a de facto parent to be a parent of the child if the person demonstrates by clear and convincing evidence that:

(a) The person resided with the child as a regular member of the child's household for a significant period;

(b) The person engaged in consistent caretaking of the child;

(c) The person undertook full and permanent responsibilities of a parent of the child without expectation of financial compensation;

(d) The person held out the child as the person's child;

(e) The person established a bonded and dependent relationship with the child which is parental in nature;

(f) Another parent of the child fostered or supported the bonded and dependent relationship required under paragraph (e); and



(g) Continuing the relationship between the person and the child is in the best interest of the child.

5. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, there is more than one other person who is a parent or has a claim to parentage of the child and the court determines that the requirements of subsection 4 are satisfied, the court shall adjudicate parentage under section 81 of this act.

Sec. 78. 1. If a child has an acknowledged parent, a proceeding to challenge the acknowledgment of parentage or a denial of parentage, brought by a signatory to the acknowledgment or denial, is governed by sections 46 and 47 of this act.

2. If a child has an acknowledged parent, the following rules apply in a proceeding to challenge the acknowledgment of parentage or a denial of parentage brought by a person, other than the child, who has standing under section 70 of this act and was not a signatory to the acknowledgment or denial:

(a) The person must commence the proceeding not later than 2 years after the effective date of the acknowledgment.

(b) The court may permit the proceeding only if the court finds permitting the proceeding is in the best interest of the child.

(c) If the court permits the proceeding, the court shall adjudicate parentage under section 80 of this act.

Sec. 79. 1. If a child has an adjudicated parent, a proceeding to challenge the adjudication, brought by a person who was a party to the adjudication or received notice under section 71 of this act, is governed by the rules governing a collateral attack on a judgment.

2. If a child has an adjudicated parent, the following rules apply to a proceeding to challenge the adjudication of parentage brought by a person, other than the child, who has standing under section 70 of this act and was not a party to the adjudication and did not receive notice under section 71 of this act:

(a) The person must commence the proceeding not later than 2 years after the effective date of the adjudication.

(b) The court may permit the proceeding only if the court finds permitting the proceeding is in the best interest of the child.

(c) If the court permits the proceeding, the court shall adjudicate parentage under section 81 of this act.

Sec. 80. 1. A person who is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act or the person who gave birth to the child may bring a proceeding to adjudicate parentage. If the court determines the person is a parent under



1 *NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this*
2 *act, the court shall adjudicate the person to be a parent of the*
3 *child.*

4 *2. In a proceeding to adjudicate a person's parentage of a*
5 *child, if another person other than the person who gave birth to*
6 *the child is a parent under NRS 126.500 to 126.810, inclusive, and*
7 *sections 92 and 93 of this act, the court shall adjudicate the*
8 *person's parentage of the child under section 81 of this act.*

9 **Sec. 81.** *1. In a proceeding to adjudicate competing claims*
10 *of, or challenges under subsection 3 of section 76 of this act or*
11 *section 78 or 79 of this act, to parentage of a child by two or more*
12 *persons, the court shall adjudicate parentage in the best interest of*
13 *the child, based on:*

14 *(a) The age of the child;*

15 *(b) The length of time during which each person assumed the*
16 *role of parent of the child;*

17 *(c) The nature of the relationship between the child and each*
18 *person;*

19 *(d) The harm to the child if the relationship between the child*
20 *and each person is not recognized;*

21 *(e) The basis for each person's claim to parentage of the child;*
22 *and*

23 *(f) Other equitable factors arising from the disruption of the*
24 *relationship between the child and each person or the likelihood of*
25 *other harm to the child.*

26 *2. If a person challenges parentage based on the results of*
27 *genetic testing, in addition to the factors listed in subsection 1, the*
28 *court shall consider:*

29 *(a) The facts surrounding the discovery the person might not*
30 *be a genetic parent of the child; and*

31 *(b) The length of time between the time that the person was*
32 *placed on notice that the person might not be a genetic parent and*
33 *the commencement of the proceeding.*

34 *3. The court may adjudicate a child to have more than two*
35 *parents under sections 28 to 91, inclusive, of this act if the court*
36 *finds that failure to recognize more than two parents would be*
37 *detrimental to the child. A finding of detriment to the child does*
38 *not require a finding of unfitness of any parent or person seeking*
39 *an adjudication of parentage. In determining detriment to the*
40 *child, the court shall consider all relevant factors, including the*
41 *harm if the child is removed from a stable placement with a person*
42 *who has fulfilled the child's physical needs and psychological*
43 *needs for care and affection and has assumed the role for a*
44 *substantial period.*



Sec. 82. 1. *In a proceeding under sections 69 to 89, inclusive, of this act, the court may issue a temporary order for child support if the order is consistent with the law of this State other than sections 28 to 91, inclusive, of this act and the person ordered to pay support is:*

- (a) A presumed parent of the child;*
- (b) Petitioning to be adjudicated a parent;*
- (c) Identified as a genetic parent through genetic testing under section 62 of this act;*
- (d) An alleged genetic parent who has declined to submit to genetic testing;*
- (e) Shown by clear and convincing evidence to be a parent of the child; or*
- (f) A parent under sections 28 to 91, inclusive, of this act.*

2. *A temporary order may include a provision for custody and visitation under law of this State other than sections 28 to 91, inclusive, of this act.*

Sec. 83. 1. *Except as otherwise provided in subsection 2, the court may combine a proceeding to adjudicate parentage under sections 28 to 91, inclusive, of this act with a proceeding for adoption, termination of parental rights, child custody or visitation, child support, divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance, administration of an estate or other appropriate proceeding.*

2. *A respondent may not combine a proceeding described in subsection 1 with a proceeding to adjudicate parentage brought under NRS 130.0902 to 130.802, inclusive.*

Sec. 84. *Except as otherwise provided in NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, a proceeding to adjudicate parentage may be commenced before the birth of the child and an order or judgment may be entered before birth, but enforcement of the order or judgment must be stayed until the birth of the child.*

Sec. 85. 1. *A minor child is a permissive party but not a necessary party to a proceeding under sections 69 to 89, inclusive, of this act.*

2. *The court shall appoint a guardian ad litem to represent a child in a proceeding under sections 69 to 89, inclusive, of this act if the court finds that the interests of the child are not adequately represented.*

Sec. 86. *The court shall adjudicate parentage of a child without a jury.*

Sec. 87. *The court may dismiss a proceeding under sections 28 to 91, inclusive, of this act for want of prosecution only without*



1 *prejudice. An order of dismissal for want of prosecution*
2 *purportedly with prejudice is void and has only the effect of a*
3 *dismissal without prejudice.*

4 **Sec. 88. 1.** *An order adjudicating parentage must identify*
5 *the child in a manner provided by law of this State other than*
6 *sections 28 to 91, inclusive, of this act.*

7 2. *Except as otherwise provided in subsection 3, the court*
8 *may assess filing fees, reasonable attorney's fees, fees for genetic*
9 *testing, other costs and necessary travel and other reasonable*
10 *expenses incurred in a proceeding under sections 69 to 89,*
11 *inclusive, of this act. Attorney's fees awarded under this*
12 *subsection may be paid directly to the attorney, and the attorney*
13 *may enforce the order in the attorney's own name.*

14 3. *The court may not assess fees, costs or expenses in a*
15 *proceeding under sections 69 to 89, inclusive, of this act against a*
16 *child support agency of this State or another state, except as*
17 *provided by law of this State other than sections 28 to 91,*
18 *inclusive, of this act.*

19 4. *In a proceeding under sections 69 to 89, inclusive, of this*
20 *act, a copy of a bill for genetic testing or prenatal or postnatal*
21 *health care for the person who gave birth to the child and the*
22 *child, that is provided to the adverse party, excluding a child*
23 *support agency, not later than 10 days before a hearing, is*
24 *admissible to establish:*

