

NEVADA CHILD SUPPORT GUIDELINES COMMITTEE PUBLIC MEETING TO REVIEW CHILD SUPPORT ENFORCEMENT GUIDELINES IN ACCORDANCE WITH ASSEMBLY BILL 278 OF THE 2017 LEGISLATIVE SESSION.

The public meeting to review child support enforcement guidelines was brought to order by committee chair Kim Surratt at 1:09 p.m. on Friday, May 25, 2018. This meeting was video-conferenced between the Legislative Counsel Building, 401 South Carson Street, Hearing Room 2134, Carson City, NV and the Grant Sawyer State Office Building, 55 East Washington Avenue, Hearing Room 4401, Las Vegas, NV. The meeting was also accessible via teleconference.

MEMBERS PRESENT:

Kathleen Baker, Washoe County District Attorney's Office
Karen Cliffe, Clark County District Attorney's Office
Charles Hoskin, Family Division of the Eighth Judicial District Court
Marko Markovic for Ellen Crecelius, Division of Health Care Financing and Policy
Assemblyman Keith Pickard
Bridget Robb, Presiding Judge of the 2nd Judicial District Court
Senator Michael Roberson
Joseph Sanford, Churchill County District Attorney's Association
Jim Shirley, Family Division of the Eleventh Judicial District Court
Kim Surratt, Family Law Section of the State Bar of Nevada
Dawn Throne, Family Law Section of the State Bar of Nevada

MEMBERS ABSENT:

Senator Patricia Farley
Assemblyman Ozzie Fumo
Lidia Stiglich, Justice, Nevada Supreme Court

MEMBERS PRESENT VIA TELEPHONE:

Nova Murray, Deputy Administrator, Division of Welfare and Supportive Services

STAFF PRESENT:

David Castagnola, Social Service Specialist III, Division of Welfare and Supportive Services (DWSS)
Joy Tomlinson, Administrative Assistant IV, DWSS
Stephanie Dicke, Administrative Assistant III, DWSS
Rebecca Lindelow, Family Services Supervisor, DWSS
Kiersten Gallagher, Social Services Manager, DWSS
Amy Crowe, Deputy Attorney General

GUESTS PRESENT – NORTH

None

GUESTS PRESENT – SOUTH

None

GUESTS PRESENT VIA TELEPHONE:

None

Agenda Item #1 – Call to Order and Roll Call

The public meeting to review child support enforcement guidelines was brought to order by committee chair Kim Surratt at 1:09 pm. The meeting was delayed due to a power outage in Las Vegas. Roll call was taken. It was determined there was a quorum present. Marko Markovic was present in Ellen Crecelius's place. Nova Murray was present via telephone. Senator Roberson and Judge Shirley arrived during discussion on Agenda Item #4.

Agenda Item #2 – Public Comment

Ms. Surratt called for public comment in the south: no public comment.

Ms. Surratt called for public comment over the telephone: no public comment.

Ms. Surratt called for public comment in the north: no public comment.

Agenda Item #3 – Approval of meeting minutes (May 4 and 16, 2018)

Assemblyman Pickard motioned to approve the meeting minutes from May 4, 2018. Judge Robb seconded motion. Judge Shirley stated he was present for this meeting and pointed out the date was incorrect in the header. Judge Shirley motioned to make these changes. Ms. Baker seconded this motion. Motion passed unanimously.

Assemblyman Pickard motioned to approve the meeting minutes from May 16, 2018. Judge Robb seconded motion. Motion passed unanimously.

Agenda Item #4 – Discussion and recommendations on proposed language for percentages and calculation of child support at varying income levels.

Mr. Sanford presented his modified spreadsheet and language regarding the calculation for high-income earners to the committee. See Exhibit A. Mr. Sanford stated he was not able to apply the BR4 numbers into the spreadsheet accurately. He suggested the committee contact Jane Venohr regarding the BR4 numbers she included in her graphs. Mr. Sanford stated he tried to use the graphs Jane Venohr included in her report, however, the data was too unbalanced.

Assemblyman Pickard motioned to adopt the proposed language from Mr. Sanford. Judge Robb seconded the motion.

The committee gave input regarding the language Mr. Sanford provided.

- Mr. Sanford suggested including an example in the new administrative code.
 - Ms. Surratt asked Amy Crowe, Senior Deputy Attorney General, about adding an example in the new administrative code. Ms. Crowe stated she would ask colleagues and report back at the next meeting.

