

ASSEMBLY BILL NO. 459—ASSEMBLYMAN FRIERSON

MARCH 27, 2017

Referred to Committee on Judiciary

SUMMARY—Creates a procedure for the establishment of paternity in proceedings concerning a child in need of protection. (BDR 38-1026)

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

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

AN ACT relating to children; creating a procedure for the establishment of paternity in proceedings concerning a child in need of protection; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes provisions governing proceedings concerning a child
2 who is or may be in need of protection. (NRS 432B.410-432B.590) **Section 2** of
3 this bill provides that if a petition alleging that a child is or may be in need of
4 protection is filed with a court and the paternity of the child has not been legally
5 established, a motion to establish paternity may be filed with the court. Such a
6 motion must include certain information and be served by personal service upon the
7 alleged father of the child. **Section 3** of this bill provides that if the alleged father of
8 the child is personally served with a motion to establish paternity and he does not
9 appear at the hearing to consider the motion or does not file with the court a written
10 response denying paternity, the court may enter a recommendation or order, as
11 applicable, that declares and establishes the alleged father as the natural father of
12 the child.

13 **Section 4** of this bill authorizes a court to enter a recommendation or order, as
14 applicable, establishing the legal paternity of a child during any proceeding
15 concerning a child who is or may be in need of protection if both parents sign an
16 affidavit or other sworn statement indicating that paternity of the child has not been
17 legally established and the father is presumed to be the natural father of the child
18 pursuant to applicable provisions of law.

19 **Section 5** of this bill requires a court to order tests for the typing of blood or
20 taking of specimens for genetic identification of a child, the natural mother of the
21 child and the alleged father of the child in certain circumstances. **Section 5**
22 provides that after receipt of the results of such tests showing a probability of 99
23 percent or more that the alleged father is the natural father of the child, if a written
24 objection to the result of such tests is not timely filed, the court may enter a



25 recommendation or order, as applicable, establishing the legal paternity of the
26 child. **Section 5** further requires the Division of Welfare and Supportive Services of
27 the Department of Health and Human Services to pay the costs of such tests except
28 for any additional tests conducted for the purpose of contesting the results of a test.

29 **Section 6** of this bill provides that any approved recommendation or order
30 establishing the legal paternity of a child establishes legal paternity for all purposes
31 and is excluded from certain confidentiality requirements. **Section 6** also requires
32 that such a recommendation or order provide for the issuance of a new birth
33 certificate that includes the name of the natural father if necessary.

34 **Sections 7-13** of this bill make conforming changes.

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

1 **Section 1.** Chapter 432B of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 6, inclusive, of this
3 act.

4 **Sec. 2.** *If a petition alleging that a child is or may be in need
5 of protection is filed with a court and the paternity of the child has
6 not been legally established, a motion to establish paternity may be
7 filed with the court. Such a motion must:*

8 1. *Be in writing.*

9 2. *Be scheduled for a hearing to establish legal paternity.*

10 3. *Include, without limitation:*

11 (a) *The name of the alleged father of the child.*

12 (b) *Facts which support the alleged father being the natural
13 father of the child, including, without limitation:*

14 (1) *Whether the natural mother of the child was married to
15 or cohabiting with the alleged father at the time of the conception
16 or birth of the child;*

17 (2) *Whether the natural mother of the child receives or has
18 received any payment or promise for payment for the support of
19 the child or costs relating to her pregnancy with the child from the
20 alleged father; and*

21 (3) *Whether the alleged father has formally or informally
22 acknowledged or declared his possible paternity.*

23 (c) *A statement that if the alleged father does not appear at the
24 hearing to consider the motion or file with the court a written
25 response denying paternity, the court may, without any further
26 notice to the alleged father, enter a recommendation or order, as
27 applicable, that declares and establishes the alleged father as the
28 natural father of the child.*

