

ASSEMBLY BILL NO. 160—ASSEMBLYMEN BUCKLEY, PARKS, GIUNCHIGLIANI, GOLDWATER, ANDERSON, ARBERRY, ATKINSON, BEERS, CARPENTER, CHOWNING, CHRISTENSEN, CLABORN, COLLINS, CONKLIN, GIBBONS, GRADY, GRIFFIN, HORNE, KOIVISTO, LESLIE, MABEY, MANENDO, MCCLAIN, MCCLEARY, MORTENSON, OCEGUERA, OHRENSCHALL, PERKINS, PIERCE, SHERER AND WILLIAMS

FEBRUARY 18, 2003

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provide protection to certain persons. (BDR 3-160)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: No.

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

AN ACT relating to persons in need of protection; requiring a court to order an assignment of income in an extended order if the order includes an order for support of a child in certain circumstances; authorizing a court to seal records and waive publication concerning a change of name when the person proves that his personal safety is at risk; providing for privileged communications between victims of domestic violence or sexual assault and their advocates; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 33 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. If a court issues an extended order which includes an*
4 *order for the support of a minor child, the court shall order the*
5 *adverse party to assign to the party who obtained the extended*



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1 *order that portion of the income of the adverse party which is due*
2 *or to become due and is sufficient to pay the amount ordered by*
3 *the court for the support, unless the court finds good cause for the*
4 *postponement of the assignment. A finding of good cause must be*
5 *based upon a written finding by the court that the immediate*
6 *assignment of income would not be in the best interests of the*
7 *child.*

8 *2. An assignment of income ordered pursuant to subsection 1*
9 *is subject to the provisions of chapters 31A and 125B of NRS.*

10 *3. The Welfare Division of the Department of Human*
11 *Resources, in consultation with the Judicial Council of the State*
12 *of Nevada and other interested governmental entities, shall*
13 *develop procedures and forms to allow a person to whom an*
14 *assignment is ordered to be made to enforce the assignment in an*
15 *expeditious and safe manner.*

16 **Sec. 2.** NRS 33.017 is hereby amended to read as follows:
17 33.017 As used in NRS 33.017 to 33.100, inclusive, *and*
18 *section 1 of this act*, unless the context otherwise requires:

19 1. "Extended order" means an extended order for protection
20 against domestic violence.

21 2. "Temporary order" means a temporary order for protection
22 against domestic violence.

23 **Sec. 3.** NRS 41.280 is hereby amended to read as follows:

24 41.280 *1. ~~Upon~~ Except as otherwise provided in*
25 *subsection 2, upon* the filing of the petition, the applicant shall
26 make out and procure a notice ~~[, which shall state]~~ *that must:*

27 *(a) State* the fact of the filing of the petition, its object, his
28 present name and the name which he desires to bear in the future ~~[-~~
29 ~~The notice shall be]~~; *and*

30 *(b) Be* published in some newspaper of general circulation in the
31 county once a week for 3 successive weeks.

32 *2. If the applicant submits proof satisfactory to the court that*
33 *publication of the change of name would place his personal safety*
34 *at risk, the court shall not require the applicant to comply with the*
35 *provisions of subsection 1 and shall order the records concerning*
36 *the petition and any proceedings concerning the petition to be*
37 *sealed and to be opened for inspection only upon an order of the*
38 *court for good cause shown or upon the request of the applicant.*

39 **Sec. 4.** Chapter 49 of NRS is hereby amended by adding
40 thereto the provisions set forth as sections 5 to 13, inclusive, of this
41 act.

42 **Sec. 5.** *As used in sections 5 to 13, inclusive, of this act, the*
43 *words and terms defined in sections 6 to 9, inclusive, of this act*
44 *have the meanings ascribed to them in those sections.*



