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Juveniles; publication of offender's names

NEV. REV. STAT. § 62.355 (amended).
AB 576 (Price); 1989 STAT. Ch. 381

Under existing law, the name of a juvenile offender may not be publicized unless the juvenile has committed two prior offenses and is charged with a third offense.¹ Chapter 381 provides that a child's name may be publicly released if the child has committed one prior offense that resulted in death or serious bodily harm, and if the offense would be a felony if committed by an adult.²

DA

1. NEV. REV. STAT. § 62.355 (1987) (amended by 1989 Nev. Stat. ch. 381, sec. 1, at 810) (the court may issue a written order allowing publication of the child's name). The offense the juvenile is charged with must be one that would be a felony if committed by an adult. *Id.* The purpose of the statute is to protect the privacy of juveniles in correctional institutions and to encourage confidentiality. 348 Op. Att'y Gen. 10 (1966).

2. 1989 Nev. Stat. ch. 381, sec. 1, at 810 (amending NEV. REV. STAT. § 62.355). *But cf.* 68 Op. Att'y Gen. 23, n.2 (1972) Since the primary purpose of juvenile correctional facilities is to rehabilitate rather than punish, records should be kept confidential unless there is a legitimate overriding interest in their disclosure. *Id.*

Juveniles; support of dependent children

NEV. REV. STAT. § 425.____ (new).
AB 758 (Committee on Judiciary); 1989 STAT. Ch. 711

Under existing law, a custodial parent,¹ in the absence of a court order, may bring an action to recover a portion of the cost of care, support, education, and maintenance from the other parent.² Under Chapter 711, if there is no court order establishing support of a dependent child,³ the Chief⁴ of the Program for the Enforcement of

1. See Nev. Rev. Stat. § 125A.040 9 (1987) (defining physical custody as the actual possession and control of the child).

2. *Id.* § 125B.030 (1987).

3. See NEV. REV. STAT. § 425.300 (1987) (a dependent child is any person who is not emancipated, self-supporting, or a member of the Armed Forces of the United States, and who is either less than 21 years old and receives or has received assistance from the Welfare Division, or who is less than 18 years old and for whom the Welfare Division must secure support or establish paternity).

4. See 1989 Nev. Stat. ch. 711, sec. 2, at 1634 (enacting NEV. REV. STAT. § 425.____) (defining Chief as the chief of the program).

Dependent Child Support (Chief) may initiate proceedings to order child support or establish paternity by issuing a notice and finding of financial responsibility to a parent from whom support is sought.⁵ The non-custodial parent may request a conference to negotiate the amount of support and health care coverage,⁶ or make a written objection to the notice and finding of financial responsibility and request a hearing.⁷ An individual receiving a notice alleging paternity and child support responsibility can make a written response denying paternity and requesting a hearing.⁸

5. 1989 Nev. Stat. ch. 711, secs. 7, 21, at 1634-41 (enacting NEV. REV. STAT. § 425.____). The Chief may issue a notice and finding of financial responsibility if the Welfare Division has been assigned the right to child support and has made a payment of public assistance. *Id.* Also, the program must have received an application for services to enforce payment of support from a person who is not receiving public assistance, or the program must have received a written request to enforce a support obligation of a dependent child from an agency responsible for administering the Federal Child Support Enforcement Act of another state. *Id.* See NEV. REV. STAT. § 425.350 3 (1987) (by accepting public assistance, either for one's self or another, the recipient is deemed to have assigned to the Welfare Division all rights of support from any other person). The amount of assigned rights of support cannot exceed the amount of public assistance received or to be received. *Id.* See also *id.* § 125B.150 1 (1987) (the District Attorney must take necessary action to establish parentage, and take legal action against a deserting parent when requested by the custodial parent or public agency providing assistance to the custodial parent or child); 42 U.S.C. § 651 (1984) (establishing federal funding for enforcing child and spousal support, locating absent parents, and determining paternity); 1989 Nev. Stat. ch. 711, secs. 8-9, at 1634-35 (enacting NEV. REV. STAT. § 425.____) (detailing statements required to be included within notices of child support and alleged paternity). The statement of the monthly support required must be computed in accordance with Nevada Revised Statutes section 125B.070. *Id.* A statement of accrued debt owed to a public agency ____and arrearages sought must be included in a notice of child support. *Id.* See *id.* secs. 4, at 1634 (enacting NEV. REV. STAT. § 425.____) (defining debt as the amount of money owed for dependent child support, as established by court order or order entered by the hearing officer), 3, at 1634 (enacting NEV. REV. STAT. § 425.____) (defining court as the district court or any other judicial or administrative procedure established in this or any other state or territory or the District of Columbia to facilitate collection of child support obligations). Service of notice must be made in the same manner as a service of summons in a civil action. *Id.* sec. 7, at 1634 (enacting NEV. REV. STAT. § 425.____). A notice for child support may also be served by certified mail, return receipt requested. *Id.* A notice involving the establishment of paternity may also be served by registered mail with proof of receipt by the sought-after parent. *Id.* Compare 1989 Nev. Stat. ch. 711, sec. 7-25, at 1635-41 (enacting NEV. REV. STAT. § 425.____) (establishing procedures the Chief may initiate in pursuit of child support) with 1989 Nev. Stat. ch. 445, sec. 1, at 956 (amending NEV. REV. STAT. § 3.405) (requiring a court appointed master to issue a temporary child support order while establishing and enforcing child support obligations).