25 (a) *The amount of the charge billed; and*

26 (b) *That the charge is reasonable and necessary.*

27 5. *On request of a party and for good cause, the court in a*
28 *proceeding under sections 69 to 89, inclusive, of this act may order*
29 *the name of the child changed. If the court order changing the*
30 *name varies from the name on the birth certificate of the child, the*
31 *court shall order the State Registrar of Vital Statistics to issue an*
32 *amended birth certificate.*

33 **Sec. 89. 1.** *Except as otherwise provided in subsection 2:*

34 (a) *A signatory to an acknowledgment of parentage or denial*
35 *of parentage is bound by the acknowledgment and denial as*
36 *provided in sections 38 to 51, inclusive, of this act; and*

37 (b) *A party to an adjudication of parentage by a court acting*
38 *under circumstances that satisfy the jurisdiction requirements of*
39 *NRS 130.201 and any person who received notice of the*
40 *proceeding are bound by the adjudication.*

41 2. *A child is not bound by a determination of parentage under*
42 *sections 28 to 91, inclusive, of this act unless:*

43 (a) *The determination was based on an unrescinded*
44 *acknowledgment of parentage and the acknowledgment is*
45 *consistent with the results of genetic testing;*



(b) The determination was based on a finding consistent with the results of genetic testing, and the consistency is declared in the determination or otherwise shown;

(c) The determination of parentage was made under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or

(d) The child was a party or was represented by a guardian ad litem in the proceeding.

3. In a proceeding for divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance, the court is deemed to have made an adjudication of parentage of a child if the court acts under circumstances that satisfy the jurisdiction requirements of NRS 130.201 and the final order:

(a) Expressly identifies the child as a “child of the marriage” or “issue of the marriage” or includes similar words indicating that both spouses are parents of the child; or

(b) Provides for support of the child by a spouse or domestic partner unless that spouse’s or domestic partner’s parentage of the child is disclaimed specifically in the order.

4. Except as otherwise provided in subsection 2 or section 79 of this act, a determination of parentage may be asserted as a defense in a subsequent proceeding seeking to adjudicate parentage of a person who was not a party to the earlier proceeding.

5. A party to an adjudication of parentage may challenge the adjudication only under law of this State other than sections 28 to 91, inclusive, of this act relating to appeal, vacation of judgment or other judicial review.

Sec. 90. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 91. Sections 28 to 91, inclusive, of this act modify, limit and supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede Section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. § 7003(b).

Sec. 92. 1. If a person who intends to be a parent of a child conceived by assisted reproduction dies during the period between the transfer of a gamete or embryo and the birth of the child, the person’s death does not preclude the establishment of the person’s parentage of the child if the person otherwise would be a parent of the child under sections 28 to 91, inclusive, of this act.



2. If a person who consented in a record to assisted reproduction by a person who agreed to give birth to a child dies before a transfer of gametes or embryos, the deceased person is a parent of a child conceived by the assisted reproduction only if:

(a) Either:

(1) The person consented in a record that if assisted reproduction were to occur after the death of the person, the person would be a parent of the child; or

(2) The person's intent to be a parent of a child conceived by assisted reproduction after the person's death is established by clear and convincing evidence; and

(b) Either:

(1) The embryo is in utero not later than 36 months after the person's death; or

(2) The child is born not later than 45 months after the person's death.

3. An intended parent is not a parent of a child conceived by assisted reproduction under a gestational agreement if the intended parent dies before the transfer of a gamete or embryo unless:

(a) The agreement provides otherwise; and

(b) The transfer of a gamete or embryo occurs not later than 36 months after the death of the intended parent or birth of the child occurs not later than 45 months after the death of the intended parent.

Sec. 93. 1. A party to a gestational agreement may terminate the agreement, at any time before an embryo transfer, by giving notice of termination in a record to all other parties. If an embryo transfer does not result in a pregnancy, a party may terminate the agreement at any time before a subsequent embryo transfer.

2. Unless a gestational agreement provides otherwise, on termination of the agreement under subsection 1, the parties are released from the agreement, except that each intended parent remains responsible for expenses that are reimbursable under the agreement and incurred by the gestational carrier through the date of termination.

3. Except in a case involving fraud, neither a gestational carrier nor the gestational carrier's spouse, domestic partner or former spouse or domestic partner, if any, is liable to the intended parent or parents for a penalty or liquidated damages, for terminating a gestational agreement under this section.

Sec. 94. NRS 126.151 is hereby amended to read as follows:

126.151 1. ~~1. An action under this chapter is a civil action governed by the Nevada Rules of Civil Procedure. The mother of~~



~~the child and the alleged father are competent to testify and may be compelled to testify. Subsections 3 and 4 of NRS 126.111 and NRS 126.121 and 126.131 apply.~~

~~—2.]~~ In an action against an alleged ~~{father,}~~ *genetic parent*, evidence offered by the alleged ~~{father}~~ *genetic parent* with respect to ~~{a man}~~ *another person* who is not subject to the jurisdiction of the court concerning that ~~{man's}~~ *person's* sexual intercourse with the ~~{mother}~~ *person who gave birth to the child* at or about the probable time of conception of the child is admissible in evidence only if the alleged ~~{father}~~ *genetic parent* has undergone and made available to the court ~~{blood tests or tests for genetic identification,}~~ the results of *genetic testing performed pursuant to sections 52 to 68, inclusive, of this act* which show a probability less than 99 percent that the alleged ~~{father}~~ *genetic parent* is ~~{the father}~~ *a genetic parent* of the child.

~~{3.}~~ 2. The trial must be by the court without a jury.

Sec. 95. 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}~~ *a parent* to pay the reasonable expenses of the ~~{mother's}~~ pregnancy and confinement ~~{}~~ *of the person who gave birth to the child*. The court may limit the ~~{father's}~~ liability *of a parent* 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~~ **parents** 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 ~~fa 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. 96. NRS 126.201 is hereby amended to read as follows:

126.201 1. ~~[At the pretrial hearing and in further proceedings,]~~ **In any proceeding held pursuant to this chapter,** any party may be represented by counsel. If a party is financially unable to obtain counsel, the court may appoint counsel to represent that party with respect to the determination of the existence or nonexistence of the parent and child relationship and the duty of support, including , without limitation , the expenses of the ~~mother's~~ pregnancy and confinement ~~[] of the person who gave birth to the child,~~ medical expenses for the birth of the child and support of the child from birth until trial.

2. If a party is financially unable to pay the cost of a transcript, the court shall furnish on request a transcript for purposes of appeal.

Sec. 97. NRS 126.291 is hereby amended to read as follows:

126.291 1. Proceedings to compel support by a nonsupporting parent may be brought in accordance with this chapter. They are not exclusive of other proceedings. The court may assess the usual filing fees, charges or court costs against the nonsupporting parent and shall enforce their collection with the other provisions of the judgment.

2. Except as otherwise provided in this subsection, when the district attorney is requested to bring an action to compel support or an action to determine ~~[paternity,]~~ **parentage,** the district attorney may charge the requester a fee of not more than \$20 for an application. This fee may not be assessed against:



(a) The State of Nevada when acting as a party to an action brought pursuant to this chapter.

(b) Any person or agency requesting services pursuant to chapter 130 of NRS.

3. If the court finds that a parent and child relationship exists, it may assess against the nonsupporting parent, in addition to any support obligation ordered a reasonable collection fee. If the court finds that the nonsupporting parent would experience a financial hardship if required to pay the fee immediately, it may order that the fee be paid in installments, each of which is not more than 25 percent of the support obligation for each month.