29 4. *Be served on the alleged father by personal service.*

30 **Sec. 3.** *If the alleged father of a child is personally served
31 with a motion pursuant to section 2 of this act and he does not
32 appear at the hearing to consider the motion or does not file with*



1 *the court a written response denying paternity, the court may,*
2 *without any further notice to the alleged father, enter a*
3 *recommendation or order, as applicable, that declares and*
4 *establishes the alleged father as the natural father of the child.*

5 **Sec. 4.** *If the paternity of a child has not been legally*
6 *established, regardless of whether a motion to establish paternity*
7 *has been filed pursuant to section 2 of this act, a court may,*
8 *during any proceeding held pursuant to NRS 432B.410 to*
9 *432B.590, inclusive, and sections 2 to 6, inclusive, of this act,*
10 *enter a recommendation or order, as applicable, establishing the*
11 *legal paternity of the child if both parents sign an affidavit or*
12 *other sworn statement indicating that the paternity of the child has*
13 *not been legally established and the father is presumed to be the*
14 *natural father of the child pursuant to NRS 126.051.*

15 **Sec. 5.** 1. *If a motion to establish paternity is filed with a*
16 *court pursuant to section 2 of this act, the court shall order tests*
17 *for the typing of blood or taking of specimens for genetic*
18 *identification of the child, the natural mother of the child and the*
19 *alleged father of the child pursuant to NRS 126.121 if:*

20 (a) *The alleged father submits a written response or gives*
21 *sworn testimony to the court denying paternity;*

22 (b) *Any person alleges that more than one person could be the*
23 *natural father of the child and none of the persons who could be*
24 *the natural father of the child acknowledges paternity;*

25 (c) *The child, the natural mother or the alleged father submits*
26 *a written statement signed under oath or gives sworn testimony*
27 *which:*

28 (1) *Alleges paternity and sets forth facts establishing that*
29 *the natural mother and the alleged father had sexual intercourse*
30 *at or about the probable time of conception; or*

31 (2) *Denies paternity and sets forth facts establishing that*
32 *the natural mother and the alleged father did not have sexual*
33 *intercourse at or about the probable time of conception; or*

34 (d) *The court determines that there is a valid issue concerning*
35 *the paternity of the child.*

36 2. *There is a conclusive presumption that the alleged father*
37 *of a child is the natural father of the child if the results of tests for*
38 *the typing of blood or taking of specimens for genetic*
39 *identification show a probability of 99 percent or more that he is*
40 *the natural father of the child. Such a presumption may be*
41 *rebutted if the alleged father establishes that he has an identical*
42 *sibling who could be the natural father of the child.*

43 3. *After receipt of the results of tests for the typing of blood or*
44 *taking of specimens for genetic identification showing a*
45 *probability of 99 percent or more that the alleged father of a child*



1 *is the natural father of the child, if a written objection to the*
2 *results of such tests is not filed pursuant to NRS 126.121, the court*
3 *may enter a recommendation or order, as applicable, establishing*
4 *the legal paternity of the child.*

5 *4. Except as otherwise provided in this subsection, the*
6 *Division of Welfare and Supportive Services of the Department of*
7 *Health and Human Services shall pay the costs of any tests*
8 *conducted pursuant to this section. If the natural mother or*
9 *alleged father objects to the results of a test, the costs of any*
10 *additional tests must be paid by the person contesting the results.*

11 **Sec. 6. 1.** *Any recommendation by a master of the juvenile*
12 *court declaring and establishing an alleged father of a child as the*
13 *natural father of the child pursuant to sections 2 to 6, inclusive, of*
14 *this act which is approved by the juvenile court, and any order*
15 *establishing the legal paternity of a child entered pursuant to*
16 *sections 2 to 6, inclusive, of this act:*

17 *(a) Establishes the legal paternity of the child for all purposes;*
18 *and*

19 *(b) Is not subject to the confidentiality requirements set forth*
20 *in NRS 432B.280 and 432B.290.*