6. See *id.* sec. 8, at 1634 (enacting NEV. REV. STAT. § 425.____) (if during the conference no agreement is reached, a hearing must be held).

7. *Id.* If no response is made within 20 days, a hearing officer may enter an order for child support in accordance with the notice and finding of financial responsibility. *Id.* An order establishing child support issued by a hearing officer must be approved by a district court before it can be enforced. *Id.* sec. 13, at 1639 (enacting NEV. REV. STAT. § 425.____).

8. *Id.* secs. 9, 15, at 1635-39 (enacting NEV. REV. STAT. § 425.____). Failure of an alleged parent or parent to make a written response denying paternity and requesting a hearing within 20 days may result in a hearing officer entering an order establishing legal paternity, support for the dependent child, or both. *Id.* See *id.* sec. 10, at 1636 (enacting NEV. REV. STAT. § 425.____) (establishing the necessary elements for an order determining child support). An order establishing legal paternity, issued by a hearing officer, must be approved by a district

If a hearing is requested by a parent or alleged parent within the specified time, a hearing must be held.⁹ The hearing must be conducted by a hearing officer¹⁰ according to the provisions of the Administrative Procedure Act.¹¹ If hearing issues are too complex or beyond the competence of the hearing officer, the officer may certify the proceedings to the district court and issue a temporary support order.¹² In hearings involving the determination of paternity, the hearing officer may enter an order establishing paternity if both parents sign affidavits or other sworn statements that the male parent is the father of the child and paternity has not been previously established.¹³ The hearing officer also has authority to order blood tests or tests for the genetic identification of the child, mother, and alleged father.¹⁴ If paternity remains at issue subsequent to the blood tests or tests for genetic identification, the hearing officer must certify this issue to the district court.¹⁵

If a hearing results in an order being issued, either party may file written objections to the order.¹⁶ If no objection is filed and the order is not clearly erroneous, judgment may be entered thereon.¹⁷

court before it can be in full force. *Id.* sec. 13, at 1637 (enacting NEV. REV. STAT. § 425.____).

9. *Id.* sec. 10, at 1636 (enacting NEV. REV. STAT. § 425.____). Notice of the hearing must be sent to the parent or alleged parent by regular mail. *Id.*

10. *Id.* sec. 12, at 1637 (enacting NEV. REV. STAT. § 425.____). A hearing officer is appointed by the Administrator of the Department of Human Resources (Administrator). *Id.* Upon recommendation of the Administrator, the State Welfare Board must adopt regulations and duties of the hearing officer. *Id.* The hearing officer, subject to approval by the district court, may require health care coverage, collect support for a dependent child, establish paternity, and establish, modify, or terminate an amount of support for a dependent child. *Id.* sec. 21, at 1641 (enacting NEV. REV. STAT. § 425.____). The Administrator, subject to approval of the State Welfare Board, may adopt regulations and take actions necessary to enforce Chapter 711. *Id.*

11. *Id.* sec. 12, at 1637 (enacting NEV. REV. STAT. § 425.____). The judicial review of any hearing decision is also subject to the provisions of the Administrative Procedure Act. *Id.* See NEV. REV. STAT. ch. 233B (Administrative Procedure Act).