4. All fees collected pursuant to this section must be deposited in the general fund of the county and an equivalent amount must be allocated to augment the county's program for the enforcement of support obligations.

5. As used in this section, "nonsupporting parent" means the parent of a child who has failed to provide an equitable share of his or her child's necessary maintenance, education and support.

Sec. 98. NRS 126.500 is hereby amended to read as follows:

126.500 As used in NRS 126.500 to 126.810, inclusive, *and sections 92 and 93 of this act*, unless the context otherwise requires, the words and terms defined in NRS ~~[126.510]~~ 126.520 to ~~[126.630,]~~ 126.580, inclusive, have the meanings ascribed to them in those sections.

Sec. 99. NRS 126.660 is hereby amended to read as follows:

126.660 1. A donor is not a parent of a child conceived by means of assisted reproduction.

2. The consent of the spouse or domestic partner of a person who wishes to be a donor is not required for the person to be a donor.

Sec. 100. NRS 126.670 is hereby amended to read as follows:

126.670 A person who provides gametes for, or consents to, assisted reproduction by ~~[a woman,]~~ *the person giving birth to the child* as provided in NRS 126.680, with the intent to be a parent of ~~[her]~~ *the child*, is a parent of the resulting child.

Sec. 101. NRS 126.680 is hereby amended to read as follows:

126.680 1. ~~[Consent]~~ *Except as otherwise provided in subsection 2, consent* by a person who intends to be a parent of a child born by assisted reproduction must be in a ~~[declaration for the voluntary acknowledgment of parentage, signed pursuant to NRS 126.053,]~~ *record signed by the person giving birth to the child and the person who intends to be a parent of the child.*

2. Failure ~~[of a person to sign a declaration for the voluntary acknowledgment of parentage]~~ *to consent in a record as* required by subsection 1, before or after the birth of the child, does not



preclude a finding of parentage if ~~{the woman and}~~ the person ~~{during}~~ who intends to be a parent of the child or the person giving birth to the child:

(a) Proves by clear and convincing evidence the existence of an express agreement entered into by the person who intends to be a parent of the child and the person giving birth to the child, before the conception of the child, that the person who intends to be a parent of the child and the person giving birth to the child intended that they both would be parents of the child; or

(b) During the first 2 years of the child's life, including any period of temporary absence, resided together in the same household with the child and openly held out the child as their own.

Sec. 102. NRS 126.690 is hereby amended to read as follows:

126.690 1. Except as otherwise provided in subsection 2, the legal spouse or domestic partner of a ~~{woman}~~ person who gives birth to a child by means of assisted reproduction may not challenge the parentage of the child unless:

(a) Within 2 years after learning of the birth of the child, a proceeding is commenced to adjudicate parentage; and

(b) The court finds that, before or after the birth of the child, the legal spouse or domestic partner did not consent to the assisted reproduction.

2. A proceeding to adjudicate parentage may be maintained at any time if the court determines that:

(a) The legal spouse or domestic partner did not provide gametes for, or consent to, the assisted reproduction by the person who gave birth ~~{}~~ to the child;

(b) The legal spouse or domestic partner and the ~~{woman}~~ person who gave birth to the child have not cohabited since the probable time of the assisted reproduction; and

(c) The legal spouse or domestic partner never openly held out the child as his or her own.

Sec. 103. NRS 126.700 is hereby amended to read as follows:

126.700 1. If a marriage or domestic partnership is dissolved or terminated before the transfer of ~~{eggs, sperm or}~~ embryos, the former spouse or former domestic partner is not a parent of the resulting child unless the former spouse or former domestic partner consented in a record that if assisted reproduction were to occur after a dissolution or termination, the former spouse or former domestic partner would be a parent of the child.

2. The consent of a person to assisted reproduction may be withdrawn by that person in a record at any time before ~~{placement}~~ transfer of the ~~{eggs, sperm or}~~ embryos.



Sec. 104. NRS 126.710 is hereby amended to read as follows:

126.710 1. A prospective gestational carrier, ~~her~~ *the* legal spouse or domestic partner, if ~~she is married or in a domestic partnership,~~ *any, of the prospective gestational carrier,* a donor or the donors and the intended parent or parents may enter into a written agreement providing that:

(a) The prospective gestational carrier agrees to pregnancy by means of assisted reproduction;

(b) The prospective gestational carrier, ~~her~~ *the* legal spouse or domestic partner, if ~~she is married or in a domestic partnership,~~ *any, of the prospective gestational carrier,* and the donor or donors relinquish all rights and duties as the parents of a child conceived through assisted reproduction; and

(c) The intended parent or parents become the parent or parents of any resulting child.

2. If two persons are the intended parents, both of the intended parents must be parties to the gestational agreement.

3. A gestational agreement is enforceable only if it satisfies the requirements of NRS 126.750.

4. A gestational agreement may provide for payment of consideration pursuant to NRS 126.800 and 126.810.

Sec. 105. NRS 126.720 is hereby amended to read as follows:

126.720 *Except as otherwise provided in section 92 of this act:*

1. If a gestational carrier arrangement satisfies the requirements of NRS 126.740 and 126.750:

(a) The intended parent or parents shall be considered the parent or parents of the resulting child immediately upon the birth of the child;

(b) The resulting child shall be considered the child of the intended parent or parents immediately upon the birth of the child;

(c) Parental rights vest in the intended parent or parents immediately upon the birth of the resulting child;

(d) Sole legal and physical custody of the resulting child vest with the intended parent or parents immediately upon the birth of the child; and

(e) Neither the gestational carrier nor ~~her~~ *the* legal spouse or domestic partner, if any, *of the gestational carrier* shall be considered the parent of the resulting child.

2. If a gestational carrier arrangement satisfies the requirements of NRS 126.740 and 126.750 and if, because of a laboratory error, the resulting child is not genetically related to the intended parent or either of the intended parents or any donor who donated to the intended parent or parents, the intended parent or parents shall be considered the parent or parents of the child, unless a determination



1 to the contrary is made by a court of competent jurisdiction in an
2 action which may only be brought by one or more genetic parents of
3 the resulting child within 60 days after the birth of the child.

4 3. The parties to a gestational carrier arrangement shall assume
5 the rights and obligations of subsections 1 and 2 if:

6 (a) The gestational carrier satisfies the eligibility requirements
7 set forth in subsection 1 of NRS 126.740;

8 (b) The intended parent or parents satisfy the requirement set
9 forth in subsection 2 of NRS 126.740; and

10 (c) The gestational carrier arrangement occurs pursuant to a
11 gestational agreement which meets the requirements set forth in
12 NRS 126.750.

13 4. Before or after the birth of the resulting child, the intended
14 parent or parents or the prospective gestational carrier or gestational
15 carrier may commence a proceeding in any district court in this
16 State to obtain an order designating the content of the birth
17 certificate issued as provided in NRS 440.270 to 440.340, inclusive.
18 If:

19 (a) A copy of the gestational agreement is attached to the
20 petition;

21 (b) The requirements of NRS 126.740 and 126.750 are satisfied;
22 and

23 (c) Any of the following applies:

24 (1) The resulting child is anticipated to be born in this State;

25 (2) The resulting child was born in this State;

26 (3) The intended parent or parents reside in this State;

27 (4) The intended parent or parents resided in this State when
28 the gestational agreement was executed;

29 (5) The gestational carrier resides in this State;

30 (6) The gestational agreement was executed in this State; or

31 (7) The medical procedures for assisted reproduction that
32 were performed pursuant to the gestational agreement and resulted
33 in pregnancy were performed in this State,

34 ➡ the court may issue an order validating the gestational agreement
35 and declaring the intended parent or parents to be the parent or
36 parents of the resulting child.

