SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

MARCH 28, 1977

The meeting was called to order at 8:12 a.m. Senator Close was in the chair.

PRESENT: Senator Close
Senator Bryan
Senator Ashworth
Senator Dodge
Senator Foote
Senator Gojack
Senator Sheerin

ABSENT: None

AJR 1 Proposes to remove requirement that county clerk is ex-officio clerk of court.

Howard Babcock, Chief Judge, Judicial District Court, Clark County stated that the judges of the 8th judicial court unanimously urge the adoption of the proposed resolution. This is demonstrated in a letter directed to the respective chairmen of the Senate and Assembly Judiciary Committees. They recommend that the ministerial functions performed by the county clerk which are inherent and incidental to the powers of the judicial department of government, be administered under the direction of the court. This would include calendering, case file control, personnel assignment, maintenance of court records and other things. These are the administrative responsibility of the court, if the administration of justice is to be expedited.

Judge Guinan, Washoe County District Judge stated that he had talked with Frank Daykin and Frank stated that if this bill passed the Legislature could combine those offices in the small counties if it wished. In his opinion Frank is mistaken. Because under article three you could not do that. He feels if you do want to combine them in the small counties then you do need language in there that would authorize you to do so.

Senator Bryan asked if they had any input at all from colleagues in the rural areas, if there would be any objection to that?

Judge Guinan stated that the judges are in favor of it. He is the cahirman of the District Judges Legislative Committee, and although we have not had all of the judges present at any one of our meetings, all the ones that were present at several different meetings favored this.

Wayne Blacklock, Court Administrator for the District Court in Clark County stated that he felt that the clerk should be appointed by the court. One clerk of the District Court in each county.

Senator Dodge asked if the records are kept in the court house in the large counties or are somewhere else.

Judge Guinan stated that in Clark County most of them are in the court house but some of the older ones are in archievals.

Senator Close asked what some of the problems are that are facing the present court at the present time.

Judge Babcock stated that the judges are approaching this on a philosophical basis. A court system is not a court system when you do not have control of the records. We do not have control of the calendry, nor do we have control of the personnel. There are 65 persons attached to the clerks office in Clark County, we have not one iota of authority over those 65. We are not here to suggest that the system operating in District 8 is inefficient, but rather to say we are here philosophically, this is the only way that the system should be managed. The courts should manage the records because they are a part of the court system.

Mr. Blacklock stated that one of the problems, for instance was he stepped into the jury commission room one day and provided some reading material for the jury commission folks. He told them it was the latest studies on jury management, I don't have time right now to get involved in it, but I would like you to read it and tell me what your thoughts are. At that point the jury commissioner some time later discussed some of the ideas with the clerk and the clerk told the jury commissioner to give those back to the court administrator because he had nothing to do with the jury commission. Another incident is that 8 years ago the Legislature asked for some information from the court, the court has been unable to provide it. When I went to get data out of the clerks office I found that cases were being counted into the court system one way and being counted out another way. To illustrate that, on the criminal side when a study was done of the cases that were filed in the district court, we found that only about 45% of them were actually triable cases and the rest were writs and petitions. I asked why in 1973 did we have such a high jump in criminal filings and then it has tappered off. The clerk said he didn't know, except that each judge asked it to be counted a different way. I asked if he had any records of how they kept them counted at the time, and he stated no. I then went to the judgment book on the civil side and started counting cases, after being told for several months that there was no way to find out how many cases went out the

civil side. When I started counting those by a month and got a projection of how many cases were being concluded, only to find out that most cases were entered into the judgment book two or three times, because of multiple defendents or other things. There is no systematic counting procedure. The fact that the clerk hasn't done this is either a lack of interest in determining the work load of the judiciary or no interest at all. You simply can't manage any institution if you don't know what is going on. In the 9 months of gathering data, nothing is comparative. You can't compare filing with conclusions. You can't find out how much money has been taken in. And there are also problems in the motion calender area.

Senator Ashworth asked if there were any guidelines from the Supreme Court or the judiciary to tell how the records should be kept.

Mr. Blacklock stated there weren't, and that was one of the problems. The history of the court system is like this nationally, mainly because there has never been a need for data in the smaller areas. Now we have the need, as expressed by the Legislature 8 years ago, but there is very little response either from the judiciary or the clerk. Now we are in a position where we have court administrators both in Washoe and Clark Counties, they have been meeting monthly, and they can design some basic data guidelines as to what to count as a case and define as a case, in and out of the system. But if there isn't cooperation we can't do it.

Senator Sheerin stated that the Legislature has been playing with the idea of the unified court system, and how the Supreme Court is going to govern that. If we get into that unified structure, is there any argument there that helps your position as to why the clerk should be with you and not someplace else?

Judge Babcock responded that if you are going to have the system run from the Supreme Court you can't have a semi-autonomous official down the line that is going to say, "no, I'm not going to do it that way". Most county clerks do not consider themselves to be under the supervision of the court, even in their court functions. Actually they have two jobs, the County Clerk works over for the commissioners and the court clerk, which happens to be the same person but it is two jobs. The County Clerks feel that because they are elected they can run their office the way they want to run it and the courts have nothing to say about it. We even found it necessary to do something about the personnel that was being hired in the clerk's office because of some unfortunate incidents. We started interviewing prospective employees, and we have had to have judges sign orders from time to time directing the clerk that they are going to do it

this way. The obvious solution is to put the clerk under the court so that when the court decides it wants to do something in a particular way, that is the way it is going to be done.

Senator Sheerin questioned if we are talking about dollars, are we talking about adding 17 new people?

Judge Guinan stated that in Washoe County the county clerk would no longer exercise the court functions and one of the people that was already in that office would probably be appointed court clerk.

Judge Babcock stated that in Clark it would be the very same. It has been suggested that perhaps there would be wholesale firing, that certainly is not contemplated. There is a fair amount of turnover in Clark and I would presume in Washoe. Certainly there might be some re-arrangement within the office, within the structuring of personnel, but there would be no firings.

Senator Sheerin asked about the smaller counties.

Judge Babcock stated that he had not talked with them, but in the smaller counties there are at least two people in the clerks office and if you seperate them, one would be handling one function and one the other. You still wouldn't need any new people. Now if there were only one person, I would assume you would hire someone else unless you add some language here to allow that combination in the small counties.

