

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 2:37 p.m. on Friday, April 27, 2018. This meeting was video-conferenced between the Nevada Supreme Court, 201 South Carson Street, Conference Room 107, Carson City, NV and the Nevada Supreme Court, 408 East Clark Avenue, AOC Conference Room A&B, 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
Nova Murray, Deputy Administrator, Division of Welfare and Supportive Services
Assemblyman Keith Pickard
Senator Michael Roberson
Joseph Sanford, Churchill County District Attorney's Association
Kim Surratt, Family Law Section of the State Bar of Nevada
Dawn Throne, Family Law Section of the State Bar of Nevada

MEMBERS ABSENT:

Ellen Crecelius, Chief Financial Officer, Division of Health Care Financing and Policy
Assemblyman Ozzie Fumo
Bridget E. Robb, Family Division of the Second Judicial District Court
Jim Shirley, Family Division of the Eleventh Judicial District Court
Lidia Stiglich, Justice, Nevada Supreme Court

MEMBERS PRESENT VIA TELEPHONE:

Senator Patricia Farley

STAFF PRESENT:

Cathy Kaplan, Child Support Chief, Division of Welfare and Supportive Services (DWSS)
David Castagnola, Social Service Specialist III, DWSS
Joy Tomlinson, Administrative Assistant IV, DWSS
Rebecca Lindelow, Family Services Supervisor, DWSS
Kiersten Gallagher, Social Services Manager, DWSS
Don Winne, Senior 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 2:38 p.m. Roll call was taken. It was determined a quorum was present. Senator Roberson 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 (April 13, 2018)

Assemblyman Pickard motioned to approve the meeting minutes. Ms. Baker seconded motion. Motion passed unanimously.

Agenda Item #4 – Discussion and recommendations on proposed language for High Income Calculations.

Mr. Sanford presented his language regarding high income earners to the committee. See Exhibit A. Mr. Sanford stated the percentages were based on Wisconsin's percentages but adjusted to fit Nevada.

The committee discussed the calculations and provided additional input regarding the calculation.

- Add low-income range to the language.
- Start at the maximum amount for low-income earners and go up.
- Add language to show where the calculations begin.
- Show the transition to the high-income bracket.
- Amend language to include "less than or equal to \$7,000."
- Include instructions on how to use the formula.
- Create a chart that reflects all levels through the high-income bracket.
- Adjust the numbers slightly if the committee feels they are too high.
- Increase the number of breaks on the current language.
- Add more tiers to the language.
- Do the calculation backwards to come up with the percentages for the language.
- Adjust the numbers to give the parties enough money to live.

Ms. Surratt motioned to use this methodology for high-income earners but adjust the formula. Ms. Murray seconded motion. Motion passed unanimously.

Mr. Sanford stated he would draft a spreadsheet that committee members can put different percentages into to see if they are calculating the correct numbers. Ms. Surratt stated the

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

Agenda Item #5 – Discussion and recommendations on proposed language for modification of child support based on child developmental milestones from Mr. Pickard.

Ms. Surratt tabled this agenda item for the next meeting as Assemblyman Pickard did not have anything prepared to present to the committee.

Agenda Item #6 – Discussion and recommendations on proposed language from Mr. Pickard and Judge Hoskin regarding child support calculations for shared, split, and/or serial parenting.

Judge Hoskin stated he tried to isolate the shared cost and calculate support per-child for each of the different parenting arrangements. He created a spreadsheet that incorporates those numbers. Judge Hoskin stated this is a different approach the committee has not previously considered. He suggested using a basic child support percentage at 12%. Judge Hoskin stated this idea is possible, simplistic, and assists on the next agenda item.

Judge Hoskin also stated the percentage would start at 15% for one child and increase by 4% per child thereafter. Ms. Cliffe asked if 15% assumes the needs of the child are met based on economic data. Judge Hoskin clarified 15% gets as close to meeting the needs of the child as possible. Assemblyman Pickard stated the committee will still need to provide a solution on how to divide the base support. Ms. Cliffe reminded the committee that the non-custodial parent is not provided the health insurance or child care as this seems to fall on the custodian. Ms. Surratt clarified that health insurance and child care are considered on the back end of the calculation.

Ms. Cliffe went over some calculations to see if she was comfortable with the formula. Ms. Surratt asked Judge Hoskin to email his spreadsheet to the staff so it could be uploaded on the website and shared with the committee members. Judge Hoskin stated he would email the spreadsheet to the staff.

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

Agenda Item #7 – Discussion and recommendations regarding the need for definitions of split, serial, and shared parenting.

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, where the payor does not have a court ordered support obligation.

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

Agenda Item #9 – Discussion and recommendations regarding proposed language from Ms. Baker and Judge Hoskin regarding emancipation of children and notice provisions.

Ms. Baker presented the updated emancipation language to the committee. See Exhibit B. Ms. Surratt asked for a motion to adopt this language. Ms. Throne motioned to adopt the emancipation language. Mr. Sanford seconded motion. Motion passed unanimously.

Agenda Item #10 – Discussion and recommendations regarding proposed language from Ms. Throne addressing self-determination and stipulated orders with disclosure of Gross Monthly Income for future modifications.

Ms. Throne presented the updated language to the committee. See Exhibit C. Mr. Sanford motioned to adopt this language. Ms. Baker seconded motion. Motion passed unanimously.

Agenda Item #11 – Discussion and recommendations on proposed percentages based on sample income calculations.

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

Agenda Item #12 – Discussion and recommendations on the proposed offset for Gross Monthly Income to include ½ versus 100% of the child care and health care expenses.

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

Agenda Item #13 – Review of master document for edits, errors or omissions from prior votes and in an effort to create a final report of committee.