37 **Sec. 106.** NRS 126.740 is hereby amended to read as follows:

38 126.740 1. A prospective gestational carrier is eligible to be a
39 gestational carrier pursuant to NRS 126.710 to 126.810, inclusive,
40 **and sections 92 and 93 of this act** if, at the time the gestational
41 agreement is executed, ~~[she:]~~ **the prospective gestational carrier:**

42 (a) Has completed a medical evaluation relating to the
43 anticipated pregnancy;

44 (b) Has undergone legal consultation with independent legal
45 counsel regarding the terms of the gestational agreement and the



potential legal consequences of the gestational carrier arrangement;
and

(c) Did not contribute any gametes that will ultimately result in an embryo that ~~[she]~~ *the gestational carrier* will attempt to carry to term.

2. The intended parent or parents shall be deemed to have satisfied the requirements of NRS 126.710 to 126.810, inclusive, *and sections 92 and 93 of this act* if, before the gestational carrier agreement is executed, ~~he, she or they~~ *the intended parent or parents* have undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement.

Sec. 107. NRS 126.750 is hereby amended to read as follows:

126.750 1. A gestational agreement is enforceable only if it satisfies the requirements of this section.

2. The gestational carrier and the intended parent or parents must be represented by separate, independent counsel in all matters concerning the gestational carrier arrangement and gestational agreement.

3. A gestational agreement must:

(a) Be in writing;

(b) Be executed before the commencement of any medical procedures in furtherance of the gestational carrier arrangement, other than the medical evaluation required by subsection 1 of NRS 126.740 to determine the eligibility of the gestational carrier, by:

(1) A gestational carrier satisfying the eligibility requirements set forth in subsection 1 of NRS 126.740 and the legal spouse or domestic partner, *if any*, of the gestational carrier; ~~if any;~~ and

(2) An intended parent or parents satisfying the requirement set forth in subsection 2 of NRS 126.740;

(c) Be notarized and signed by all the parties with attached declarations of the independent attorney of each party; and

(d) Include the separate, written and signed acknowledgment of the gestational carrier and the intended parent or parents stating that he or she has received information about the legal, financial and contractual rights, expectations, penalties and obligations of the gestational agreement.

4. A gestational agreement must provide for:

(a) The express written agreement of the gestational carrier to:

(1) Undergo embryo or gamete transfer and, *subject to the provisions of subsection 6*, attempt to carry and give birth to any resulting child; and



(2) Surrender legal and physical custody of any resulting child to the intended parent or parents immediately upon the birth of the child;

(b) The express written agreement of the legal spouse or domestic partner, if any, of the gestational carrier to:

(1) Undertake the obligations imposed upon the gestational carrier pursuant to the terms of the gestational agreement; and

(2) Surrender legal and physical custody of any resulting child to the intended parent or parents immediately upon the birth of the child;

(c) The express written agreement of each party to the use by the gestational carrier of the services of a physician ~~of her choosing,~~ *chosen by the gestational carrier*, after consultation with the intended parent or parents, to provide care to the gestational carrier during the pregnancy; and

(d) The express written agreement of the intended parent or parents to:

(1) Accept legal and physical custody of any resulting child not biologically related to the gestational carrier or ~~her~~ *the* spouse or domestic partner, if any, *of the gestational carrier* immediately upon the birth of the child or children regardless of the number, gender or mental or physical condition of the child or children; and

(2) Assume sole responsibility for the support of any resulting child not biologically related to the gestational carrier or ~~her~~ *the* spouse or domestic partner, if any, *of the gestational carrier* immediately upon the birth of the child.

5. A gestational agreement is enforceable even if it contains one or more of the following provisions:

(a) The gestational carrier's agreement to undergo all medical examinations, treatments and fetal monitoring procedures recommended for the success of the pregnancy by the physician providing care to the gestational carrier during the pregnancy.

(b) The gestational carrier's agreement to abstain from any activities that the intended parent or parents or the physician providing care to the gestational carrier during the pregnancy reasonably believes to be harmful to the pregnancy and the future health of any resulting child, including, without limitation, smoking, drinking alcohol, using nonprescribed drugs, using prescription drugs not authorized by a physician aware of the pregnancy, exposure to radiation or any other activity proscribed by a health care provider.

(c) The agreement of the intended parent or parents to pay the gestational carrier reasonable compensation.

(d) The agreement of the intended parent or parents to pay for or reimburse the gestational carrier for reasonable expenses, including,



without limitation, medical, legal or other professional expenses, related to the gestational carrier arrangement and the gestational agreement.

6. A gestational carrier has the right to make all health and welfare decisions regarding the gestational carrier and the pregnancy of the gestational carrier, including, without limitation, whether to consent to a cesarean section or the transfer of multiple embryos, whether to use the services of a health care practitioner chosen by the gestational carrier, whether to terminate or continue the pregnancy and whether to reduce or retain the number of fetuses or embryos carried by the gestational carrier. Any provision in a gestational agreement that contradicts such a right is void and unenforceable.

Sec. 108. NRS 126.770 is hereby amended to read as follows:

126.770 1. Unless a gestational agreement expressly provides otherwise:

(a) The marriage or domestic partnership of a gestational carrier after ~~she executes a~~ the gestational agreement *is signed by all parties* does not affect the validity of the ~~gestational~~ agreement ~~and:~~

~~1. The~~ , the consent of the ~~legal~~ spouse or domestic partner of the gestational carrier to the ~~gestational~~ agreement is not required ~~[-~~

~~2. The legal~~ , and the spouse or domestic partner of the gestational carrier ~~must~~ is not ~~be~~ a presumed ~~to be the~~ parent of ~~any resulting~~ a child ~~[-~~ conceived by assisted reproduction under the agreement; and

(b) The divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance of the gestational carrier after the agreement is signed by all parties does not affect the validity of the agreement.

2. Unless a gestational agreement expressly provides otherwise:

(a) The marriage or domestic partnership of an intended parent after the agreement is signed by all parties does not affect the validity of a gestational agreement, the consent of the spouse or domestic partner of the intended parent is not required, and the spouse or domestic partner of the intended parent is not, based on the agreement, a parent of a child conceived by assisted reproduction under the agreement; and

(b) The divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance of an intended parent after the agreement is signed by all parties does not affect the validity of the agreement and the intended parents



1 *are the parents of a child conceived by assisted reproduction under*
2 *the agreement.*

3 **Sec. 109.** NRS 126.780 is hereby amended to read as follows:

4 126.780 1. A gestational carrier, ~~her~~ *the* legal spouse or
5 domestic partner, if any, *of the gestational carrier* or the intended
6 parent or parents are in noncompliance when ~~he, she or they~~
7 ~~breach~~ *any such person breaches* any provision of the gestational
8 agreement or ~~fail~~ *fails* to meet any of the requirements of NRS
9 126.710 to 126.810, inclusive ~~it~~ *, and sections 92 and 93 of this*
10 *act.*

11 2. In the event of noncompliance, a court of competent
12 jurisdiction shall determine the respective rights and obligations of
13 the parties to the gestational agreement ~~based solely~~ *:*

14 *(a) If the agreement substantially complies with NRS 126.710*
15 *to 126.810, inclusive, and sections 92 and 93 of this act, based* on
16 the evidence of the ~~original~~ intent of the parties ~~it~~ *at the time of*
17 *execution of the agreement and other relevant evidence.*

18 *(b) If the agreement does not substantially comply with NRS*
19 *126.710 to 126.810, inclusive, and sections 92 and 93 of this act,*
20 *pursuant to other applicable law of this State.*