Loretta Bowman, Clerk, Clark County stated that she is firmly convinced that this bill creates some very serious problems. There should be regard to protection of citizens rights before the courts. One question that must be asked is what caused the office of clerk to be elective in the first place. Was it to provide the electorate another voice in their affairs? Was it to avoid excess in the judicial branch? Was it to assure accessibility of the record to all parties? There were good reasons why the United States included in their constitution a provision that these ministerial offices should be elective. This was to make the office holder responsible to the people, instead of holding their first allegiance to an appointing authority. There are those who feel a consolidation such as this is just good business. It is run for the public good, not the stock-holders profit. If there is any valid reason for seeking this change, if it is thought that this will bring efficiencies, they surely are no greater than that which can be brought by proper administration and upgrading the activities of the present structure. One question is, will the change improve service or save money to the public? Two, where are the functions going, under what administrative control? Who hires and fires? Under what rules? Three,

under what personnel administration do the people fall, State, County or Court? Four, what is the grievance procedure, where does it end? Does the court pass final judgment on its own employees, or is there a change of venue to another state? Five, what about job security and protection of present employees rights? Is the system to be one in which the court collects fees, keeps the official court documents, banks the money and controls the expenditures? In cases of errors and omissions resulting in lawsuits or criminal action, does the court pass judgment on itself? Isn't there a need for an elected guardian of your records that is answerable only to the people? Is this to be applied equally to all 17 counties? It is her belief that there must be good documented answers to these questions before passage of this bill. She suggests the following alternatives. One thing that would accomplish a continuing balance of powers and proper controls over the functions of the court tasks, would be to create an elective office of the clerk of the court. In many states they have elected county clerks and clerks of the court. A second alternative may be to provide for the necessary controls by appointment of the clerk of the court by the county commissioners or by the governor. At any rate she believes it is important to the state to give great consideration to this measure and require specifics.

Senator Dodge asked if she knew how many states have systems like we have.

Mrs. Bowman stated that many do where they are elected officials Texas, Michigan, Iowa, a number of states have elected county clerks and elected clerk of the courts.

Senator Dodge stated that now that we are headed in the direction of a uniform court system, the record keeping and particularly the gathering of statistics on a uniform basis is a very important thing. What about the fact that the clerks in the individual counties, now elected by their own constituents, are really autonomous employees of the county. They are not answerable to the court. You are saying that this is a counterbalancing influence, but what I am asking is what about the mission and the role of the judicial branch of the government, and the proper performance of the judicial branch as far as some direction on the keeping of those records and the gathering of statistics. What is going to insure that county clerks throughout Nevada are going to keep the statistics in the manner in which the court really needs to have them taken care of on a uniform basis?

Mrs. Bowman feels some of the courts do have good statistics. There are some problem areas where they do not maybe have the statistics in the manner which the courts would like, but she feels that can come to pass if there is some training sessions and the personnel understands and knows. No one has really ever offered to help the courts or the clerk of the court in that area. If the clerks were shown the reason and

the need for statistics. With guidance there would be no problems. She has offered to help the clerks in the smaller counties and feels it is just a matter of assisting them and helping them with their record keeping.

Senator Bryan asked if there are differences now, what assurance do we have that there won't be differences in record keeping if the uniform system goes into effect.

Mrs. Bownman stated that when you are talking about uniform records, you are only talking about statistics. You are not talking about anything but the statistics that are necessary and needed. In Michigan the judges and the clerks worked together to have a unified court system and it was defeated in that state. Florida does not have a unified court system, and they have done things in that state like having their clerks attend seminars and school and training for the kind of things that they want. But they are still the elected official.

Senator Ashworth asked if there were any set guidelines for gathering statistics and if so from whom do you get them?

Mrs. Bowman stated that statistics can be designed, answerd or could be planned in any way that they want to do it. There are no set ways when you are counting cases in and out, you are counting cases as they are filed and as they are clocked over the counter. That is commencing an action, that is a case.

Senator Ashworth asked if different judges ask for cases in different ways.

Mrs. Bowman stated that they have collected statistics on a limited basis. Those cases which are active, the ones that are inactive, the cases as they are filed, the number of filed cases and certain amounts of statistics. If you have good statistics then that is good, if you don't become complicated with statistics. You can become so complicated that you miss the point of whatever is going on. You can have guidelines, then take ten different people looking at ten cases and get ten different answers as to the disposition. Not everyone reads and sees things the same way. She feels that the public needs to know they are protected. Protection of the record is a very important thing in record keepin and particularly when you are dealing with legal records. Some responsible person really should be in charge of the legal record keeping.

Senator Close asked how many employees there were engaged in in that activity.

Mrs. Bowman stated that the legal division has approximately 60 personnel. In comparison to other states that is probably about 25 people short.

Senator Close asked how much money is handled on an annual basis, dealing with filings, court actions, things of that nature.

Mrs. Bowman stated that she has the trust account and has invested almost a million and a half in trust funds now. This is money that is deposited with the courts on interest bearing. The income for the court portion is probably somewhere in the neighborhood of $700,000 dollars, filing fees for the courts.

Alex Coon, Washoe County Clerk stated that he goes along with everything Loretta says. The judges can issue their orders relative to what statistics they want released and what they do not want released. The answer to the question is that the judges can and do issue orders on statistics. For instance, we have statute NRS 3.290 and NRS 3.295 and when I was elected and commenced to do my duty and I got an order to not do it. So it was completely under the control of the judges. I could have said okay, but you say this is unconstitutional for these statutes, and could have gone to the Supreme Court or on any issue of that sort, and won and it still wouldn't have done any good. I can't see how any county clerk elected, as a court clerk ex-officio can make any difference in the unified court system. It really doesn't apply. The answer to whatever the objectives of the unified court system does not lie in such a little item as to whether or not a court clerk is elected or appointed. However, integrity for the court should be welcomed by the judges to say that "well we don't have this whole ball of wax in our own hands". We do have somebody for it, if he is elected, if anything does go wrong. But the whole concept of ministerial offices in the same context or same opinion is that we serve the people, such as the Secretary of State or the Treasurer's office, either county or state level. They are not responsible to the governor, these offices are not responsible to the Supreme Court, but they are responsible to the people.

Senator Bryan asked if he had been in conflict with any of the judges in Washoe County, for example as to the calender system.

Mr. Coon stated he had no conflict with the calender. We have under statute a calender clerk and we follow the laws as close as we can along with the orders of the judges.