- Judge Shirley suggested adding “16% of the parent’s gross monthly income for the first \$6,000 plus”.
- Assemblyman Pickard suggested adding “10% of the portion of the parent’s gross monthly income from \$6,001 to 10,000. “

After some discussion, Assemblyman Pickard amended his motion to adopt the percentages and allow the Legislative Counsel Bureau (LCB) to review and correct the language as needed. Judge Hoskin stated he was hesitant to vote on the percentages that were presented as gross monthly income has not been defined yet. Ms. Surratt clarified that the committee had not determined how they were going to deal with situations where the obligee is paying for health insurance. Judge Robb suggested going back to a definition of gross monthly income that does not include health insurance or child care costs. Assemblyman Pickard suggested taking the calculation for child support in steps.

Assemblyman Pickard suggested using the definition of income that does not include the costs of health insurance and child care. Assemblyman Pickard withdrew his motion to adopt the percentages. Judge Robb withdrew her second motion as well.

Ms. Surratt asked for a motion regarding the definition of gross monthly income. Mr. Sanford motioned to strike subsection 13 of the definition of gross monthly income. Judge Robb seconded the motion. The motion passed unanimously. Subsection 13 reads as follows:

13. The following shall be deducted prior to determining gross income for purposes of calculating child support:

- a. The reasonable costs of [one-half of??] child care for the subject child(ren).*
- b. The reasonable costs of [one half of??] health care for the subject child(ren).*

Assemblyman Pickard motioned to use the high-income percentages. Ms. Baker seconded the motion. Motion passed unanimously

Ms. Surratt asked for a motion regarding the revised low-income chart. Assemblyman Pickard motioned to adopt this revised chart. Judge Shirley seconded the motion. Motion passed unanimously.

The committee discussed the language for medical support and child care and whether to delete this language out of the definition of gross monthly. Ms. Throne volunteered to draft a calculation language to add to the beginning of the medical support language and present the language at the next meeting.

Ms. Surratt asked the committee how they were going to deal with child care if it was taken out of the gross monthly income definition. Ms. Cliffe suggested requiring child care be considered but then leaving the division of child care expenses up to the courts. Assemblyman Pickard motioned to adopt the language regarding an equitable division of child care. Judge Robb seconded the motion. Judge Hoskin asked if the verbiage is “must consider”. Assemblyman Pickard and Judge Robb verified the verbiage is indeed “must consider”. Motion passed unanimously.

Ms. Surratt asked Assemblyman Pickard to draft the new language for child care. Assemblyman Pickard agreed to draft the language.

Ms. Surratt suggested removing the cost of child care be removed from the remaining adjustments. She asked the committee for input regarding keeping the remaining adjustments.

The child support obligation may be further adjusted by the Court pursuant to the specific needs of the child and the economic circumstances of the parents based upon the following factors:

- (a) The cost of child care;*
- (b) Any special educational needs of the child;*
- (c) The legal responsibility of the parents for the support of others;*
- (d) The value of services contributed by either parent;*
- (e) Any public assistance paid to support the child, including social security benefits available to the child;*
- (f) The cost of transportation of the child to and from visitation if the custodial parent moved with the child from the jurisdiction of the court which ordered the support and the noncustodial parent remained;*
- (g) Any other necessary expenses for the benefit of the child; and*
- (h) The relative income of both parents.*

The committee discussed these adjustments and provided input regarding them.

- Delete (a).
- Reword (f) to say, “the cost of transportation of the child to and from visitation”.
- Move “the relative income of both households” to (f).

Ms. Surratt stated she would make these changes to the adjustment language and present the revised language at the next meeting.

Agenda Item #5 – Discussion and recommendations on proposed language for a minimum child support amount.

Ms. Surratt opened this agenda item up for discussion. Assemblyman Pickard suggested \$80 be the minimum child support amount per order. Ms. Baker suggested using the low-income chart amounts and this would still give the courts discretion to deviate if need be. Ms. Surratt stated for public consumption it would be easier to take out the percentage column. Ms. Murray point to the Federal Rule 302.56C1, which addresses the obligor’s ability to pay the child support calculation. Ms. Surratt asked if “ability to pay” should be a deviation factor/adjustment. The committee agreed to add “ability to pay” as a deviation factor/adjustment.

Mr. Sanford stated having no set minimum would be problematic as the incarceration language is dependent on a minimum order currently. Judge Hoskin suggested not setting a minimum child support amount and leave a minimum up to the courts discretion. Ms. Surratt asked for a motion regarding a minimum child support amount. Judge Hosking motioned to do away with a statutory minimum and leave the amounts below the low-income chart up to the court's discretion. Ms. Cliffe seconded the motion. Mr. Sanford asked for clarification on the motion. He asked if the amount under \$80 is up to the court discretion. Judge Hoskin verified any amount under \$80 would be up to the courts discretion and there would be findings to back the amount determined. Motion passed unanimously.

Agenda Item #6 – Discussion and recommendations on proposed language for modification of child support.

Ms. Surratt tabled this agenda item for the next meeting.