21 3. ~~There must be no specific~~ *Specific* performance *is not an*
22 *available* remedy ~~available for breach of the~~ *except to enforce any*
23 *provision in a* gestational agreement ~~by the gestational carrier that~~
24 ~~would require the gestational carrier to be impregnated.~~ *that is*
25 *necessary to enable the intended parents to exercise the full rights*
26 *of parentage immediately upon the birth of the child, if the*
27 *intended parents are being prevented from exercising such rights.*

28 **Sec. 110.** NRS 128.150 is hereby amended to read as follows:

29 128.150 1. If a ~~mother~~ *person who gave birth to a child*
30 relinquishes or proposes to relinquish *the child* for adoption ~~at~~ *and*
31 *the child who* has:

32 (a) A presumed ~~father~~ *parent* pursuant to ~~[NRS 126.051];~~
33 *section 37 of this act;*

34 (b) A ~~father~~ *parent* whose relationship to the child has been
35 determined by a court; or

36 (c) A ~~father~~ *parent* as to whom the child is a legitimate child
37 under chapter 126 of NRS, under prior law of this State or under the
38 law of another jurisdiction,

39 *and the father parent* has not consented to the adoption of the
40 child or relinquished the child for adoption, a proceeding must be
41 brought pursuant to this chapter and a determination made of
42 whether a parent and child relationship exists and, if so, if it should
43 be terminated.



2. If a ~~{mother}~~ *person who gave birth to a child* relinquishes or proposes to relinquish *the child* for adoption ~~{a}~~ *and the* child ~~{who}~~ does not have:

(a) A presumed ~~{father}~~ *parent* pursuant to ~~{NRS—126.051;}~~ *section 37 of this act;*

(b) A ~~{father}~~ *parent* whose relationship to the child has been determined by a court;

(c) A ~~{father}~~ *parent* as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction; or

(d) A ~~{father}~~ *parent* who can be identified in any other way,
 ➤ or if a child otherwise becomes the subject of an adoption proceeding, the agency or person to whom the child has been or is to be relinquished, or the ~~{mother}~~ *person who gave birth to the child* or the person having custody of the child, shall file a petition in the district court to terminate the parental rights of the ~~{father,}~~ *other parent*, unless the ~~{father's}~~ *other parent's* relationship to the child has been previously terminated or determined not to exist by a court.

3. In an effort to identify and protect the interests of the ~~{natural father,}~~ *other parent*, the court which is conducting a proceeding pursuant to this chapter shall cause inquiry to be made of the ~~{mother}~~ *person who gave birth to the child* and any other appropriate person. The inquiry must include the following:

(a) Whether the ~~{mother}~~ *person who gave birth to the child* was married *or in a domestic partnership* at the time of conception of the child or at any time thereafter.

(b) Whether the ~~{mother}~~ *person who gave birth to the child* was cohabiting with ~~{a man}~~ *another person* at the time of conception or birth of the child.

(c) Whether the ~~{mother}~~ *person who gave birth to the child* has received support payments or promises of support with respect to the child or in connection with ~~{her}~~ *the* pregnancy ~~{}~~ *of the person.*

(d) Whether any ~~{man}~~ *person* has formally or informally acknowledged or declared ~~{his}~~ *their* possible ~~{paternity}~~ *parentage* of the child.

4. If, after the inquiry, the ~~{natural father}~~ *other parent* is identified to the satisfaction of the court, or if more than one ~~{man}~~ *person* is identified as a possible ~~{father,}~~ *parent*, each must be given notice of the proceeding in accordance with subsection 6 or with this chapter, as applicable. If any of them fails to appear or, if appearing, fails to claim custodial rights, such failure constitutes abandonment of the child. If the ~~{natural father}~~ *other parent* or a ~~{man}~~ *person* representing ~~{himself}~~ *themselves* to be the ~~{natural father,}~~ *other parent*, claims custodial rights, the court shall proceed to determine custodial rights.



5. If, after the inquiry, the court is unable to identify the ~~{natural father}~~ **other parent** or any possible ~~{natural father}~~ **other parent** and no person has appeared claiming to be the ~~{natural father}~~ **other parent** and claiming custodial rights, the court shall enter an order terminating the unknown ~~{natural father's}~~ **person's** parental rights with reference to the child. Subject to the disposition of any appeal, upon the expiration of 6 months after an order terminating parental rights is issued under this subsection, or this chapter, the order cannot be questioned by any person in any manner or upon any ground, including fraud, misrepresentation, failure to give any required notice or lack of jurisdiction of the parties or of the subject matter.

6. Notice of the proceeding must be given to every person identified as ~~{the natural father}~~ **a parent** or a possible ~~{natural father}~~ **parent** in the manner provided by law and the Nevada Rules of Civil Procedure for the service of process in a civil action, or in any manner the court directs. Proof of giving the notice must be filed with the court before the petition is heard.

Sec. 111. NRS 130.316 is hereby amended to read as follows:

130.316 1. The physical presence of a nonresident party who is a natural person in a tribunal of this State is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage of a child.

2. An affidavit, a document substantially complying with federally mandated forms or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule in NRS 51.065 if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside this State.

3. A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted therein and is admissible to show whether payments were made.

4. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the ~~{mother}~~ **person who gave birth to the child** and **the** child, furnished to the adverse party at least 20 days before trial are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

5. Documentary evidence transmitted from outside this State to a tribunal of this State by telephone, telecopier or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.



6. In a proceeding under this chapter, a tribunal of this State shall permit a party or witness residing outside this State to be deposed or to testify under penalty of perjury by telephone, audiovisual means or other electronic means at a designated tribunal or other location. A tribunal of this State shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

7. In a civil proceeding under this chapter, if a party called to testify refuses to answer a question on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

8. A privilege against the disclosure of communications between a married couple *or between domestic partners* does not apply in a proceeding under this chapter.

9. The defense of immunity based on the relationship of a married couple, *domestic partners* or parent and child does not apply in a proceeding under this chapter.

10. A ~~voluntary acknowledgment of paternity developed by the State Board of Health pursuant to NRS 440.283 or a~~ voluntary acknowledgment of parentage developed by the State Board of Health pursuant to NRS 440.285, certified as a true copy, is admissible to establish parentage of the child.

Sec. 112. NRS 130.401 is hereby amended to read as follows:

130.401 1. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this State with personal jurisdiction over the parties may issue a support order if:

(a) The natural person seeking the order resides outside this State; or

(b) The support-enforcement agency seeking the order is located outside this State.

2. The tribunal may issue a temporary child-support order if the tribunal determines that such an order is appropriate and the natural person ordered to pay is:

(a) A presumed ~~father~~ *parent* of the child under ~~subsection 1 of NRS 126.051;~~ *section 37 of this act;*

(b) Petitioning to have ~~this—paternity~~ *their parentage* adjudicated;

(c) Identified as the ~~father~~ *parent* of the child through genetic testing;

(d) An alleged ~~father~~ *genetic parent* who has declined to submit to genetic testing;

(e) Shown by clear and convincing evidence to be the ~~father~~ *parent* of the child;



(f) An ~~acknowledged father or~~ acknowledged parent as provided by ~~NRS 126.053;~~ *sections 38 to 51, inclusive, of this act;*

(g) The ~~mother of~~ *person who gave birth to* the child; or

(h) A natural person who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to NRS 130.305.

Sec. 113. NRS 3.405 is hereby amended to read as follows:

3.405 1. In an action to establish ~~paternity;~~ *parentage*, the court may appoint a master to take testimony and recommend orders.

2. The court may appoint a master to hear all cases in a county to establish or enforce an obligation for the support of a child, or to modify or adjust an order for the support of a child pursuant to NRS 125B.145.