Senator Bryan asked if the judges court clerk were under the judges direction.

Mr. Coon stated that the statute doesn't say so specifically, but this is traditionally and historically that the judges privileges are honored first relative to the deputy serving in open court.

Senator Bryan stated he can see a conflict if in effect, the person really works for you and you say you want it done such and such a way and the judge says he wants it done a different way.

Mr. Coon stated that they had for instance changed their form of minutes physically during 1975/76 biennium, he could see no conflict.

Senator Close asked what the problem was then, when several judges in Washoe County signed an order, what conflict was involved.

Mr. Coon stated that NRS 3.190 and NRS 3.295 specifically states that the county clerk will check on cases outstanding that have not been decided upon and report them to the Supreme Court clerk. I issued a memo to that effect, that we will start doing this and make sure that you check with the judge to see that a case is outstanding beyond a specified time. And I got an order to knock it off, that this is unconstitutional and so I just obeyed the order. There is no conflict as far as I am concerned.

Senator Gojack stated that she could see a conflict. The NRS says you shall do something, check on cases over a certain period of days, and then the judges told you not to. If NRS says you shall and you don't, then you are in conflict with nrs. So maybe there isn't a conflict between you and the judges, but there is certainly a conflict.

Senator Ashworth asked that if the courts were going to have a seperate clerk, would he recommend that he be elected or appointed.

Mr. Coon stated elected, this is the American concept of responsibility and balance of powers.

Terry Reynolds, Traffic Court Specialist with the Judicial Planning Unit of the Nevada Supreme Court stated that his function is trying to integrate the lower courts, the justice of the peace and the municipal courts into our proposed court system. One thing I have to do in terms of management aspects is to go out to the various courts and see what statistics are kept. We do not know where they are in a lot of places. He would like to speak in favor of the bill from a management standpoint. When the Supreme Court tries to implement some standard record keeping procedures for the lower courts and I suppose for the district courts too, we really have two concerns. One of those is financial records that we have to do a study on for full state funding. We have to be able to pull out the financial records and the county clerks may be amenable and they may not. We would also like to implement standard accounting procedures and we may be able to get them to do so voluntarily, but then again, if a county clerk is elected he may say "I don't agree with the way you want to keep your accounting procedures", and

just not do it. We are also concerned about case loads. It is very important to see if there is a backlog in one area, so we can move a judge in to take care of that. Or if there is a court that is not handling any cases that that court be done away with, or another judge go in and pick it up on a standby basis. These are some of the things that we have to deal with and we have to have a uniform system throughout the state to gather these types of statistics. There has been training sessions for the clerks, for looking at traffic court statistics and implementing some type of standard procedures. There is maybe a 90% of sure method in this, but with the other 10% you don't have any uniformity. Our largest problem is in the financial records. We have been going through county audit reports to try and figure out what the revenues and expenditures of the courts throughout Nevada are. Clark County, for example has one listing and it is under the judicial branch. So you have one listing for all your courts under revenue and one figure for expenditures. So we don't know what the JP's courts operating budgets are. This has to be broken down by courts. He feels down the line, when it comes to push and shove to get these statistics, and they are not court employees, we have no control and there could be severe problems.

Judge Babcock stated he would like to respond briefly to the comments that were made. When Mrs. Bowman was testifying I think she said it in a word when she was discussing statistics and change. If she were shown the reason and need, she would make the change. I feel that is the words to be used, if there were any suggestion of implementation by the judges to the clerk. We would be obliged to show the clerk of the court the reason and the need. I don't think that is the function of the system. It is a judicial system and it should be operated by the judicial officers. With reference to whether or not this clerk should be elected, I don't think that the game of politics should be interjected into the department of record keeping. In the department of the clerk of the court, there should be no politics, if there is, it is the elected judges that are responsive to the needs of the electorate. If we are not responsive then we will be defeated. It is as simple as that. The clerk of the court should be an administrator or a person trained in the field of record keeping and all related court functions.

Senator Ashworth stated he felt that there had never been any guidelines set down and if the judges all got together and set up some guidelines and told the clerks that was the way it was going to be that maybe it would be, that it was not entirely the clerks fault.

Judge Babcock stated he felt that the diversity of distance creates many of the problems. We are not a state of centralization. To meet regularly, to make guideline decisions to implementing of how to run an office, this just doesn't come about. But with the unification of the courts, the direction

coming from the Chief Justice through the State Administrator, through various administrators in the counties, that you will see total uniformity from record keeping on down. It should be the responsibility of the courts to see that this is done.

SB 381 Requires counties to support children in state institutions and to seek reimbursement from parents.

Bill Audi, State Welfare stated they have no opposition on this bill. If it is passed we are asking that you consider an amendment (see exhibit A). The problem here is that we get custody of a lot of kids and are ordered to take care of them. We would like the Welfare Division reimbursed if they are in our custody. Other then that we are in full agreement with the bill.

Senator Close asked what is the standard by which a judge assess costs to a parent.

Mr. Audi stated that there is no standard. He relys on the information given him by the probation officer who has investigated the case or who has brought the case to the attention of the court.

Senator Hilbrecht stated that this bill came about from a budget document where children including neglected, abandoned, abused children and others, are granted care and their custody is transfered to a state agency. In the statute which was apparently adopted a number of years ago there was a provision made for counties of origin to contribute a sum of $50 a head to the state and then the balance is subsidized by the state. The feeling of the Finance Committee was two things. First the $50 contribution was no longer realistic and if the county was going to participate at all, it ought to be a figure more nearly equal to the cost of maintaining the child in the institution. On the other hand it was felt that local government shouldn't be put to this burden. That what we really ought to do is in the cases where children have parents, for example the abused child who's parents are deprived of his custody, that doesn't mean that they are not perfectly capable of supporting that child. Frequently they are middle class people and some of the problems that led to the child abuse is the fact that they are away from home a good deal of the time and earning a good deal of money. So the feeling of the Committee is that the parents who might be professionals and so forth, should certainly be required to bear the actual cost that the state incurs, by supporting the child in an institution, rather then in essence putting the kid on welfare or relieving the parent who has battered the child, from his responsibility. There are other cases too, perhaps a half orphaned child, and it is inappropriate for him to be living with the parent, because of a traveling job. The very reason he may be institutionalized is that the parent is out earning a good living and there is no reason that he shouldn't contribute to the support of the child. So the principal thrust of the bill was to mandate a way of collecting from parents if they were able to pay,

and take the $50 lid off, as in many cases the parents could and should pay more. Also the payment would be made to the county so someone would keep track of it and it would then be dispersed by the county.

