

**DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

**DIVISION OF WELFARE AND  
SUPPORTIVE SERVICES**

**CHILD SUPPORT ENFORCEMENT MANUAL**

**CHAPTER V**

**SUPPORT OBLIGATIONS (500)**

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500        SUPPORT OBLIGATIONS

501        OBLIGATION OF PARENTS [NRS 125B.020]

A.        DUTY OF PARENT TO SUPPORT CHILD

The noncustodial parent (NCP) of a child(ren) has a duty to provide necessary maintenance, medical support, education and support including expenses of pregnancy and confinement. This duty applies to children born out of wedlock.

1.        Medical Support Obligation [45 CFR 303.30 and 303.31]

The enforcing authority must petition the court to include in new and modified support orders private health insurance that is accessible to the child(ren) and available to the responsible parent at a reasonable cost, not to exceed five percent (5%) of the responsible parent's gross monthly income (GMI).

If private health insurance is not available at the time of establishment or modification, the enforcing authority must petition the court to include a cash medical support amount that does not exceed 5% of the NCP's GMI to be paid to the CST to help offset medical costs that may occur.

B.        RECOVERY BY PARENT OR OTHER PERSON(S) [NRS 125B.030 and 125B.040]

1.        When the parents of a child do not reside together, the physical custodian of the child may recover from the parent without physical custody a reasonable portion of the cost of care, support, education and maintenance provided by the physical custodian.

An order for the support of a child creates an obligation for the support of the child and follows the child to the person who has obtained lawful physical custody of the child. The person who obtains lawful physical custody of a child for whom an order for support has been issued shall be deemed to be the person entitled to receive the payments ordered for the support of the child and, if desired, request a modification.

The transfer of an obligation for support shall remain in effect as long as the person lawfully retains physical custody of the child or until a court orders otherwise. "Lawful physical custody" means a person who has obtained physical custody pursuant to an order of a court or with the consent of the person who has been awarded physical custody of the child pursuant to an order of a court.

2. An individual who obtains lawful physical custody of a child as defined above, and who was not a party to the original proceeding in which a court issued an order for the support of the child that wishes to enforce the order must:
  - a. Complete and sign a Declaration of Custodian of Minor Child to Change Child Support Payee, Form 4096-EC, (Exhibit 500-04), under penalty of perjury, that the person has obtained lawful physical custody of the child. All IV-D offices are required to provide this form to clients upon request. This form can also be printed from the Division of Welfare and Supportive Services, Child Support Enforcement web site at <https://dwss.nv.gov/>.
  - b. Petition the appropriate court for a new child support order.
3. Notification Requirements

- a. Non-IV-D case:

- 1) The new custodian must mail to the obligor at his last known address by first-class mail and/or to the attorney of record, if any, specified in the previous decree of divorce or order a copy of the declaration pursuant to paragraph (a). This form acts as a statement designating the name of the person, the month and year in which the person obtained physical custody of the child and the address to which the payments for support of the child must be sent and a notice that the obligor must send the future payments for support of the child to the person.
- 2) The new custodian must file a copy of the declaration pursuant to paragraph (a) with the court that entered the order for support of the child and comply with the provisions of NRS 125B.055.

- b. IV-D case

Upon receipt of the declaration referenced in paragraph 3(a) above, Central Office will forward the declaration to the appropriate enforcing authority. Within 10 days of receipt of the declaration from Central Office, or the custodian if custodian submitted the declaration directly to the enforcing authority, the enforcing authority shall:

- 1) Mail to the obligor at his last known address by first-class mail and/or to the attorney of record, if any, specified in the previous decree of divorce or order a copy of the declaration pursuant to paragraph 3(a) above. This form is also a required notice to the obligor that the payments for support of the child will be provided to the person who has lawful physical custody of the child until such custody is terminated or until a court orders otherwise.
- 2) File a copy of the declaration with the court that entered the original order.
- 3) Retain the original declaration in the case record.

4. Any arrears in the payment of a child support obligation will be due to the individual who had lawful physical custody of the child at the time the payment became due and remains due until paid in full.
5. Enforcing authorities must seek to enforce existing orders pursuant to NRS 125B.040 unless a new custodian requests a new order, by advising new custodians of the order-follows-the-child statute and providing new custodians with Form 4096 EC within 20 days of receiving a referral or application for services. If a new custodian does not submit Form 4096 EC in a timely manner the enforcing authority should seek to establish a new order.