3. The master must be an attorney licensed to practice in this State. The master:

(a) Shall take testimony and establish a record;

(b) In complex cases shall issue temporary orders for support pending resolution of the case;

(c) Shall make findings of fact, conclusions of law and recommendations for the establishment and enforcement of an order;

(d) May accept voluntary acknowledgments of ~~paternity;~~ *parentage* or liability for support and stipulated agreements setting the amount of support;

(e) May, subject to confirmation by the district court, enter default orders against a responsible parent who does not respond to a notice or service within the required time; and

(f) Has any other power or duty contained in the order of reference issued by the court.

➤ If a temporary order for support is issued pursuant to paragraph (b), the master shall order that the support be paid to 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 district attorney is involved in the case, or otherwise to an appropriate party to the action, pending resolution of the case.

4. The findings of fact, conclusions of law and recommendations of the master must be furnished to each party or the party's attorney at the conclusion of the proceeding or as soon



thereafter as possible. Within 10 days after receipt of the findings of fact, conclusions of law and recommendations, either party may file with the court and serve upon the other party written objections to the report. If no objection is filed, the court shall accept the findings of fact, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 10-day period, the court shall review the matter upon notice and motion.

Sec. 114. NRS 200.359 is hereby amended to read as follows:

200.359 1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody or visitation of the child, or any parent having no right of custody to the child, who:

(a) In violation of an order, judgment or decree of any court willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child; or

(b) In the case of an order, judgment or decree of any court that does not specify when the right to physical custody or visitation is to be exercised, removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation,

➤ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in this subsection, a parent who has joint legal and physical custody of a child pursuant to NRS 125C.0015 shall not willfully conceal or remove the child from the custody of the other parent with the specific intent to frustrate the efforts of the other parent to establish or maintain a meaningful relationship with the child. A person who violates this subsection shall be punished as provided in subsection 1 unless the person demonstrates to the satisfaction of the court that he or she violated this subsection to protect the child or himself or herself from an act that constitutes domestic violence pursuant to NRS 33.018.

3. If ~~the mother~~ **a parent** of a child has primary physical custody **of the child** pursuant to ~~subsection 2 of~~ NRS 125C.003, ~~the father~~ **another parent** of the child shall not willfully conceal or remove the child from the physical custody of the ~~mother. If the father of a child has~~ **parent who has** primary physical custody . ~~[pursuant to subsection 2 of NRS 125C.003, the mother of the child shall not willfully conceal or remove the child from the physical custody of the father.]~~ A person who violates this subsection shall be punished as provided in subsection 1.

4. A parent who has joint physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the



child pursuant to NRS 125C.0065 without the written consent of the non-relocating parent or before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child, as applicable. A person who violates this subsection shall be punished as provided in subsection 1.

5. A parent who has primary physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.006 without the written consent of the non-relocating parent or the permission of the court. A person who violates this subsection shall be punished as provided in subsection 1.

6. Before an arrest warrant may be issued for a violation of this section, the court must find that:

(a) This is the home state of the child, as defined in NRS 125A.085; and

(b) There is cause to believe that the entry of a court order in a civil proceeding brought pursuant to chapter 125, 125A or 125C of NRS will not be effective to enforce the rights of the parties and would not be in the best interests of the child.

7. Upon conviction for a violation of this section, the court shall order the defendant to pay restitution for any expenses incurred in locating or recovering the child.

8. The prosecuting attorney may recommend to the judge that the defendant be sentenced as for a misdemeanor and the judge may impose such a sentence if the judge finds that:

(a) The defendant has no prior conviction for this offense and the child has suffered no substantial harm as a result of the offense; or

(b) The interests of justice require that the defendant be punished as for a misdemeanor.

9. A person who aids or abets any other person to violate this section shall be punished as provided in subsection 1.

10. In addition to the exemption set forth in subsection 11, subsections 4 and 5 do not apply to a person who demonstrates a compelling excuse, to the satisfaction of the court, for relocating with a child in violation of NRS 125C.006 or 125C.0065.

11. This section does not apply to a person who detains, conceals, removes or relocates with a child to protect the child from the imminent danger of abuse or neglect or to protect himself or herself from imminent physical harm, and reported the detention, concealment, removal or relocation to a law enforcement agency or an agency which provides child welfare services within 24 hours after detaining, concealing, removing or relocating with the child, or as soon as the circumstances allowed. As used in this subsection:



(a) "Abuse or neglect" has the meaning ascribed to it in paragraph (a) of subsection 4 of NRS 200.508.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 115. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, ~~126.141,~~ 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,



1 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
2 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,
3 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
4 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
5 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
6 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
7 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
8 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
9 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
10 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,
11 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,
12 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,
13 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
14 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,
15 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
16 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
17 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
18 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
19 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
20 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
21 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
22 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
23 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
24 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,
25 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
26 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,
27 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
28 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,
29 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
30 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
31 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,
32 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
33 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
34 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
35 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
36 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
37 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
38 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,
39 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
40 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
41 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
42 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
43 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
44 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
45 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,



692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has



1 already prepared or would prefer to provide the copy in a different
2 medium.

3 (b) Except as otherwise provided in NRS 239.030, shall, upon
4 request, prepare the copy of the public record and shall not require
5 the person who has requested the copy to prepare the copy himself
6 or herself.

7 **Sec. 116.** NRS 422A.585 is hereby amended to read as
8 follows:

9 422A.585 1. The Division shall, within the limitations of
10 available funding, establish a program which promotes the self-
11 sufficiency of a ~~{natural father}~~ **parent** whose ~~{paternity}~~ **parentage**
12 is presumed pursuant to ~~{NRS 126.051}~~ **section 37 of this act** or a
13 noncustodial parent of a child for whom benefits are being received
14 by a household.

15 2. If a ~~{natural father}~~ **parent** whose ~~{paternity}~~ **parentage** is
16 presumed pursuant to ~~{NRS 126.051}~~ **section 37 of this act** or a
17 noncustodial parent of a child for whom benefits are being received
18 by a household chooses to participate in the program established
19 pursuant to subsection 1, the Division may, within the limitations of
20 available funding, increase the amount of benefits provided to the
21 head of the household on behalf of the child.

22 **Sec. 117.** NRS 432B.560 is hereby amended to read as
23 follows:

24 432B.560 1. The court may also order:

25 (a) The child, a parent or the guardian to undergo such medical,
26 psychiatric, psychological, or other care or treatment as the court
27 considers to be in the best interests of the child.

28 (b) A parent or guardian to refrain from:

29 (1) Any harmful or offensive conduct toward the child, the
30 other parent, the custodian of the child or the person given physical
31 custody of the child; and

32 (2) Visiting the child if the court determines that the
33 visitation is not in the best interest of the child.

34 (c) A reasonable right of visitation for a grandparent of the child
35 if the child is not permitted to remain in the custody of the parents
36 of the child.

37 (d) Tests for the typing of blood or taking of specimens for
38 genetic identification ~~{of the child, the natural mother of the child or~~
39 ~~{the alleged father of the child}~~ pursuant to ~~{NRS 126.121.}~~ **sections**
40 **52 to 68, inclusive, of this act.**

41 2. The court shall order a parent or guardian to pay to the
42 custodian an amount sufficient to support the child while the child is
43 in the care of the custodian pursuant to an order of the court, unless
44 the child was delivered to a provider of emergency services pursuant
45 to NRS 432B.630. Payments for the obligation of support must be



determined 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, but must not exceed the reasonable cost of the child's care, including food, shelter, clothing, medical care and education. An order for support made pursuant to this subsection must:

(a) Require that payments be made to the appropriate agency or office;

(b) Provide that the custodian is entitled to a lien on the obligor's property in the event of nonpayment of support; and

(c) Provide for the immediate withholding of income for the payment of support unless:

(1) All parties enter into an alternative written agreement; or

(2) One party demonstrates and the court finds good cause to postpone the withholding.