SB 286 Provides for recovery of welfare payments made for dependent children.

Acel Martelle, Deputy Administrator, Welfare stated that he had brought three documents. The first is the check list (see exhibit B) merely to indicate those sections of the bill that are unchanged, amended or deleted. There is the proposed bill retyped in its entirety (see exhibit C). The second amendment is merely a very brief capsulation as far as an explanation of each section of the bill. The last is a complete retype of the bill (see exhibit D) and there is nothing that is changed that has not been testified to or discussed with the Committee.

Senator Close stated that the Committee would go through the bill to make sure that there were no prior misconceptions.

Senator Dodge requested that it be entered into the record that this is one of the three most precious pieces of legislation that this Committee has processed in this session along with malpractice and gaming.

The Committee agreed that they should get the reprint of the bill, have Mr. Martelle and his office look it over and then bring it back to make sure it is the way they want it. So it will be amended exactly the way that the attachments read. They will bring it back and go over it once more to make sure there are no further amendments. They will go over this again if there is time tomorrow, to make sure they don't want any other changes before it is sent down for reprint.

SB 162 Revises law on compensation for victims of crime.

Senator Close stated that one of the problems he had with this was that if for example, you were driving a car and went through a stop light you commit a crime, and if you hit my car then I am a victim of crime by redefinition. I have a 5-5-3 insurance policy, and I think we have gone too far. We talk about serious crimes, but on line 24 of the bill, the definition does not carry forward in those conditions of the bill.

Senator Gojack stated that they wanted to get around the narrow provisions of the good samaritan act so they came up with this. But they certainly did not ver intend to include the situation that Senator Close just outlined.

Senator Bryan stated that what we could do is to include persons who have been vicitms of - and then refer by statutory reference.

Senator Close stated that they were going to do this, but there is a very peculiar crimes against the person in there. It does not reach the main thrust, which is the guy that got shot by the policeman inadvertently.

Senator Gojack said that there are really two thrusts. One is the guy that gets killed in a shoot-out, and the other is the victim of a snipper or something like that. Those are the two kinds of situations I want to cover, so how ever we can pin that down.

Senator Close stated that they will try to work out some language to limit these things, because right now it is wide open.

Senator Gojack stated she has a book that came from the District Attorney's Association and there must be some information in that as to how this is handled in other states.

Senator Bryan stated that Tom Beatty called to his attention some months ago that the presumption with respect to intoxicating liquors by inadvertence applies only to the DUI. It doesn't apply to the involuntary manslaughter situation and would like a bill along those lines.

Senator Close stated that it seems to him they should try to find something to tack this thing onto, rather than introduce this. He will see if maybe there is a bill in the Assembly.

Senator Bryan stated he also has a bill from Judge Mendoza which he is opposed to. This would make the defendant's right to cross examine witnesses at a preliminary hearing subject to the consent of the magistrate, if good cause was shown. He said that a preliminary hearing in criminal cases is held to determine the existence of probable cause. The purpose is not for discovery of either party or to observe testimony of any witness or prospective witness. Then it goes on to say that the defendant may cross-examine witnesses and may with the consent of the magistrate for good cause shown, introduce evidence on his own behalf. The magistrate may decline to enter any evidence which is cumlative, repetative or irrelevent.

Senator Gojack and Senator Foote opposed the introduction of this bill.

There being no further business, the meeting was adjourned at 11:58 a.m.

Respectfully submitted,

Virginia C. Letts

Virginia C. Letts, Secretary

APPROVED:

MELVIN D. CLOSE, JR., CHAIRMAN

. . . to the county, but if the welfare division of the department of human resources provides any services to the child, then the support shall be paid to the welfare division to the extent of the services provided by it to the child.

CHECKLIST OF CHANGES IN ORIGINAL DRAFT OF S.B. 286

Section Number	Unchanged	Amended	Deleted
AN ACT . . .			Lien reference
Preamble	X		
1 - 7	X		
8			X
9		X	
10	X		
11			X
12		X	
13-14	X		
15			X
16, Subsecs. 1, 2 & 4			X
16, Subsec. 3		X	
17-24			X
25	X		
26		X	
27			X
28		X	
29			X
30	X		
31			X
32		X	
33			X
34, Subsec. 1	X		
34, Subsec. 2			X
35		X	
36-49	X		
50		X	
51			X
52	X		
53		X	

Exhibit B

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Section Number	Unchanged	Amended	Deleted
54	X		
55, Subsec. 1			X
55, Subsecs. 2, 3 & 4	X		
56			X
57-59			X
60		X	
61	X		

AN ACT to clarify the purpose of the preliminary examination.

SECTION 1. A new section is hereby added to Chapter 169 to read as follows:

PRELIMINARY EXAMINATION: A preliminary examination is the hearing held to determine the existence of probable cause to believe that an offense has been committed and that the defendant has committed it; its purpose is not for discovery for either party nor to preserve the testimony of any witness or prospective witness.

SECTION 2. NRS 171.196 is hereby amended to read as follows:

171.196 1. Where the offense is not triable in the justice's court, the defendant shall not be called upon to plead. If the defendant waives preliminary examination, the magistrate shall forthwith hold him to answer in the district court.

2. If the defendant does not waive examination, the magistrate shall hear the evidence within 15 days unless for good cause shown he extends such time. Unless the defendant waives counsel, reasonable time shall be allowed for counsel to appear.

3. Where application is made for the appointment of counsel for an indigent defendant, the magistrate shall postpone the examination until:

(a) The application has been granted or denied; and

(b) If the application is granted, the attorney appointed or the public defender has had reasonable time to appear.

4. The defendant may cross-examine witnesses against him and may, with the consent of the magistrate and for good cause shown, introduce evidence in his own behalf.

Exhibit C

SECTION 3. NRS 171.206 is amended to read as follows:

171.206 (If) When from the evidence it appears to the magistrate that there is probable cause to believe that an offense has been committed and that the defendant has committed it, the magistrate shall forthwith hold him to answer in the district court; otherwise the magistrate shall discharge him. The magistrate may decline to hear any evidence which is cumulative, repetitive, or irrelevant. The magistrate shall admit the defendant to bail as provided in this Title. After concluding the proceeding the magistrate shall transmit forthwith to the clerk of the district court all papers in the proceeding and any bail taken by him.