- 1 **Sec. 6.** *“Domestic violence” means an act described in*
2 *NRS 33.018.*
- 3 **Sec. 7.** *“Sexual assault” means a violation of NRS 200.366*
4 *or an attempt to violate or conspiracy to violate NRS 200.366.*
- 5 **Sec. 8.** *“Victim” means a person who alleges that an act of*
6 *domestic violence or sexual assault has been committed against*
7 *the person.*
- 8 **Sec. 9.** *“Victim’s advocate” means a person who works for a*
9 *nonprofit program that provides assistance to victims with or*
10 *without compensation and who has received at least 20 hours of*
11 *relevant training.*
- 12 **Sec. 10.** *1. A communication shall be deemed to be*
13 *confidential if the communication is between a victim and a*
14 *victim’s advocate and is not intended to be disclosed to third*
15 *persons other than:*
 - 16 *(a) A person who is present to further the interest of the*
17 *victim;*
 - 18 *(b) A person reasonably necessary for the transmission of the*
19 *communication; or*
 - 20 *(c) A person who is participating in the advice, counseling or*
21 *assistance of the victim, including, without limitation, a member of*
22 *the victim’s family.*
- 23 **2.** *As used in this section, “communication” includes, without*
24 *limitation, all records concerning the victim and the services*
25 *provided to the victim which are within the possession of:*
 - 26 *(a) The victim’s advocate; or*
 - 27 *(b) The nonprofit program for whom the victim’s advocate*
28 *works.*
- 29 **Sec. 11.** *Except as otherwise provided in section 13 of this*
30 *act, a victim who seeks advice, counseling or assistance from a*
31 *victim’s advocate has a privilege to refuse to disclose, and to*
32 *prevent any other person from disclosing, confidential*
33 *communications set forth in section 10 of this act.*
- 34 **Sec. 12.** *1. The privilege provided pursuant to section 11 of*
35 *this act may be claimed by:*
 - 36 *(a) The victim;*
 - 37 *(b) The guardian or conservator of the victim;*
 - 38 *(c) The personal representative of a deceased victim; and*
 - 39 *(d) The victim’s advocate, but only on behalf of the victim.*
- 40 **2.** *The authority of a victim’s advocate to claim the privilege*
41 *is presumed in the absence of evidence to the contrary.*
- 42 **Sec. 13.** *There is no privilege pursuant to section 11 of this*
43 *act if:*
 - 44 **1.** *The purpose of the victim in seeking services from a*
45 *victim’s advocate is to enable or aid any person to commit or plan*



- 1 *to commit what the victim knows or reasonably should have*
- 2 *known is a crime or fraud;*
- 3 2. *The communication concerns a report of abuse or neglect*
- 4 *of a child or older person in violation of NRS 200.508 or*
- 5 *200.5093, but only as to that portion of the communication;*
- 6 3. *The communication is relevant to an issue of breach of*
- 7 *duty by the victim's advocate to the victim or by the victim to the*
- 8 *victim's advocate; or*
- 9 4. *Disclosure of the communication is otherwise required by*
- 10 *law.*

11 **Sec. 14.** NRS 125B.240 is hereby amended to read as follows:
12 125B.240 The court shall not issue an order pursuant to NRS
13 125B.210, unless it finds the existence of one or more of the
14 following conditions:

15 1. The obligor-parent is not receiving income which may be
16 subject to an assignment or withholding pursuant to chapter 31A of
17 NRS ~~§~~ *or section 1 of this act*, and there is reason to believe that he
18 has income from some source which may be subject to an
19 assignment.

20 2. An assignment or withholding of income pursuant to chapter
21 31A of NRS *or section 1 of this act* would not be sufficient to meet
22 the obligation of the support of a child for reasons other than a
23 change of circumstances which would qualify for a reduction in the
24 amount of the support ordered.

25 3. The history of employment of the obligor-parent makes an
26 assignment or withholding of income pursuant to chapter 31A of
27 NRS *or section 1 of this act* difficult to enforce or not a practical
28 means for securing the payment of the obligation of support. Such a
29 history may be evidenced by such conditions as multiple, concurrent
30 or consecutive employers.

31 **Sec. 15.** NRS 608.1576 is hereby amended to read as follows:

32 608.1576 If an employer provides benefits for health care to
33 his employees and the benefits include coverage of the employee's
34 family, the employer shall:

35 1. Permit an employee who is required by the order of a court
36 or administrative tribunal to provide health coverage for his child to
37 enroll the child for coverage as a member of his family without
38 regard to a restriction on periods of enrollment applicable to the
39 employee.

40 2. If the parent so required is enrolled for coverage but does not
41 apply to enroll the child, permit the child's other parent or the
42 Welfare Division of the Department of Human Resources to enroll
43 the child.



1 3. Not terminate the enrollment of the child in that coverage or
2 otherwise eliminate that coverage of the child unless the insurer has
3 written proof that:

4 (a) The order for medical coverage is no longer in effect; or
5 (b) The child is or will be enrolled in comparable coverage
6 through another insurer on or before the effective date of the
7 termination of enrollment or elimination of coverage.

8 4. Withhold from the employee's wages, and pay to the insurer
9 if the employer is not self-insured, the employee's share, if any, of
10 the cost of the coverage provided for the child but not more than the
11 amount of withholding for insurance permitted by federal law or
12 regulation.

13 The purpose of this section is to ensure that children are promptly
14 enrolled in a program of health insurance provided by the
15 responsible parent and that the health insurance is maintained. The
16 remedies provided in this section are cumulative and in addition to
17 any other remedy provided by law to the extent they are not
18 inconsistent with the provisions of chapters 31A, 125B, 130 and 425
19 of NRS ~~§~~ *and section 1 of this act.*