12. 1989 Nev. Stat. ch. 711, sec. 24, at 1641 (enacting NEV. REV. STAT. § 425.____). The district court must receive the temporary support and hold it until the case is finally resolved. *Id.* In court proceedings where the matter has been certified to the district court by the hearing officer, the plaintiff or petitioner must be represented by the district attorney of the county in which the district court sits. *Id.* sec. 25, at 1641 (enacting NEV. REV. STAT. § 425.____). If the matter has not been certified, the case may be presented by a program employee or the office of the district attorney. *Id.*

13. *Id.* sec. 15, at 1639 (enacting NEV. REV. STAT. § 425.____).

14. *Id.* sec. 16, at 1639 (enacting NEV. REV. STAT. § 425.____) (test must be ordered if paternity is at issue).

15. See *id.* sec. 17, at 1639 (enacting NEV. REV. STAT. § 425.____) (establishing requirements for certification to a district court and procedures for the district court to follow).

16. *Id.* sec. 18, at 1640 (enacting NEV. REV. STAT. § 425.____). Objections must be filed in district court and served upon the other party within 10 days of receipt of the order. *Id.* The district court must review the matter. *Id.*

17. *Id.* sec. 18, at 1640 (enacting NEV. REV. STAT. § 425.____).

Upon approval of the order by district court, the order is in full force and enforceable by the program¹⁸ chief.¹⁹ Either parent, can at any time subsequent to district court approval, make a motion for modification of the support order.²⁰ If the Chief has a reasonable belief that a potentially responsible parent will inhibit enforcement of a child support order by making unavailable property that would be subject to a collection action, the Chief may certify the matter to the district court and request a temporary restraining order.²¹

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18. See *id.* sec. 5, at 1634 (enacting NEV. REV. STAT. § 425.____) (defining program as the program for the enforcement of child support).

19. *Id.* sec. 13, at 1637 (enacting NEV. REV. STAT. § 425.____). Orders approved by the district court are in full force during any judicial review, unless stayed by the district court. *Id.* Review of support orders may be made by the district court subject to subsections 4 and 5 of Nevada Revised Statutes section 233B.140. *Id.* See *id.* sec. 14, at 1638 (enacting NEV. REV. STAT. § 425.____) (establishing procedures for enforcing dependent child support orders). The Chief is not precluded from utilizing other available remedies for enforcement of dependent child support obligations. *Id.* See also *id.* sec. 19, at 1640 (enacting NEV. REV. STAT. § 425.____) (authorizing the utilization of the provisions of Nevada Revised Statutes section 31A to enforce dependent child support orders).

20. *Id.* sec. 11, at 1636 (enacting NEV. REV. STAT. § 425.____) (establishing procedures for making a motion for modification of child support obligation order).

21. *Id.* sec. 20, at 1640 (enacting NEV. REV. STAT. § 425.____). If, subsequent to service, receipt, or refusal of notice, and prior to filing of a support order, the Chief reasonably believes that the alleged responsible parent is about to transfer, encumber, convey, sell, remove, secrete, waste, or dispose of the property subject to collection enforcement, the Chief may request a temporary restraining order directing that the property not be disposed of pending entry of a support order. *Id.* The Chief must file an affidavit stating his belief that property subject to enforcement of the support order is about to be disposed of, and a legal description of the property. *Id.* To vacate a temporary restraining order, a parent may furnish a good and sufficient bond that satisfies the court. *Id.* The temporary restraining order may be recorded in the same manner as a notice of lis pendens, as established in Nevada Revised Statute section 247.120. *Id.*

Juveniles; suspension of driver's license

NEV. REV. STAT. § 62.____ (new).

AB 129 (DuBois); 1989 STAT. Ch. 160

Under Chapter 160 a court may suspend¹ a child's² driver's license³ for six months if the child is convicted of using, possessing, selling,

1. See NEV. REV. STAT. § 483.180 (1987) (definition of suspension).

2. See *id.* § 62.020 (1987) (definition of a child).

3. See *id.* § 483.065 (1987) (definition of a driver's license).