SENATE BILL NO. 286--COMMITTEE ON JUDICIARY

March 1, 1977

Referred to Committee on Judiciary

SUMMARY--Provides for recovery of welfare payments made for dependent children. (BDR 38-273)
FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.

AN ACT relating to dependent children; providing for the recovery of aid to dependent children from responsible parents; providing for the establishment of paternity; delegating certain powers and duties to the department of human resources; and providing other matters properly relating thereto.

WHEREAS, The failure of parents to provide adequate financial support and care for their children is a major cause of financial dependency and a contributing cause of social delinquency; common law and statutory procedures governing the remedies for enforcement of support for financially dependent minor children by responsible parents have not proven sufficiently effective or efficient to cope with the increasing incidence of financial dependency; and the increasing workload of courts, district attorneys and the attorney general has made such remedies uncertain, slow and inadequate, thereby resulting in a growing burden on the financial resources of the state, which is constrained to provide public assistance grants for basic maintenance requirements when parents fail to meet their primary obligations; and

WHEREAS, Persons legally responsible for the care and support of children within the state should be required to assume their legal obligations in order to reduce the financial cost to the State of Nevada in providing public assistance funds for the care of children, thereby relieving at least in part the burden presently borne by the people of this state through welfare programs; and it is, therefore, the responsibility of the State of Nevada, through the prosecuting attorneys and the welfare division of the department of human resources, to conserve the expenditure of public assistance funds whenever

Exhibit D

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possible in order that such funds shall not be expended if there are private funds available or which can be made available by judicial process or otherwise to partially or completely meet the financial needs of the children of this state; now, therefore,

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

Section 1. Chapter 425 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 36, inclusive, of this act.

Sec. 2. As used in sections 2 to 36, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 11, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. "Administrator" means the state welfare administrator.

Sec. 4. "Assistance" and "public assistance" mean any payment made by the division to or on behalf of a child pursuant to the provisions of Title 38 of NRS.

Sec. 5. "Court order" means any judgment or order of a court of competent jurisdiction of the State of Nevada or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support money.

Sec. 6. "Dependent child" means any person, who is not otherwise emancipated, self-supporting or a member of the armed forces of the United States, who is:

1. Under the age of 21 years and who is receiving or has received assistance from the division pursuant to Title 38 of NRS; or

2. Under the age of 18 years and for whom the division is required to secure support or establish paternity.

Sec. 7. "Division" means the welfare division of the department of human resources.

Sec. 8. [Deleted.]

Sec. 9. "Prosecuting attorney" means the district attorney of any county or of Carson City, or the attorney general if the district attorney fails to act. The attorney general may assist the district attorney upon request.

Sec. 10. "Responsible parent" means the natural or adoptive parent of a dependent child, or any person who is responsible for the support of a dependent child by law, contract or order of a court of competent jurisdiction.

Sec. 11. [Deleted.]

Sec. 12. 1. By accepting assistance in his own behalf or in behalf of any other person, the applicant or recipient shall be deemed to have made an assignment to the division of any and all rights to support such applicant or recipient may have in his own behalf or in behalf of any other person for whom assistance is applied for or received from any responsible parent. Rights to support include, but are not limited to, accrued but unpaid support payments and support payments to accrue during the period for which assistance is provided. However, the amount of the assigned support rights shall not exceed the amount of public assistance provided or to be provided.

2. The recipient shall also be deemed without the necessity of signing any document, to have appointed the administrator as his true and lawful attorney in fact with power of substitution to act in his name, place and stead to perform the specific act of endorsing any and all drafts, checks, money orders or other negotiable instruments representing support payments which are received as reimbursement for the public assistance money previously paid to or on behalf of each recipient.

3. The support rights assigned under subsection 1 constitute a support debt owed to the division by the responsible parent. The support debt is enforcible under all processes provided by law. The division, through the prosecuting attorney, may also represent the recipient when the amount of the support rights exceeds the amount of the support debt.

4. The amount of this support debt is:

(a) The amount specified in a court order of support; or

(b) If there is no court order of support, an amount determined in accordance with a formula adopted by the division pursuant to regulations promulgated by the Secretary of Health, Education and Welfare.

5. The assignment provided for in subsection 1 is binding upon the obligor upon service of notice thereof in the manner provided by law for service of civil process or upon actual notice thereof.

Sec. 13. 1. Any payment of public assistance creates a support debt to the division by the responsible parent in an amount equal to the least of:

(a) The amount of assistance paid;

(b) The amount due under any court order; or

(c) If there is no court order, to the amount due under any written agreement between the division and a responsible parent.

2. The division is subrogated to the right of a dependent child or a person having the care, custody and control of a dependent child to prosecute or maintain any support action or execute any administrative remedy existing under the laws of this state to obtain reimbursement of money expended for public assistance. If a court enters judgment for an amount of support to be paid by a responsible parent, the division is subrogated to the debt created by such judgment and the judgment awarded shall be deemed to be in favor of the division. This subrogation applies but is not limited to a temporary spouse support order, a family maintenance order or an alimony order, whether or not allocated to the benefit of

the child on the basis of providing necessaries for the caretaker of the child, up to the amount paid by the division in public assistance to or for the benefit of a dependent child. The division may petition the appropriate court for modification of its order on the same grounds as a party to the action.

3. Debts under this section may not be incurred by a parent or any other person who is the recipient of public assistance for the benefit of a dependent child for the period when the parent or other person is a recipient.

Sec. 14. 1. Whenever the division provides public assistance on behalf of a child, the division and the prosecuting attorney shall take appropriate action to establish paternity and to enforce the responsible parent's duty to pay for the care, support and maintenance of the dependent child.

2. As to any other child under the age of 18 years, the division and the prosecuting attorney, if required by the Social Security Act (42 U.S.C. §§301 et seq.), upon application therefor, may take appropriate action to establish paternity and to enforce the responsible parent's duty of support.

Sec. 15. [Deleted.]

Sec. 16. The division is released from liability for improper receipt of money pursuant to this act upon return without interest of any money so received.

Sec. 17. [Deleted.]

Sec. 18. [Deleted.]

Sec. 19. [Deleted.]

Sec. 20. [Deleted.]

Sec. 21. [Deleted.]

Sec. 22. [Deleted.]

Sec. 23. [Deleted.]

Sec. 24. [Deleted.]