21 *2. If the birth certificate of a child does not contain the name*
22 *of the natural father of the child, as determined by the court*
23 *pursuant to sections 2 to 6, inclusive, of this act, the*
24 *recommendation or order establishing legal paternity of the child*
25 *must direct that a new birth certificate which includes the name of*
26 *the natural father be issued as provided in NRS 440.270 to*
27 *440.340, inclusive.*

28 *3. A court that enters a recommendation or order, as*
29 *applicable, establishing the legal paternity of a child shall ensure*
30 *that the social security numbers of the natural mother and natural*
31 *father are:*

32 *(a) Provided to the Division of Welfare and Supportive*
33 *Services of the Department of Health and Human Services; and*

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

37 **Sec. 7.** *NRS 432B.280 is hereby amended to read as follows:*

38 *432B.280 1. Except as otherwise provided in NRS 239.0115,*
39 *432B.165, 432B.175 and 439.538 and section 6 of this act and*
40 *except as otherwise authorized or required pursuant to NRS*
41 *432B.290, information maintained by an agency which provides*
42 *child welfare services, including, without limitation, reports and*
43 *investigations made pursuant to this chapter, is confidential.*



1 2. Any person, law enforcement agency or public agency,
2 institution or facility who willfully releases or disseminates such
3 information, except:

4 (a) Pursuant to a criminal prosecution relating to the abuse or
5 neglect of a child;

6 (b) As otherwise authorized pursuant to NRS 432B.165 and
7 432B.175;

8 (c) As otherwise authorized or required pursuant to
9 NRS 432B.290;

10 (d) As otherwise authorized or required pursuant to NRS
11 439.538; or

12 (e) As otherwise required pursuant to NRS 432B.513,
13 ↪ is guilty of a gross misdemeanor.

14 **Sec. 8.** NRS 432B.290 is hereby amended to read as follows:

15 432B.290 1. Information maintained by an agency which
16 provides child welfare services must be maintained by the agency
17 which provides child welfare services as required by federal law as a
18 condition of the allocation of federal money to this State.

19 2. Except as otherwise provided in this section and NRS
20 432B.165, 432B.175 and 432B.513, *and section 6 of this act*,
21 information maintained by an agency which provides child welfare
22 services may, at the discretion of the agency which provides child
23 welfare services, be made available only to:

24 (a) A physician, if the physician has before him or her a child
25 who the physician has reasonable cause to believe has been abused
26 or neglected;

27 (b) A person authorized to place a child in protective custody, if
28 the person has before him or her a child who the person has
29 reasonable cause to believe has been abused or neglected and the
30 person requires the information to determine whether to place the
31 child in protective custody;

32 (c) An agency, including, without limitation, an agency in
33 another jurisdiction, responsible for or authorized to undertake the
34 care, treatment or supervision of:

35 (1) The child; or

36 (2) The person responsible for the welfare of the child;

37 (d) A district attorney or other law enforcement officer who
38 requires the information in connection with an investigation or
39 prosecution of the abuse or neglect of a child;

40 (e) Except as otherwise provided in paragraph (f), a court other
41 than a juvenile court, for in camera inspection only, unless the court
42 determines that public disclosure of the information is necessary for
43 the determination of an issue before it;

44 (f) A court as defined in NRS 159.015 to determine whether a
45 guardian or successor guardian of a child should be appointed



1 pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468,
2 inclusive;

3 (g) A person engaged in bona fide research or an audit, but
4 information identifying the subjects of a report must not be made
5 available to the person;

6 (h) The attorney and the guardian ad litem of the child, if the
7 information is reasonably necessary to promote the safety,
8 permanency and well-being of the child;

9 (i) A person who files or intends to file a petition for the
10 appointment of a guardian or successor guardian of a child pursuant
11 to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if
12 the identity of the person responsible for reporting the abuse or
13 neglect of the child to a public agency is kept confidential and the
14 information is reasonably necessary to promote the safety,
15 permanency and well-being of the child;