**STATE REGULATION ADOPTED JANUARY 25, 2006**

A person seeking to enforce a child support order pursuant to NRS 125B.040(6) must provide the Division of Welfare and Supportive Services (Welfare) with a written declaration in the format specified by Welfare.

C. PERIOD OF LIMITATIONS [NRS 125B.030, 125B.040 and 125B.050]

**STATE REGULATION ADOPTED APRIL 30, 2003**

Absent a support order, recovery by a parent, or other persons defined in subsection B above receiving IV-D services, is limited to not more than four (4) years of support (statute of limitations) furnished before the bringing of the action. "Bringing of the action" means the date of filing or the date of service, whichever is earlier.

Effective July 1, 2002, the Child Support Enforcement Program will only seek to recover past due support, on behalf of an obligee receiving IV-D services, from the original IV-D application date, not to exceed the four (4) year statute of limitations when no current support order exist at the time of application.

For the purposes of this regulation, "original IV-D application date" means:

- a) In public assistance or former public assistance cases, the date the obligee was approved for TANF;
- b) In non-assistance cases, the date the enforcing authority received an application for IV-D services signed by the obligee; and,
- c) In interstate cases, the date the interstate referral was received by the Nevada Central Registry.

This regulation applies to all cases heard in court after July 1, 2002, regardless of when the application was received. As of July 1, 2002, it has been the policy of the Nevada Child Support Enforcement Program to only seek past due support on behalf of an obligee, absent an order, from the IV-D application date.

Duration of the support obligation continues until the child reaches the age of majority (except a handicapped child), becomes emancipated or is adopted unless otherwise set forth by court order.

**Age of majority** is defined by state law. For Nevada, the support obligation ceases when a child reaches 18 or 19 if still attending high school. For other states, see the online Intergovernmental Referral Guide (IRG) at <http://ocse.acf.hhs.gov/ext/irg/sps/selectastate.cfm>.

**Handicapped child** support obligation continues until the child is no longer handicapped or becomes self-supporting. The child's handicap must have occurred before the age of majority.

**Emancipation** must be legally declared by a court of competent jurisdiction.

**Adoption** discharges the child support obligation of the natural parent(s) for periods after the adoption. However, any past due support remains the obligation of the parent(s), unless a court order specifies otherwise.

**Child's death** terminates the support obligation of the parent(s). However, the parent(s) is still liable for arrears.

D. NOTICE OF ASSIGNMENT [NRS 425.350]

When a child is receiving public assistance and a support order exists, the NCP must be notified within 15 days of locating the parent. Complete Form 4700-EC (Exhibit 500-1) and send it; 1) first class mail to the last known address, 2) in the manner provided for service of civil process, or 3) give actual notice. Notice may be included as part of a Notice and Finding to Enforce.

502 WHEN TO ESTABLISH OBLIGATIONS [NRS 425.350 and 45 CFR 302.70]

A properly executed voluntary acknowledgment of paternity is recognized as a basis for seeking a support order without requiring any further proceedings to establish paternity.

If no support order exists, and Nevada has subject matter and personal jurisdiction, a support order will be established.

A. OBLIGATION OWED TO STATE

By accepting public assistance, the applicant/recipient shall be deemed to have made an assignment to the Division of Welfare and Supportive Services (DWSS) of all rights to support from all persons responsible for the support of all members in the household. This is called Assignment of Rights (AOR).

Rights to support include but not limited to, accrued/unpaid support payments. The amount of support assigned cannot exceed amount of public assistance provided.

Any payment of public assistance creates a debt for support to the division by the NCP, whether or not the NCP received prior notice the child(ren) is receiving public assistance. Recommend an obligation based on the entire month if the family received public assistance. The debt to the state paying public assistance is repaid or reimbursed by the support due the family under a support order.

1. Division Entitled to Recover Support [NRS 425.360]

The division is entitled to the amount of support otherwise owed to a parent, a child's custodian or a child, up to the amount of public assistance paid. This entitlement applies to, but is not limited to, temporary orders for spousal support, family maintenance orders, and alimony orders.