Sec. 25. Whenever, as a result of any assignment or action, support money is paid by the responsible parent, such payment shall be made through the division upon written notice by the division to the responsible parent, or to the clerk of the

court or district attorney if appropriate, that the child for whom a support obligation exists is receiving public assistance, or that the division has undertaken to secure support for the child for whom a support obligation exists.

Sec. 26. All money collected in fees, costs, attorney's fees, interest payments, incentive payments, as defined in 42 U.S.C. 658, or other payments received by the administrator which cannot be identified as to the support account to which it should be credited, shall be transferred by the administrator or his designee to the general fund of the State of Nevada.

Sec. 27. [Deleted.]

Sec. 28. Any money received by the division under sections 2 to 36, inclusive, of this act shall be distributed pursuant to regulations adopted by the division which shall be so drawn as to qualify the State of Nevada for federal grants under Title IV of the Social Security Act (42 U.S.C. 601, et seq.).

Sec. 29. [Deleted.]

Sec. 30. 1. The district attorney is responsible for establishing paternity and securing support pursuant to this chapter in cases referred by the division.

2. If a district attorney fails or refuses to perform this duty in a particular case in which assistance is granted, or in which establishment of paternity or enforcement of support is required, the attorney general may undertake to perform this duty and may exercise in connection therewith all powers of the district attorney provided by law.

Sec. 31. [Deleted.]

Sec. 32. 1. The division may establish a central unit to serve as a registry for the receipt of information, for answering interstate inquiries concerning deserting responsible parents, to coordinate and supervise departmental activities in relation to deserting responsible parents and to assure effective cooperation with law enforcement agencies.

2. To effectuate the purposes of this section, the administrator or a prosecuting attorney may request all information and assistance from the following persons and entities:

(a) State, county and local agencies;

(b) Employers, public and private; and

(c) Employee organizations and trusts of every kind and description.

All of these persons and entities, their officers and employees, shall cooperate in the location of a responsible parent who has abandoned or deserted, or is failing to support his child and shall on request supply the division and the prosecuting attorney with all information on hand relative to the location, income and property of such parent.

3. Any record established pursuant to the provisions of this section is available only to the attorney general, a district attorney or a court having jurisdiction in a paternity, support or abandonment proceeding or action, or to an agency in other states engaged in the establishment of paternity or in the enforcement of support of minor children as authorized by regulations of the division and by the provisions of the Social Security Act.

Sec. 33. [Deleted.]

Sec. 34. Any support debt due the division from a responsible parent which the administrator deems uncollectible may be transferred from accounts receivable to a suspense account and cease to be accounted as an asset. At any time after 1 year from the date a support debt was incurred, the administrator may charge off as uncollectible any support debt upon which the administrator finds there is no available, practical or lawful means by which the debt may be collected.

Sec. 35. 1. The responsible parent of a legitimate child or a child whose paternity has been judicially determined and for whom assistance is granted shall complete a written statement, under oath of:

(a) His current monthly income and his total income over the past 12 months;

(b) The number of dependents for whom he is providing support;

(c) The amount which he is contributing regularly toward the support of any child for whom assistance is granted;

(d) His current monthly living expenses; and

(e) Such other information as is pertinent to determining his ability to support his children.

2. The statement shall be provided upon demand made by the division, any support enforcement agent of the state or a prosecuting attorney. Additional statements shall be filed:

(a) Annually thereafter with the division until such time as the child is no longer receiving assistance; and

(b) Whenever there is a material change in the information given in the statement required under this section.

3. Failure of the responsible parent to comply fully with this section is a misdemeanor.

4. Any responsible parent who swears falsely to a material fact in any written statement required by this section is guilty of perjury.

Sec. 36. It is the purpose of sections 2 to 36, inclusive, of this act that children be promptly maintained insofar as possible from the resources of responsible parents. The remedies provided in sections 2 to 36, inclusive, of this act are cumulative and in addition to any other remedy provided by law.

Sec. 37. NRS 425.010 is hereby amended to read as follows:

425.010 [This chapter] NRS 425.010 to 425.250, inclusive, may be cited as the Aid to Dependent Children Act. [of 1955.]

Sec. 38. NRS 425.020 is hereby amended to read as follows:

425.020 1. [It is the object and purpose of this chapter to provide assistance for children whose dependency is caused by circumstances defined in subsection 5 of NRS 425.030, and to keep children in their own homes wherever possible.

2.] The provisions of this chapter shall be liberally construed to effect its stated objects and purposes.

[3. Nothing contained in this chapter shall be construed

as affecting] 2. NRS 425.010 to 425.250, inclusive, do not affect the right of the welfare division to be solely responsible for determining the eligibility of applicants under [this chapter.] NRS 425.010 to 425.250, inclusive.

Sec. 39. NRS 425.030 is hereby amended to read as follows:

425.030 As used in [this chapter:] NRS 425.010 to 425.250, inclusive, unless the context otherwise requires:

1. "Applicant" means any person who has applied for assistance under [this chapter.] NRS 425.010 to 425.250, inclusive.

2. "Assistance" means money payments with respect to, or medical care in behalf of, or any type of remedial care recognized under state law in behalf of, a dependent child, [or dependent children,] and includes money payments or medical care or any type of remedial care recognized under state law for any month to meet the needs of the relative with whom any dependent child is living if money payments have been made with respect to such child for such month.

3. "Board" means the state welfare board.

4. "Department" means the department of human resources.

5. "Dependent child" means:

(a) A needy child under the age of 18 years, or under the age of 21 years if found by the department to be regularly attending a school, college or university, or regularly attending a course of vocational or technical training designed to fit him for gainful employment, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece, in a place of residence maintained by one or more of such relatives as his or their own home; or

(b) A child removed from the home of a relative designated in paragraph (a) after April 30, 1961, as a result of a judicial determination that continuance in the home of the relative would be contrary to his welfare for any reason, and

who has been placed in foster care as a result of such determination, if the child was receiving aid to dependent children in or for the month in which the court action was initiated or would have received aid to dependent children if the application had been made, or who lived with a relative designated in paragraph (a) within 6 months prior to the month in which court action was initiated, and who would have received aid to dependent children in the month court action was initiated if he were still living with the relative and application for assistance had been made, provided the custody of such child has been placed with the welfare division by court order.

6. "Director" means the director of the department of human resources.

7. "Recipient" means any person who has received or is receiving assistance.