16 (j) The proposed guardian or proposed successor guardian of a
17 child over whom a guardianship is sought pursuant to chapter 159 of
18 NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the
19 person responsible for reporting the abuse or neglect of the child to
20 a public agency is kept confidential and the information is
21 reasonably necessary to promote the safety, permanency and well-
22 being of the child;

23 (k) A grand jury upon its determination that access to these
24 records and the information is necessary in the conduct of its official
25 business;

26 (l) A federal, state or local governmental entity, or an agency of
27 such an entity, or a juvenile court, that needs access to the
28 information to carry out its legal responsibilities to protect children
29 from abuse and neglect;

30 (m) A person or an organization that has entered into a written
31 agreement with an agency which provides child welfare services to
32 provide assessments or services and that has been trained to make
33 such assessments or provide such services;

34 (n) A team organized pursuant to NRS 432B.350 for the
35 protection of a child;

36 (o) A team organized pursuant to NRS 432B.405 to review the
37 death of a child;

38 (p) A parent or legal guardian of the child and an attorney of a
39 parent or guardian of the child, including, without limitation, the
40 parent or guardian of a child over whom a guardianship is sought
41 pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468,
42 inclusive, if the identity of the person responsible for reporting the
43 abuse or neglect of the child to a public agency is kept confidential
44 and the information is reasonably necessary to promote the safety,



1 permanency and well-being of the child and is limited to
2 information concerning that parent or guardian;

3 (q) The child over whom a guardianship is sought pursuant to
4 chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:

5 (1) The child is 14 years of age or older; and

6 (2) The identity of the person responsible for reporting the
7 abuse or neglect of the child to a public agency is kept confidential
8 and the information is reasonably necessary to promote the safety,
9 permanency and well-being of the child;

10 (r) The persons or agent of the persons who are the subject of a
11 report, if the information is reasonably necessary to promote the
12 safety, permanency and well-being of the child and is limited to
13 information concerning those persons;

14 (s) An agency that is authorized by law to license foster homes
15 or facilities for children or to investigate persons applying for
16 approval to adopt a child, if the agency has before it an application
17 for that license or is investigating an applicant to adopt a child;

18 (t) Upon written consent of the parent, any officer of this State
19 or a city or county thereof or Legislator authorized by the agency or
20 department having jurisdiction or by the Legislature, acting within
21 its jurisdiction, to investigate the activities or programs of an agency
22 which provides child welfare services if:

23 (1) The identity of the person making the report is kept
24 confidential; and

25 (2) The officer, Legislator or a member of the family of the
26 officer or Legislator is not the person alleged to have committed the
27 abuse or neglect;

28 (u) The Division of Parole and Probation of the Department of
29 Public Safety for use pursuant to NRS 176.135 in making a
30 presentence investigation and report to the district court or pursuant
31 to NRS 176.151 in making a general investigation and report;

32 (v) Any person who is required pursuant to NRS 432B.220 to
33 make a report to an agency which provides child welfare services or
34 to a law enforcement agency;

35 (w) A local advisory board to expedite proceedings for the
36 placement of children created pursuant to NRS 432B.604;

37 (x) The panel established pursuant to NRS 432B.396 to evaluate
38 agencies which provide child welfare services;

39 (y) An employer in accordance with subsection 3 of
40 NRS 432.100;

41 (z) A team organized or sponsored pursuant to NRS 217.475 or
42 228.495 to review the death of the victim of a crime that constitutes
43 domestic violence; or

44 (aa) The Committee to Review Suicide Fatalities created by
45 NRS 439.5104.