Ms. Surratt asked whether Assemblyman Pickard was able to get in contact with the Legislative Counsel Bureau (LCB) to see if it would be able to review the master document and format it. Assemblyman Pickard stated he was in contact with LCB and was told it has to come from legislative members. Ms. Murray also stated that submitting the master document to LCB is part of the NAC process. Ms. Surratt asked Assemblyman Pickard if the committee should start submitting parts as they are approved by the committee. Assemblyman Pickard suggested waiting until the committee has reviewed and approved the final document. Ms. Surratt then stated she would get the master document from Judge Robb and incorporate the new language into the document, so the committee could update the document at the next meeting.

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

Agenda Item #14 – Discuss and approve ideas for future agenda items.

Judge Hoskin asked if the committee resolved the statutory minimum. Ms. Surratt stated she would add that as an agenda item for May 16th.

Agenda Item #15 – Public Comment

Ms. Throne 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 #16 – Adjournment

Ms. Surratt called for a motion for adjournment. Assemblyman Pickard motioned to adjourn. Mr. Sanford seconded the motion. Motion passed unanimously. Meeting adjourned at 4:39 p.m.

EXHIBIT A

Except as set forth in (low-income section), a parent's "Base support obligation" means the dollar amount determined according to the following schedule:

- (1) For one child, the sum of
 - a. 18 percent of a parent's gross monthly income less than \$7000,
 - b. 10 percent of a parent's gross monthly income from \$7001 to \$15000, and
 - c. 5 percent of a parent's gross monthly income in excess of \$15000
- (2) For two children, the sum of
 - a. 25 percent of a parent's gross monthly income from \$0 to \$7000,
 - b. 13 percent of a parent's gross monthly income from \$7001 to \$15000, and
 - c. 8 percent of a parent's gross monthly income in excess of \$15000
- (3) For three children, the sum of
 - a. 29 percent of a parent's gross monthly income from \$0 to \$7000,
 - b. 15 percent of a parent's gross monthly income from \$7001 to \$15000, and
 - c. 9 percent of a parent's gross monthly income in excess of \$15000
- (4) For four children, the sum of
 - a. 31 percent of a parent's gross monthly income from \$0 to \$7000,
 - b. 16 percent of a parent's gross monthly income from \$7001 to \$15000, and
 - c. 10 percent of a parent's gross monthly income in excess of \$15000
- (5) For each child in excess of 4 children, the sum of
 - a. An additional 2 percent of a parent's gross monthly income from \$0 to \$7000,
 - b. An additional 1 percent of a parent's gross monthly income from \$7001 to \$15000, and
 - c. An additional 0.5 percent of a parent's gross monthly income in excess of \$15000

Note

\$7,000 GMI = \$84,000 Annual earnings. Approximately 83rd percentile of workers in US.

\$15,000 GMI = \$180,000 Annual earnings Approximately 97th percentile of workers in US.

EXHIBIT B

Emancipation

A. If a child support order is for one child only, the ongoing child support obligation shall terminate when the child turns 18, or, if the child is still in high school, until graduation or age 19, whichever comes first, unless there exists a statutory basis to terminate the obligation to provide ongoing support sooner or to extend the obligation to provide ongoing support.

B. If the most recent child support order is for more than one child, and allocates a specific amount of the total support obligation to each child, the ongoing child support amount allocated for the subject child shall terminate the month following the date that child turns 18, or, if the child is still in high school, the month after the child graduates or turns 19, whichever comes first, unless there exists a statutory basis to terminate the obligation to provide ongoing support sooner or to extend the obligation to provide ongoing support.

C. If the most recent child support order is for more than one child, and does not allocate a specific amount of the total child support obligation to each child, if one child emancipates, in order to adjust the existing ongoing child support obligation, a stipulation must be submitted to the court or a motion must be filed with the court for modification of the existing child support order. Any modification of the ongoing child support obligation must be in compliance with the child support guidelines for the remaining non-emancipated child(ren). Regardless of the date of emancipation, any change to the existing child support obligation will only be effective as of the date the motion requesting modification was filed, unless the parties agree otherwise in a stipulation.

The following notice MUST be included in any unallocated child support order when more than one child is the subject of the order.

NOTICE: If you want to adjust the amount of the child support obligation set out in this order, you MUST file a motion for review and modification or submit a stipulation to the court. If a motion to modify is not filed or a stipulation is not submitted, the obligation to pay the amount of ongoing child support set out in this order will continue until all of the children that are the subject

of this order have emancipated. Any modification made pursuant to a motion for modification shall only take effect as of the date the motion was filed, unless otherwise agreed to by the parties in a stipulation.

EXHIBIT C

Stipulations and Orders

Parents have the right to stipulate to a child support obligation for their child(ren) that does not comply with these guidelines. However, in order to be binding, a stipulation must be in writing and:

- a. Set forth the current gross monthly income of each parent;
- b. Specify what the child support obligation would be under these guidelines;
- c. Provide notice to both parents that, if either parent seeks a review of the child support obligation upon a material change in circumstances or for regular periodic review, a court will be bound by the child support guidelines in effect at the time of the review;
- d. Certify that the recipient parent is not receiving cash public assistance; and
- e. Be approved and adopted as an order of the court.

A court presented with a proposed stipulation of the parents for a child support obligation that does not comply with these guidelines may reject the stipulation, even if it complies with the requirements set forth above, if the court believes that the stipulation is not in the best interest of the minor child(ren). Additionally, the receipt of cash public assistance by the recipient or the parent entitled to receive child support under the guidelines will constitute a change of circumstances that will allow the review of the child support obligation and the modification of the child support obligation in accordance with the child support guidelines then in effect.