8. "Welfare division" means the welfare division of the department of human resources.

Sec. 40. NRS 425.050 is hereby amended to read as follows:

425.050 Application on behalf of a child for assistance under [this chapter] NRS 425.010 to 425.250, inclusive, shall be made to the welfare division. The application shall be in writing or reduced to writing in the manner and upon the form prescribed by the welfare division, and shall contain such information as may be required by the application form.

Sec. 41. NRS 425.080 is hereby amended to read as follows:

425.080 1. [No assistance under this chapter shall] Assistance under NRS 425.010 to 425.250, inclusive, shall not be granted or paid to any dependent child who owns, or whose needy relative owns, personal property or marketable non-income-producing real property, the combined cash value of which exceeds $500 at the time application for assistance is made, or while in receipt of such assistance. For each additional dependent child in the same home or in the same family, the $500 limitation herein described may be increased by $150.

2. For the purposes of [this chapter, "personal property" shall] NRS 425.010 to 425.250, inclusive, "personal property" does not include clothing, furniture, household equipment, foodstuffs and means of transportation found by the welfare division to be essential for the well-being of the child or his needy relative.

Sec. 42. NRS 425.110 is hereby amended to read as follows:

425.110 1. All grants of assistance made under [this chapter] NRS 425.010 to 425.250, inclusive, shall be reconsidered by the welfare division as frequently as may be required in order to verify continuing eligibility for assistance. [under this chapter.] After such further investigation as the welfare division may deem necessary, the amount of assistance may be changed, or assistance may be entirely withdrawn if the welfare division finds that the circumstances warrant such action.

2. The state welfare administrator, or his designated representative, [shall have full authority to] may issue subpenas requiring the attendance of witnesses before the division at a designated time and place, and further requiring the production of books, papers and records relative to the eligibility or continued eligibility for such assistance, and with reference to all matters relevant thereto, and in furtherance of the investigation by the welfare division, to administer oaths and take testimony thereunder.

3. If the witness fails to appear or refuses to give testimony, or to produce books, papers and records as required by the subpena, the district court in and for the county in which the investigation is being conducted [shall have power to] may compel the attendance of witnesses, the giving of testimony and the production of books, papers and records, as required by the subpena.

4. If the recipient refuses to appear, or to give testimony, or to produce books, papers and records, or should the recipient fail or refuse to cooperate by refusing to allow other witnesses freely to testify, or to produce books, papers or records, or by encouraging other witnesses to fail

or refuse to appear, or to testify, or to produce books, papers or records, the welfare division [is authorized and empowered to] may terminate and withdraw all assistance from the recipient, pursuant to law.

Sec. 43. NRS 425.120 is hereby amended to read as follows:

425.120 1. If an application is not acted upon by the welfare division within a reasonable time after the filing of the application, or is denied in whole or in part, or if any grant of assistance is modified or canceled, under any provision of [this chapter,] NRS 425.010 to 425.250, inclusive, the applicant or recipient [shall have the right to] may appeal to the welfare division and [the right to] may be represented in such appeal by counsel.

2. The welfare division shall provide an opportunity for a fair hearing of such [individual's] person's appeal and shall review his case in all matters in respect to which he is dissatisfied.

3. [If such individual feels himself] A person aggrieved by the decision of the welfare division in respect to his case [he shall have the right,] may, at any time within 90 days after the mailing to him, by [registered or] certified mail, of written notice of the decision, [to] petition the district court of the judicial district in which he resides to review such decision and the district court [shall have jurisdiction to] may review the decision on the record of the case before the welfare division, a copy of which shall be certified as correct by the state welfare administrator and filed by the welfare division with the clerk of the court as part of its answer to any such petition for review. The district court shall either affirm the decision of the welfare division, or, if it concludes that the findings of the welfare division are not supported by evidence or that the welfare division's decision is arbitrary, capricious or otherwise contrary to law, reverse the decision and remand the case to the welfare division for further proceedings in conformity with the decision of the court.

Sec. 44. NRS 425.200 is hereby amended to read as follows:

425.200 1. The state welfare administrator shall furnish to the state controller a full, true and correct list of recipients entitled to assistance, and of the monthly amount to be paid to each of them from the aid to dependent children fund, certified to by him as being a full, true and correct list of such recipients and the amount to which each of them is entitled under [this chapter.] NRS 425.010 to 425.250, inclusive. The list [shall be] is subject to revision by the state welfare administrator to make it conform to such changes as may be made pursuant to the terms of [this chapter.] NRS 425.010 to 425.250, inclusive.

2. Immediately after the warrants payable to recipients have been drawn, the state controller shall deliver or mail them to the welfare division. Immediately thereafter the welfare division shall mail them to the individual recipients. The facilities of the central mailing room shall be used.

3. The books, records and accounts of the state controller and the state treasurer relating to the aid to dependent children fund shall be open to inspection and subject to audit by officers and agents of the United States.

Sec. 45. NRS 425.210 is hereby amended to read as follows:

425.210 Assistance awarded [by this chapter] under NRS 425.010 to 425.250, inclusive, is not transferable or assignable at law or in equity and none of the money paid or payable under this chapter [shall be] is subject to execution, levy, garnishment, attachment or other legal process, or to the operation of any bankruptcy or insolvency law.

Sec. 46. NRS 425.150 is hereby amended to read as follows:

425.150 1. [Whenever a person applies] Upon approval of an application for assistance pursuant to [this chapter,] NRS 425.010 to 425.250, inclusive, on behalf of a child whose parent has deserted or is not supporting such child, the welfare division [shall immediately] may notify the district attorney of the county, or, if the district attorney is not the appropriate official, the proper Indian tribal official,

that approval of such application has been made.

2. At the time of such application the welfare division shall inform the applicant of his duties pursuant to NRS 425.145 and request that such applicant comply therewith.

3. The notice provided for in subsection 1 shall include a statement that such applicant has been informed of his duties and requested to comply therewith pursuant to subsection 2.

Sec. 47. NRS 425.130 is hereby amended to read as follows:

425.130 [No assistance will] Assistance shall not be furnished any [individual under this chapter] person under NRS 425.010 to 425.250, inclusive, with respect to any period with respect to which he is receiving supplemental security income pursuant to Title XVI of the Social Security Act (42 U.S.C. §1381 et seq.), or with respect to any period with respect to which he is receiving aid to dependent children from any other state.