Agenda Item #7 – Discussion and recommendations on proposed language for shared, split, and/or serial parenting.

Ms. Surratt asked for any comments from the committee. She asked Assemblyman Pickard to resend this language to the committee members for discuss at the next meeting.

Ms. Surratt tabled this agenda item for the next meeting.

Agenda Item #8 – Discussion and recommendations on guidance for the courts regarding how to calculate a deviation for additional dependents in the home.

Ms. Surratt purposed having the adjustment factor, the legal responsibility of the parents for the support of others, deals with this issue and she did not think the committee should deal with this further. She asked the committee if they had any input. Ms. Surratt closed this agenda item.

Agenda Item #9 – Discussion and recommendations regarding the scope of the Committee's authority pursuant to AB 278.

Ms. Surratt volunteered to go through the language that was deleted in AB 278 and transfer any language she thinks the committee should discuss into the master document. AB 278 can be found on the Division of Welfare and Supportive Services (DWSS) website:
https://dwss.nv.gov/uploadedFiles/dwssnv.gov/content/Home/Features/Child_Supp_AB278_EN.pdf.

Ms. Surratt look at AB 278 section 2 and explained that NRS 125B.070 was left in tack with the current percentages that are used to calculation child support. However, she explained that NRS 125B.080 states the only way to calculation child support is to follow the regulations set forth by this committee. Ms. Surratt then pointed out the definition of gross monthly income was deleted from NRS 125B.080, so the committee needs to have a gross monthly income definition. She stated for a modification AB 278 points to NRS 125.150 for the definition of gross monthly income.

Ms. Crowe pointed to the last page of AB 278 where it states NRS 125B.070 will be repealed upon passing the new regulations set forth by this committee. Ms. Murray then pointed out on page 13 of AB 278 section 3 will also need to be repealed. Assemblyman Pickard stated he would put this in a bill he is currently working on for the next legislative session.

Ms. Surratt then discussed the stipulation language and whether it is within this committee's purview. She then directed the committee to page 6 of AB 278 section 2 where the stipulation language has been deleted from the NRS. Ms. Surratt stated the committee needs to create language for a stipulation since it was deleted by AB 278.

Ms. Surratt then discussed the imputation language and whether it is within the committee's purview. She stated this language was also deleted out of the NRS, so the committee can either recreate the language or revise it for the administrative code. Ms. Surratt stated she believes the committee has authority to deal with imputation of income.

Judge Hoskin asked if the committee has control over the requirements for a review/modification of the child support order. Ms. Surratt stated the language regarding a modification was left intact. She stated the committee was given authority to review the language regarding calculating child support. Ms. Surratt stated the committee does not have control over the requirement for a modification/review. Judge Hoskin stated he was concerned about all the requests for a modification that will happen due to these changes to the administrative code. Ms. Cliffe suggested adding a provision that states the enactment of the new regulations is not grounds for a modification. Judge Hoskin stated there is a Supreme Court case that states a change in law is a change in circumstances.

Ms. Surratt suggested this agenda item be included on the next meeting's agenda for further discussion and possible action.

Agenda Item #10 – Discussion and recommendations on how to deal with child care and health care expenses in the child support calculation.

This agenda item was resolved at the April 27th meeting and will be removed from future agendas.

Agenda Item #11 – Review of master document for edits, errors or omissions from prior votes to create a final report of committee.

Ms. Surratt clarified for the record that the language for a minimum/statutory order be deleted and not be in the new administrative code.

Agenda Item #12 – Discuss and approve ideas for future agenda items.

The committee did not have any agenda items to add to future agendas. Ms. Surratt asked staff when the next meeting was. Staff clarified the next meeting is June 4th at 1pm.

Agenda Item #13 – Public Comment

Ms. Surratt called for public comment in the south: no public comment.

Ms. Surratt called for public comment over the telephone: no public comment.