1 3. An agency investigating a report of the abuse or neglect of a
2 child shall, upon request, provide to a person named in the report as
3 allegedly causing the abuse or neglect of the child:

4 (a) A copy of:

5 (1) Any statement made in writing to an investigator for the
6 agency by the person named in the report as allegedly causing the
7 abuse or neglect of the child; or

8 (2) Any recording made by the agency of any statement
9 made orally to an investigator for the agency by the person named in
10 the report as allegedly causing the abuse or neglect of the child; or

11 (b) A written summary of the allegations made against the
12 person who is named in the report as allegedly causing the abuse or
13 neglect of the child. The summary must not identify the person
14 responsible for reporting the alleged abuse or neglect or any
15 collateral sources and reporting parties.

16 4. Except as otherwise provided by subsection 6, before
17 releasing any information maintained by an agency which provides
18 child welfare services pursuant to this section, an agency which
19 provides child welfare services shall take whatever precautions it
20 determines are reasonably necessary to protect the identity and
21 safety of any person who reports child abuse or neglect and to
22 protect any other person if the agency which provides child welfare
23 services reasonably believes that disclosure of the information
24 would cause a specific and material harm to an investigation of the
25 alleged abuse or neglect of a child or the life or safety of any person.

26 5. The provisions of this section must not be construed to
27 require an agency which provides child welfare services to disclose
28 information maintained by the agency which provides child welfare
29 services if, after consultation with the attorney who represents the
30 agency, the agency determines that such disclosure would cause a
31 specific and material harm to a criminal investigation.

32 6. A person who is the subject of an unsubstantiated report of
33 child abuse or neglect made pursuant to this chapter and who
34 believes that the report was made in bad faith or with malicious
35 intent may petition a district court to order the agency which
36 provides child welfare services to release information maintained by
37 the agency which provides child welfare services. The petition must
38 specifically set forth the reasons supporting the belief that the report
39 was made in bad faith or with malicious intent. The petitioner shall
40 provide notice to the agency which provides child welfare services
41 so that the agency may participate in the action through its counsel.
42 The district court shall review the information which the petitioner
43 requests to be released and the petitioner shall be allowed to present
44 evidence in support of the petition. If the court determines that there
45 is a reasonable question of fact as to whether the report was made in



1 bad faith or with malicious intent and that the disclosure of the
2 identity of the person who made the report would not be likely to
3 endanger the life or safety of the person who made the report, the
4 court shall provide a copy of the information to the petitioner and
5 the original information is subject to discovery in a subsequent civil
6 action regarding the making of the report.

7 7. If an agency which provides child welfare services receives
8 any information that is deemed confidential by law, the agency
9 which provides child welfare services shall maintain the
10 confidentiality of the information as prescribed by applicable law.

11 8. Pursuant to this section, a person may authorize the release
12 of information maintained by an agency which provides child
13 welfare services about himself or herself, but may not waive the
14 confidentiality of such information concerning any other person.

15 9. An agency which provides child welfare services may
16 provide a summary of the outcome of an investigation of the alleged
17 abuse or neglect of a child to the person who reported the suspected
18 abuse or neglect.

19 10. Except as otherwise provided in this subsection, any person
20 who is provided with information maintained by an agency which
21 provides child welfare services and who further disseminates the
22 information or makes the information public is guilty of a gross
23 misdemeanor. This subsection does not apply to:

24 (a) A district attorney or other law enforcement officer who uses
25 the information solely for the purpose of initiating legal
26 proceedings;

27 (b) An employee of the Division of Parole and Probation of the
28 Department of Public Safety making a presentence investigation and
29 report to the district court pursuant to NRS 176.135 or making a
30 general investigation and report pursuant to NRS 176.151; or

31 (c) An employee of a juvenile justice agency who provides the
32 information to the juvenile court.

33 11. An agency which provides child welfare services may
34 charge a fee for processing costs reasonably necessary to prepare
35 information maintained by the agency which provides child welfare
36 services for release pursuant to this section.

37 12. An agency which provides child welfare services shall
38 adopt rules, policies or regulations to carry out the provisions of this
39 section.