3. A court that enters an order pursuant to subsection 2 shall ensure that the social security number of the parent or guardian who is the subject of the order is:

(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.

Sec. 118. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the person ~~giving~~ **who gave** birth **to a child** and **the** child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the person ~~giving~~ **who gave** birth **to a child** and **the** child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician in attendance at or immediately after the birth.

(b) Any other person in attendance at or immediately after the birth.



1 (c) ~~{The person giving birth or other}~~ A parent or, if ~~{the other}~~
2 *each* parent is absent ~~{and the person giving birth is}~~ *or*
3 incapacitated, the person in charge of the premises where the birth
4 occurred.

5 3. If a birth occurs in a moving conveyance, the place of birth
6 is the place where the child is removed from the conveyance.

7 4. In cities, the certificate of birth must be filed sooner than 10
8 days after the birth if so required by municipal ordinance or
9 regulation.

10 5. If the person ~~{giving}~~ *who gave* birth *to a child* was:

11 (a) Married *or in a domestic partnership* at the time of *the* birth,
12 the name of the spouse *or domestic partner* of ~~{that}~~ *the* person *who*
13 *gave birth* must be entered on the certificate as the other parent of
14 the child unless:

15 (1) A court has issued an order establishing that a person
16 other than the spouse *or domestic partner* of the person ~~{giving}~~
17 *who gave* birth is the other parent of the child; or

18 (2) The person ~~{giving}~~ *who gave* birth and a person other
19 than the spouse *or domestic partner* of the person ~~{giving}~~ *who*
20 *gave* birth have signed ~~{a declaration for the voluntary~~
21 ~~acknowledgment of paternity developed by the Board pursuant to~~
22 ~~NRS 440.283 or}~~ a declaration for the voluntary acknowledgment of
23 parentage developed by the Board pursuant to NRS 440.285 ~~{;}~~ *and*
24 *the spouse or domestic partner of the person who gave birth has*
25 *signed a voluntary denial of parentage developed by the Board*
26 *pursuant to NRS 440.285.*

27 (b) Widowed at the time of birth but married *or in a domestic*
28 *partnership* at the time of conception, the name of the spouse *or*
29 *domestic partner* of the person ~~{giving}~~ *who gave* birth at the time
30 of conception must be entered on the certificate as the other parent
31 of the child unless:

32 (1) A court has issued an order establishing that a person
33 other than the spouse *or domestic partner* of the person ~~{giving}~~
34 *who gave* birth at the time of conception is the other parent of the
35 child; or

36 (2) The person ~~{giving}~~ *who gave* birth and a person other
37 than the spouse *or domestic partner* of the person ~~{giving}~~ *who*
38 *gave* birth at the time of conception have signed ~~{a declaration for~~
39 ~~the voluntary acknowledgment of paternity developed by the Board~~
40 ~~pursuant to NRS 440.283 or}~~ a declaration for the voluntary
41 acknowledgment of parentage developed by the Board pursuant to
42 NRS 440.285 ~~{;}~~ *and the spouse or domestic partner of the person*
43 *who gave birth has signed a voluntary denial of parentage*
44 *developed by the Board pursuant to NRS 440.285.*



6. If the person ~~[giving]~~ *who gave* birth was unmarried *and not in a domestic partnership* at the time of *the* birth, the name of the other parent may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the other parent of the child; or

(c) The parents of the child have signed ~~[a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or]~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname of the child, the name of that parent must be entered on the original certificate of birth and the surname of that parent must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of either parent or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 119. NRS 440.285 is hereby amended to read as follows:

440.285 1. The Board shall:

(a) Develop ~~[a declaration]~~ *declarations* to be signed under penalty of perjury for the voluntary acknowledgment of parentage *and the voluntary denial of parentage* in this State ~~[pursuant to sections 38 to 51, inclusive, of this act];~~ and

(b) Distribute the declarations to each hospital or freestanding birthing center in this State.

2. Before providing a declaration for the acknowledgment of parentage *or denial of parentage* to ~~[the person who gave birth to a child or]~~ a person who wishes to acknowledge *or deny* the parentage of a child, the agencies described in paragraph (b) of subsection 1



shall ensure that ~~the person who gave birth and~~ the person who wishes to acknowledge *or deny* parentage ~~are~~ *is* given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the declaration for the acknowledgment of parentage ~~or~~ *or declaration for the denial of parentage.*

Sec. 120. NRS 440.287 is hereby amended to read as follows:

440.287 1. If a person who has given birth or a person who has signed ~~a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 with the person who has given birth rescinds the acknowledgment pursuant to ~~subsection 2 of NRS 126.053,~~ *section 45 of this act*, the State Registrar shall not issue a new certificate of birth to remove the name of the person who originally acknowledged ~~paternity or~~ parentage ~~, as applicable,~~ unless a court issues an order establishing that the person who acknowledged ~~paternity or~~ parentage ~~, as applicable,~~ is not the ~~father or~~ parent ~~, as applicable,~~ of the child.

2. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 121. NRS 440.319 is hereby amended to read as follows:

440.319 1. Whenever the State Registrar receives an order issued by a district court in this State pursuant to subsection 4 of NRS 126.720 validating a gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child, the State Registrar shall prepare and file a certificate of birth in the name of the child which shows the intended parent or parents as the parent or parents of the child and seal and file the order and the original certificate of birth, if any. Unless the court order is issued by a district court in this State for an action which was originally commenced in this State, a court order concerning a gestational agreement is not valid for any purpose in this State as it relates to a child born in this State, including, without limitation, the preparation and filing of a certificate of birth by the State Registrar.

2. As used in this section:

(a) "Gestational agreement" has the meaning ascribed to it in NRS 126.570.

(b) "Intended parent" has the meaning ascribed to it in ~~NRS 126.590,~~ *section 16 of this act.*

Sec. 122. NRS 440.325 is hereby amended to read as follows:

440.325 1. In the case of the ~~paternity or~~ parentage of a child being established by the:



(a) ~~Person who gave birth and other parent acknowledging paternity of a child by signing a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283;~~

~~—(b)}~~ Person who gave birth *to the child* and another person acknowledging parentage of the child by signing a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285; or

~~{(c)}~~ (b) Order of a district court,
 ➤ the State Registrar, upon the receipt of the declaration or court order, shall prepare a new certificate of birth in the name of the child as shown in the declaration or order with no reference to the fact of legitimation.

2. The new certificate must be identical with the certificate registered for the birth of a child born in wedlock.

3. Except as otherwise provided in subsection 4, the evidence upon which the new certificate was made and the original certificate must be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

4. The State Registrar shall, upon the request of the Division of Welfare and Supportive Services of the Department of Health and Human Services, open a file that has been sealed pursuant to subsection 3 to allow the Division to compare the information contained in the declaration or order upon which the new certificate was made with the information maintained pursuant to 42 U.S.C. § 654a.