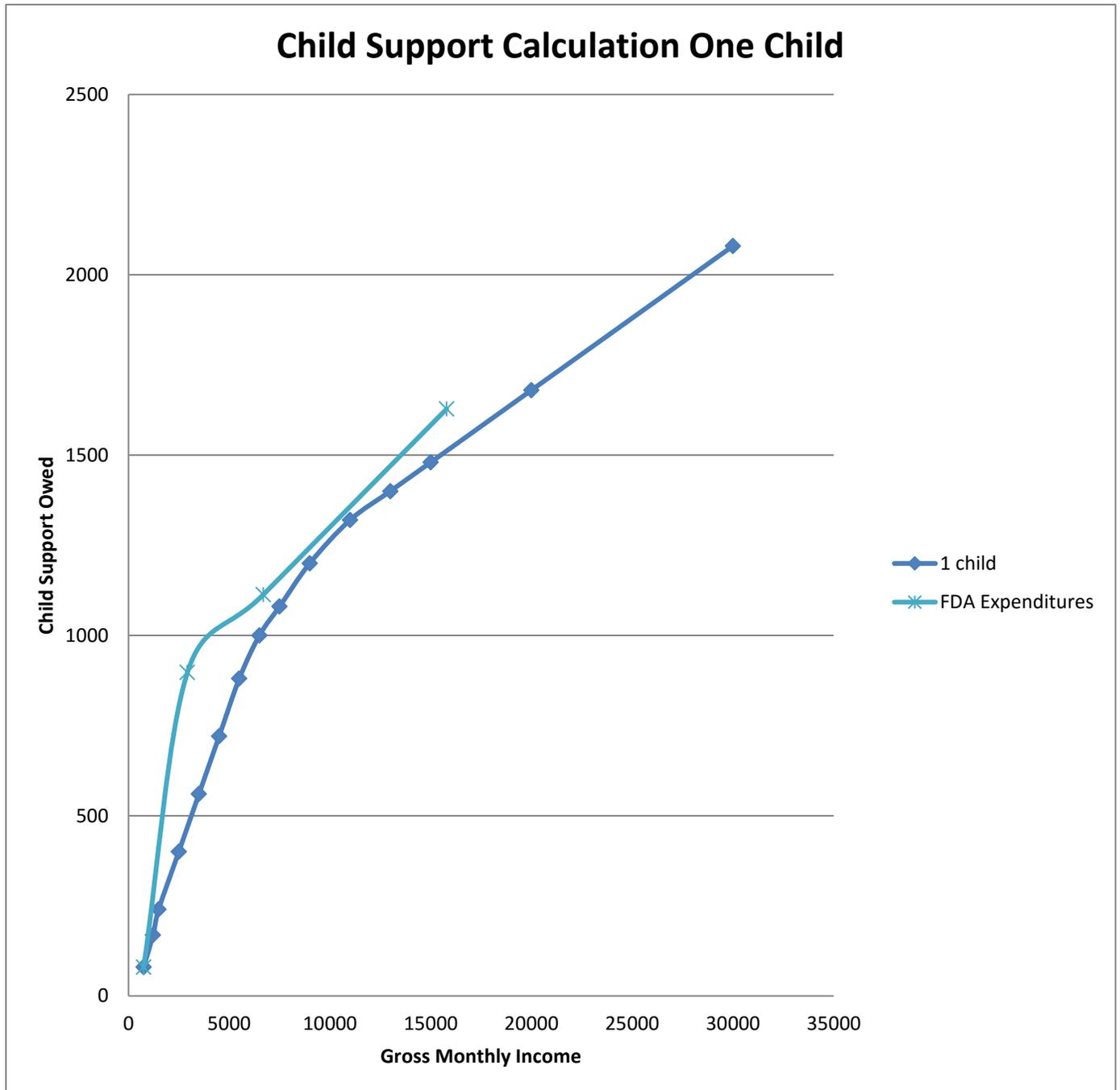
Ms. Surratt called for public comment in the north: no public comment.

Agenda Item #14 – Adjournment

Ms. Surratt called for a motion for adjournment. Judge Shirley motioned to adjourn. Judge Robb seconded the motion. Motion passed unanimously. Meeting adjourned at 3:18 p.m.

Exhibit A

Child Support Calculation								
Formula %s								
	1 child	2 children	3 children	4 children				
Base %	0.18	0.25	0.29	0.31				
High Income %	0.1	0.13	0.15	0.16				
Very High Income %	0.05	0.08	0.09	0.1				
High Income Threshold (GMI)	7000							
Very High Income Threshold (GMI)	15000							
Obligor GMI	Annual Salary							
7000	84000							
	1 child	2 children	3 children	4 children				
Base Child Support Owed	1260	1750	2030	2170				
	Child Support Owed					FDA Expenditures Urban West modified		
GMI	1 child	2 children	3 children	4 children	GMI	1 child	2 children	3 children
754	90	124	144	154	754	90	124	144
1211	189	262	304	325	2925	897	1413	1611
1500	270	375	435	465	6691	1113	1753	1998
2500	450	625	725	775	15791	1628	2564	2923
3500	630	875	1015	1085				
4500	810	1125	1305	1395				
5500	990	1375	1595	1705				
6500	1170	1625	1885	2015				
7500	1310	1815	2105	2250				
9000	1460	2010	2330	2490				
11000	1660	2270	2630	2810				
13000	1860	2530	2930	3130				
15000	2060	2790	3230	3450				
20000	2310	3190	3680	3950				
30000	2810	3990	4580	4950				



Child Support Calculation Two Children