Sec. 48. NRS 425.140 is hereby amended to read as follows:

425.140 All assistance awarded under [this chapter shall be deemed to be] NRS 425.010 to 425.250, inclusive, is awarded and [to be] held subject to the provisions of any amending or repealing act that may [hereafter] be enacted, and no recipient [shall have] has any claim for assistance or otherwise by reason of his assistance being affected in any way by an amending or repealing act.

Sec. 49. NRS 425.145 is hereby amended to read as follows:

425.145 1. [An] As a condition of eligibility for assistance to the person with whom any dependent child is living, each applicant for or recipient of assistance, or a person making application for or receiving assistance on behalf of a child, shall [assist and cooperate fully with] furnish his social security account number and that of any responsible parent, if known, and assist and cooperate fully with the welfare division, the attorney general, any support enforcement agent of the state, and the district attorney of the county of the applicant's or recipient's residence in

establishing the paternity of such child and in the locating or apprehending of and the taking of legal action against a deserting or nonsupporting parent of such [applicant or recipient.] child.

2. [An applicant for or recipient of assistance] Assistance pursuant to [this chapter] NRS 425.010 to 425.250, inclusive, may be denied [such assistance] by the welfare division or such assistance may be discontinued by the welfare division [for:] to the person with whom any dependent child is living for:

(a) Failure or refusal to disclose information known to the applicant or recipient, or the person making application or receiving assistance on behalf of a child, necessary for the establishment of paternity of such child or the location or apprehension of a deserting or nonsupporting parent; or

(b) Failure or refusal of any such person to cooperate with [the district attorney of the county of the applicant's or recipient's residence,] any of the specified authorities in the taking of recommended legal action against a deserting or nonsupporting parent[.]; or

(c) Failure or refusal of any such person to furnish the required social security account numbers.

Sec. 50. NRS 425.250 is hereby amended to read as follows:

425.250 1. Any person who knowingly obtains, by means of a willfully false statement or representation or by impersonation or other fraudulent device, assistance of the value of $100 or more to which he is not entitled or assistance of the value of $100 or more in excess of that to which he is entitled, and with intent to defeat the purposes of [this chapter,] NRS 425.010 to 425.250, inclusive, is guilty of a gross misdemeanor.

2. For the purposes of subsection 1, whenever a recipient of assistance under the provisions of [this chapter] NRS 425.010 to 425.250, inclusive, receives an overpayment of benefits for the third time and such overpayments have resulted

from a false statement or representation by such recipient or from the failure of the recipient to notify the welfare division of a change in his circumstances which would affect the amount of assistance he receives, a rebuttable presumption arises that such payment was fraudulently received.

Sec. 51. [Deleted.]

Sec. 52. Chapter 31 of NRS is hereby amended by adding thereto the provisions set forth as sections 53 to 55, inclusive, of this act.

Sec. 53. 1. In any proceeding where the court has ordered a parent to pay any amount for the support of a minor child, the court may order the parent to assign to the county clerk or county officer designated by the court to receive such payment, or to the state welfare administrator in support enforcement cases arising under the provisions of chapter 425 of NRS, that portion of salary, wages or commissions of a parent due or to be due in the future which will be sufficient to pay the amount ordered by the court for the support, maintenance and education of the minor child. Such order operates as an assignment and is binding upon any existing or future employer of the defaulting parent upon whom a copy of such order is served. Any such order may be modified or revoked at any time by the court. The employer shall cooperate with and provide relevant employment information to the prosecuting attorney for the purpose of enforcing the child support obligation.

2. In any proceeding where a court makes or has made an order requiring payment of child support to a parent receiving welfare payments for the maintenance of minor children, the court shall direct that payments of support be made to the welfare division of the department of human resources, and the district attorney may appear in any proceeding to enforce such order.

Sec. 54. 1. The parent to whom support is ordered to be paid shall notify the court and the employer of the parent

ordered to pay support, by any form of mail requiring a return receipt, of any change of address within a reasonable period of time after any such change. In instances in which payments are ordered to be made to a county officer designated by the court, the parent to whom support is ordered to be paid shall notify the court and such county officer, by any form of mail requiring a return receipt, of any address change within a reasonable period of time after any such change.

2. If the employer or county officer is unable to deliver payments under the assignment for a period of 3 months because of the failure of the person to whom support has been ordered to be paid to notify the employer or county officer of a change of address, the employer or county officer shall not make any further payments under the assignment and shall return all undeliverable payments to the employee.

3. Upon a petition by the defaulting parent, the court shall terminate an order of assignment of salary or wages if there are 18 continuous months of full payment under the assignment or the employer or county officer is unable to deliver payments under the assignment for a period of 3 months because of the failure of the person to whom support has been ordered to be paid to notify the employer or county officer of a change of address.

Sec. 55. 1. [Deleted.]

2. The provisions of sections 53 to 55, inclusive, of this act apply to all money received by any person as a pension, or as an annuity or retirement or disability or death or other benefit, or as a return of contributions and interest thereon from the United States government, or from the state, or any county, city or other political subdivision of the state, or any public trust, or public corporation, or from the governing body of any of them, or from any public board or boards, or from any retirement, disability, or annuity system established by any of them pursuant to statute.

3. When a certified copy of any order of assignment is served on any public entity described in subsection 2, other than the United States government, that entity shall comply with any request for a return of employee contributions by an employee named in the order by delivering the contributions to the clerk of the court from which the order issued, unless the entity has received a certified copy of an order terminating the order of assignment. A court may not directly or indirectly condition the issuance, modification or termination of, or condition the terms or conditions of, any order for the support of a minor child upon the issuance of such a request by such an employee.

4. Upon receipt of money pursuant to sections 53 to 55, inclusive, of this act, the clerk of the court, within 10 days, shall send written notice of that fact to the parties and any agency through whom payments have been ordered under this section. Such money is subject to any procedure available to enforce an order for child support, but if an enforcement procedure is not commenced within 60 days after the date when the notice of receipt is sent, the clerk shall, upon request, release the money to the defaulting parent.

Sec. 56. [Deleted.]

Sec. 57. [Deleted.]

Sec. 58. [Deleted.]

Sec. 59. [Deleted.]

Sec. 60. NRS 425.220 and 425.230 are hereby repealed.

Sec. 61. 1. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

2. If any method of notification provided for in this act is held invalid, service as provided for by the laws of the State of Nevada for service of process in a civil action shall be substituted for the method held invalid.