40 13. As used in this section, "juvenile justice agency" means the
41 Youth Parole Bureau or a director of juvenile services.

42 **Sec. 9.** NRS 432B.420 is hereby amended to read as follows:

43 432B.420 1. A parent or other person responsible for the
44 welfare of a child who is alleged to have abused or neglected the
45 child may be represented by an attorney at all stages of any



1 proceedings under NRS 432B.410 to 432B.590, inclusive **H**, and
2 **sections 2 to 6, inclusive, of this act.** Except as otherwise provided
3 in subsection 2, if the person is indigent, the court may appoint an
4 attorney to represent the person. The court may, if it finds it
5 appropriate, appoint an attorney to represent the child. The child
6 may be represented by an attorney at all stages of any proceedings
7 held pursuant to NRS 432B.410 to 432B.590, inclusive **H**, and
8 **sections 2 to 6, inclusive, of this act.** If the child is represented by
9 an attorney, the attorney has the same authority and rights as an
10 attorney representing a party to the proceedings.

11 2. If the court determines that the parent of an Indian child for
12 whom protective custody is sought is indigent, the court:

- 13 (a) Shall appoint an attorney to represent the parent;
14 (b) May appoint an attorney to represent the Indian child; and
15 (c) May apply to the Secretary of the Interior for the payment of
16 the fees and expenses of such an attorney,
17 ↪ as provided in the Indian Child Welfare Act.

18 3. Each attorney, other than a public defender, if appointed
19 under the provisions of subsection 1, is entitled to the same
20 compensation and payment for expenses from the county as
21 provided in NRS 7.125 and 7.135 for an attorney appointed to
22 represent a person charged with a crime. Except as otherwise
23 provided in NRS 432B.500, an attorney appointed to represent a
24 child may also be appointed as guardian ad litem for the child.

25 **Sec. 10.** NRS 126.041 is hereby amended to read as follows:

26 126.041 The parent and child relationship between a child and:

27 1. A woman may be established by:

- 28 (a) Except as otherwise provided in NRS 126.710 to 126.810,
29 inclusive, proof of her having given birth to the child;
30 (b) An adjudication of the woman's maternity pursuant to this
31 chapter, or NRS 125B.150 or 130.402;
32 (c) Proof of adoption of the child by the woman;
33 (d) An unrebutted presumption of the woman's maternity;
34 (e) The consent of the woman to assisted reproduction pursuant
35 to NRS 126.670 and 126.680 which resulted in the birth of the child;
36 or

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

41 2. A man may be established:

- 42 (a) Under this chapter, NRS 125B.150, 130.402, or 425.382 to
43 425.3852, inclusive **H**, or **chapter 432B of NRS**;
44 (b) By proof of adoption of the child by the man;



1 (c) By the consent of the man to assisted reproduction pursuant
2 to NRS 126.670 and 126.680 which resulted in the birth of the child;
3 or

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

8 **Sec. 11.** NRS 126.091 is hereby amended to read as follows:

9 126.091 1. Each district court has jurisdiction of an action
10 brought under this chapter. The action may be joined with an action
11 for divorce, annulment, separate maintenance or support ~~or~~ **or with**
12 ***a proceeding held pursuant to chapter 432B of NRS.***

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

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

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

31 **Sec. 12.** NRS 126.121 is hereby amended to read as follows:

32 126.121 1. The court may, and shall upon the motion of a
33 party, order the mother, child, alleged father or any other person so
34 involved to submit to one or more tests for the typing of blood or
35 taking of specimens for genetic identification to be made by a
36 designated person, by qualified physicians or by other qualified
37 persons, under such restrictions and directions as the court or judge
38 deems proper. Whenever such a test is ordered and made, the results
39 of the test must be received in evidence and must be made available
40 to a judge, master or referee conducting a hearing pursuant to NRS
41 126.111 ~~or section 5 of this act.~~ The results of the test and any
42 sample or specimen taken may be used only for the purposes
43 specified in this chapter ~~or chapter 432B of NRS.~~ Unless a party
44 files a written objection to the result of a test at least 30 days before
45 the hearing at which the result is to be received in evidence, the



1 result is admissible as evidence of paternity without foundational
2 testimony or other proof of authenticity or accuracy. The order for
3 such a test also may direct that the testimony of the experts and of
4 the persons so examined may be taken by deposition or written
5 interrogatories.