Sec. 123. NRS 449.246 is hereby amended to read as follows:

449.246 1. Before discharging ~~an unmarried woman who has borne~~ *a person who gave birth to* a child, a hospital or freestanding birthing center shall provide to the child's parents:

(a) The opportunity to sign, in the hospital, a declaration for the voluntary acknowledgment of ~~{paternity}~~ *parentage* developed pursuant to NRS ~~{440.283;}~~ *440.285 and, if applicable, a voluntary denial of parentage developed pursuant to NRS 440.285;*

(b) Written materials about establishing ~~{paternity;}~~ *parentage;*

(c) The forms necessary to acknowledge ~~{paternity}~~ *or deny parentage* voluntarily;

(d) A written description of the rights and responsibilities of acknowledging ~~{paternity;}~~ *parentage;* and

(e) The opportunity to speak by telephone with personnel of the program for enforcement of child support who are trained to clarify information and answer questions about the establishment of ~~{paternity-}~~ *parentage.*

2. The Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human



Services shall adopt the regulations necessary to ensure that the services provided by a hospital or freestanding birthing center pursuant to this section are in compliance with the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

Sec. 124. NRS 629.151 is hereby amended to read as follows:

629.151 It is unlawful to obtain any genetic information of a person without first obtaining the informed consent of the person or the person's legal guardian pursuant to NRS 629.181, unless the information is obtained:

1. By a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

~~2. To determine the parentage or identity of a person pursuant to NRS 56.020;~~

~~—3.—~~ To determine the ~~paternity~~ **parentage** of a person pursuant to NRS ~~126.121 or~~ 425.384 ~~;~~

~~—4.—~~ **or sections 52 to 68, inclusive, of this act;**

3. For use in a study where the identities of the persons from whom the genetic information is obtained are not disclosed to the person conducting the study;

~~15.—~~ **4.** To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law; or

~~16.—~~ **5.** Pursuant to an order of a court of competent jurisdiction.

Sec. 125. NRS 629.171 is hereby amended to read as follows:

629.171 It is unlawful to disclose or to compel a person to disclose the identity of a person who was the subject of a genetic test or to disclose genetic information of that person in a manner that allows identification of the person, without first obtaining the informed consent of that person or his or her legal guardian pursuant to NRS 629.181, unless the information is disclosed:

1. To conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

~~2. To determine the parentage or identity of a person pursuant to NRS 56.020;~~

~~—3.—~~ To determine the ~~paternity~~ **parentage** of a person pursuant to NRS ~~126.121 or~~ 425.384 ~~;~~

~~—4.—~~ **or sections 52 to 68, inclusive, of this act;**

3. Pursuant to an order of a court of competent jurisdiction;

~~15.—~~ **4.** By a physician and is the genetic information of a deceased person that will assist in the medical diagnosis of persons related to the deceased person by blood;



~~16.1~~ 5. To a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

~~17.1~~ 6. To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law;

~~18.1~~ 7. To carry out the provisions of NRS 442.300 to 442.330, inclusive; or

~~19.1~~ 8. By an agency of criminal justice pursuant to NRS 179A.075.

Sec. 126. NRS 652.210 is hereby amended to read as follows:

652.210 1. Except as otherwise provided in subsection 2 and NRS ~~126.121 and~~ 652.186 ~~1.1~~ *and sections 52 to 68, inclusive, of this act*, no person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a perfusionist, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a certified advanced emergency medical technician, a certified paramedic, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS, a licensed dentist or a registered pharmacist may manipulate a person for the collection of specimens. The persons described in this subsection may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.

2. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Sec. 127. NRS 689A.0424 is hereby amended to read as follows:

689A.0424 1. An insurer that offers or issues a policy of health insurance that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~NRS 126.590.1~~ *section 16 of this act*, for purposes related to the policy of health insurance.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 128. NRS 689B.03766 is hereby amended to read as follows:

689B.03766 1. An insurer that offers or issues a policy of group health insurance that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.



2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~NRS 126.590,~~ **section 16 of this act**, for purposes related to the policy of group health insurance.

3. As used in this section, “gestational carrier” has the meaning ascribed to it in NRS 126.580.

Sec. 129. NRS 689C.1945 is hereby amended to read as follows:

689C.1945 1. A carrier that offers or issues a health benefit plan that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~NRS 126.590,~~ **section 16 of this act**, for purposes related to the health benefit plan.

3. As used in this section, “gestational carrier” has the meaning ascribed to it in NRS 126.580.

Sec. 130. NRS 695A.1857 is hereby amended to read as follows:

695A.1857 1. A society that offers or issues a benefit contract that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~NRS 126.590,~~ **section 16 of this act**, for purposes related to the benefit contract.

3. As used in this section, “gestational carrier” has the meaning ascribed to it in NRS 126.580.

Sec. 131. NRS 695B.1948 is hereby amended to read as follows:

695B.1948 1. An insurer that offers or issues a contract for hospital or medical services that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~NRS 126.590,~~ **section 16 of this act**, for purposes related to the contract for hospital or medical services.

3. As used in this section, “gestational carrier” has the meaning ascribed to it in NRS 126.580.



Sec. 132. NRS 695C.1712 is hereby amended to read as follows:

695C.1712 1. A health maintenance organization that offers or issues a health care plan that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the enrollee is acting as a gestational carrier.

2. If an enrollee acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~NRS 126.590,~~ **section 16 of this act**, for purposes related to the health care plan.

3. As used in this section, “gestational carrier” has the meaning ascribed to it in NRS 126.580.

Sec. 133. NRS 695G.1716 is hereby amended to read as follows:

695G.1716 1. A managed care organization that offers or issues a health care plan that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~NRS 126.590,~~ **section 16 of this act**, for purposes related to the health care plan.

3. As used in this section, “gestational carrier” has the meaning ascribed to it in NRS 126.580.

Sec. 134. The amendatory provisions of this act apply to a pending proceeding to adjudicate parentage commenced before October 1, 2023, for an issue on which a judgment has not been entered.

Sec. 135. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to appropriately replace references to the term “paternity” with the term “parentage,” references to the term “father” with the term “parent” and references to the term “mother” with the term “parent,” “person who gave birth,” “person who will give birth,” “person giving birth” or another similar term, as appropriate given the context, in the manner provided in this act; and

2. In preparing supplements to the Nevada Administrative Code, appropriately replace references to the term “paternity” with the term “parentage,” references to the term “father” with the term “parent” and references to the term “mother” with the term “parent,” “person who gave birth,” “person who will give birth,” “person giving birth” or another similar term, as appropriate given the context, in the manner provided in this act.



1 **Sec. 136.** NRS 56.020, 126.021, 126.041, 126.051, 126.053,
2 126.071, 126.081, 126.091, 126.101, 126.105, 126.111, 126.121,
3 126.131, 126.141, 126.143, 126.171, 126.223, 126.231, 126.510,
4 126.540, 126.550, 126.560, 126.590, 126.600, 126.610, 126.620,
5 126.630 and 440.283 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

56.020 **Determination of parentage or identity.**
126.021 **Definitions.**
126.041 **Establishment of relationship.**
126.051 **Presumptions of paternity.**
126.053 **Voluntary acknowledgment of paternity or
parentage.**
126.071 **Who may bring action; when action may be
brought.**
126.081 **Period of limitations.**
126.091 **Jurisdiction; joinder; venue.**
126.101 **Parties.**
126.105 **Service of process.**
126.111 **Pretrial hearing; testimony.**
126.121 **Tests for typing of blood or genetic identification;
admissibility in court; effect of refusal to submit to test.**
126.131 **Evidence relating to paternity; evidence of costs of
certain medical services.**
126.141 **Pretrial recommendations.**
126.143 **Order for temporary support of child.**
126.171 **Costs.**
126.223 **Entry of default upon failure to plead or defend in
action.**
126.231 **Who may bring action; provisions of chapter
applicable to action.**
126.510 **“Assisted reproduction” defined.**
126.540 **“Donor” defined.**
126.550 **“Embryo” defined.**
126.560 **“Gamete” defined.**
126.590 **“Intended parent” defined.**
126.600 **“In vitro fertilization” defined.**
126.610 **“Parent” defined.**
126.620 **“Record” defined.**
126.630 **“Sign” defined.**



440.283 Voluntary acknowledgment of paternity: Board to develop and distribute declarations to be signed; certain entities to provide services and notice concerning effect of declaration.

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* A B 3 7 1 R 1 *