

SENATE BILL NO. 186—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

FEBRUARY 20, 2003

Referred to Committee on Judiciary

SUMMARY—Imposes fee upon obligor of child support who is subject to withholding of income by his employer. (BDR 3-446)

FISCAL NOTE: Effect on Local Government: No.
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 child support; imposing a fee upon an obligor of child support who is subject to withholding of income by his employer; providing for the collection and administration of that fee; 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 31A of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***1. The State Treasurer shall charge an obligor a fee of \$2 for***
4 ***each withholding of income for the payment of support made by***
5 ***an employer pursuant to this chapter, except that the fee must not***
6 ***be charged to an obligor more than two times during any month.***
7 ***2. All such fees received by the State Treasurer from***
8 ***employers pursuant to NRS 31A.080 must be accounted for***
9 ***separately in the State General Fund.***
10 ***3. The account created pursuant to subsection 2 must be***
11 ***administered by the State Welfare Administrator. The money in***
12 ***the account must be distributed among each enforcing authority***
13 ***pursuant to regulations adopted by the State Welfare***
14 ***Administrator pursuant to NRS 425.365.***



* S B 1 8 6 R 1 *

1 **Sec. 2.** NRS 31A.070 is hereby amended to read as follows:
2 31A.070 1. The enforcing authority shall mail, by first-class
3 mail, a notice to withhold income to an obligor's employer:

4 (a) If the provisions of subsection 2 of NRS 31A.025 apply,
5 immediately upon determining that the obligor is delinquent in the
6 payment of support; or

7 (b) If the provisions of subsection 2 of NRS 31A.025 do not
8 apply, immediately upon the entry of the order of support.

9 2. If an employer of an obligor does not begin to withhold
10 income from the obligor after receiving the notice to withhold
11 income that was mailed pursuant to subsection 1, the enforcing
12 authority shall mail, by certified mail, return receipt requested,
13 another notice to withhold income to the employer.

14 3. A notice to withhold income may be issued electronically
15 and must:

16 (a) Contain the social security number of the obligor;

17 (b) Specify the amount to be withheld from the income of the
18 obligor;

19 (c) Specify the ~~amount of the fee~~ *amounts of the fees*
20 authorized in NRS 31A.090 ~~for the employer;~~ *and required in*
21 *section 1 of this act;*

22 (d) Describe the limitation for withholding income prescribed in
23 NRS 31.295;

24 (e) Describe the prohibition against terminating the employment
25 of an obligor because of withholding and the penalties for
26 wrongfully refusing to withhold pursuant to the notice to withhold
27 income;

28 (f) Specify that, pursuant to NRS 31A.160, the withholding of
29 income to enforce an order of a court for child support has priority
30 over other proceedings against the same money; and

31 (g) Explain the duties of an employer upon the receipt of the
32 notice to withhold income.

33 **Sec. 3.** NRS 31A.080 is hereby amended to read as follows:

34 31A.080 An employer who receives a notice to withhold
35 income shall:

36 1. Withhold the amount stated in the notice from the income
37 due the obligor beginning with the first pay period that occurs
38 within 14 days after the date the notice was mailed to the employer
39 and continuing until the enforcing authority notifies him to
40 discontinue the withholding;

41 2. Deliver the money withheld to the enforcing authority within
42 7 days after the date of each payment of the regularly scheduled
43 payroll of the employer; ~~and~~



1 3. *Deduct from the income due the obligor after the*
2 *withholding pursuant to subsection 1, the fee set forth in section 1*
3 *of this act;*

4 4. *Deliver to the State Treasurer, at least quarterly, all money*
5 *deducted as fees pursuant to subsection 3; and*

6 5. Notify the enforcing authority *and the State Treasurer* when
7 the obligor subject to withholding terminates his employment, and
8 provide the last known address of the obligor and the name of any
9 new employer of the obligor, if known.

10 **Sec. 4.** NRS 31A.090 is hereby amended to read as follows:

11 31A.090 1. A notice to withhold income is binding upon any
12 employer of an obligor to whom it is mailed. To reimburse the
13 employer for his costs in making the withholding, he may deduct \$3
14 from the amount paid the obligor each time he makes a withholding.

15 2. If an employer receives notices to withhold income for more
16 than one employee, he may ~~{pay the}~~ *consolidate the amounts of*
17 *money that are payable to:*

18 (a) *The enforcing authority* ~~{the amounts withheld}~~ *and pay*
19 *those amounts* with one ~~{check, but he}~~ *check; and*

20 (b) *The State Treasurer and pay those amounts with one*
21 *check,*

22 *but the employer* shall attach to ~~{the}~~ *each* check a statement
23 identifying *by name and social security number* each obligor for
24 whom payment is made and the amount transmitted for that obligor.

25 3. An employer shall cooperate with and provide relevant
26 information to an enforcing authority as necessary to enable it to
27 enforce an obligation of support. A disclosure made in good faith
28 pursuant to this subsection does not give rise to any action for
29 damages resulting from the disclosure.

30 **Sec. 5.** The amendatory provisions of this act apply to a
31 withholding of income for the payment of support for a child that is
32 withheld on or after July 1, 2003.

33 **Sec. 6.** This act becomes effective on July 1, 2003.