6 2. If any party refuses to submit to or fails to appear for a test
7 ordered pursuant to subsection 1, the court may presume that the
8 result of the test would be adverse to the interests of that party or
9 may enforce its order if the rights of others and the interests of
10 justice so require.

11 3. The court, upon reasonable request by a party, shall order
12 that independent tests for determining paternity be performed by
13 other experts or qualified laboratories.

14 4. In all cases, the court shall determine the number and
15 qualifications of the experts and laboratories.

16 5. As used in this section:

17 (a) "Designated person" means a person who is:

18 (1) Properly trained to take samples or specimens for tests
19 for the typing of blood and genetic identification; and

20 (2) Designated by an enforcing authority to take such
21 samples or specimens.

22 (b) "Enforcing authority" means the Division of Welfare and
23 Supportive Services of the Department of Health and Human
24 Services, its designated representative, a district attorney or the
25 Attorney General when acting pursuant to NRS 425.380.

26 **Sec. 13.** NRS 239.010 is hereby amended to read as follows:

27 239.010 1. Except as otherwise provided in this section and
28 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,
29 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
30 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,
31 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
32 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
33 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
34 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
35 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
36 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
37 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
38 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
39 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
40 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
41 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
42 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
43 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
44 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
45 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,



1 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
2 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
3 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
4 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
5 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
6 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
7 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
8 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
9 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
10 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
11 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
12 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,
13 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,
14 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
15 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
16 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
17 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
18 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,
19 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
20 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
21 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
22 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
23 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
24 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
25 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
26 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
27 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
28 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
29 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
30 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,
31 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
32 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
33 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
34 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
35 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,
36 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
37 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
38 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
39 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
40 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
41 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
42 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
43 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
44 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
45 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,



1 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
2 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
3 710.159, 711.600, *and section 6 of this act*, sections 35, 38 and 41
4 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter
5 391, Statutes of Nevada 2013 and unless otherwise declared by law
6 to be confidential, all public books and public records of a
7 governmental entity must be open at all times during office hours to
8 inspection by any person, and may be fully copied or an abstract or
9 memorandum may be prepared from those public books and public
10 records. Any such copies, abstracts or memoranda may be used to
11 supply the general public with copies, abstracts or memoranda of the
12 records or may be used in any other way to the advantage of the
13 governmental entity or of the general public. This section does not
14 supersede or in any manner affect the federal laws governing
15 copyrights or enlarge, diminish or affect in any other manner the
16 rights of a person in any written book or record which is
17 copyrighted pursuant to federal law.

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

20 3. A governmental entity that has legal custody or control of a
21 public book or record shall not deny a request made pursuant to
22 subsection 1 to inspect or copy or receive a copy of a public book or
23 record on the basis that the requested public book or record contains
24 information that is confidential if the governmental entity can
25 redact, delete, conceal or separate the confidential information from
26 the information included in the public book or record that is not
27 otherwise confidential.

28 4. A person may request a copy of a public record in any
29 medium in which the public record is readily available. An officer,
30 employee or agent of a governmental entity who has legal custody
31 or control of a public record:

32 (a) Shall not refuse to provide a copy of that public record in a
33 readily available medium because the officer, employee or agent has
34 already prepared or would prefer to provide the copy in a different
35 medium.

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

40 **Sec. 14.** This act becomes effective on July 1, 2017.