The support debt to the state is the lesser of:

- the amount of public assistance paid;
- the amount due under an order for support;
- the amount due under the state formula; or
- the amount due under written agreement between the division and the NCP.

2. Recovery Only Without Existing Order

When a PA case closes without an existing support order, do not take action to establish a support order if the CST refuses continued child support services in writing.

B. REQUEST FOR CHILD SUPPORT SERVICES [45 CFR 302.33]

All IV-D services are available to any individual who files an application with the enforcing authority. In an interstate case, only the initiating state may require an application.

Federal regulations (45 CFR 302.36) require IV-D agencies to provide the full range of services in interstate cases as they would intrastate cases. Provide services to interstate cases in accordance with state policies.

Applications are not required from individuals receiving services under title IV-A, IV-E and Medicaid programs who have been referred to the IV-D program (see SEM 201). When the family is no longer eligible for public assistance, IV-D services will be continued unless the CST requests case closure pursuant to SEM section 214.1.

C. NEVADA INDIAN RESERVATION PROCEDURES

When a CST applies for child support services and the NCP resides on a Nevada Indian reservation but the enforcing authority does not have an agreement regarding service of process with the tribal government, the case manager must explain to the CST, due to Nevada's lack of jurisdiction on tribal land, that the case can only be monitored to see if the NCP moves off the reservation or becomes employed off the reservation. Enforcing authorities may refer the CST to the appropriate tribal court for assistance. Once a tribal order is obtained, all enforcement tools are used which do not require service of process on tribal land. If a tribal order is not obtained, the case must remain open and monitored for opportunities to serve the NCP away from tribal land such as the place of employment.

Do not attempt to serve NCPs on tribal land (in person or by mail), unless there is a formal agreement between the enforcing authority and the tribe specifically allowing this action. Prior to finalizing, an agreement must be approved by Central Office and the enforcing authority's legal counsel. Additionally, an agreement established between an enforcing authority and a tribe must include language applying the terms of the agreement to the Nevada Child Support Program as a whole and not just the local office. Offices may serve the NCP when not on tribal land such as the place of employment.



If there is an existing tribal order, the order must be treated as if it were from another state. Follow Full Faith and Credit procedures in SEM section 215. Refer the case to the appropriate state or tribal IV-D agency if a NCP resides on tribal land outside of Nevada as necessary.

The website link for additional information on Nevada tribal agencies is <http://www.bia.gov/WhoWeAre/RegionalOffices/Western/WeAre/Agencies/index.htm>.

#### D. UNBORN CHILD

State statute provides that all proceedings must be stayed until after the birth of the child, yet federal regulations at 45 CFR 303.4 (d) require states to establish a support order within 90 days of locating the alleged father. There is no exception for children that are not born yet.

If an applicant requests IV-D services on behalf of a child that is not yet born, provide the applicant with an application and instructions to return the completed application after the birth of the child. Explain to the applicant that legal action cannot commence until after the child is born. According to IV-A program policy, referral of cases in which the only child has yet to be born are postponed until after the birth.

An open case, in which the only child has not yet been born, whether received by referral or application, may only be closed pursuant to SEM section 214.1.

#### E. OBLIGOR RECEIVING PUBLIC ASSISTANCE

A child support debt may not be incurred by a parent or any other person who is receiving Temporary Assistance for Needy Families (TANF) pursuant to NRS 422A for the benefit of a dependent child unless a court finds that the parent or other person is purposefully unemployed. Any and all debts for support owed to any person incurred before the obligor began receiving TANF, regardless of accrual date, must be held in abeyance while the obligor is receiving TANF.

##### 1. Nevada Has Continuing Exclusive Jurisdiction (CEJ)

If Nevada has CEJ and an obligor is receiving TANF issued pursuant to NRS 422A on behalf of a child, a support obligation, including cash medical support, may not accrue for the assistance period and enforcement of current support must be suspended during the period the obligor is receiving assistance.

##### 2. Nevada Does Not Have Continuing Exclusive Jurisdiction

Do not enforce the order when Nevada does not have CEJ and an obligor is receiving TANF pursuant to NRS 422A. However, arrears will still accrue because Nevada lacks jurisdiction to modify the order. Notify the initiating jurisdiction that enforcement is suspended pursuant to state law.

##### 3. Spousal Support

Because the IV-D program only enforces spousal support if there is child support, do not enforce spousal support if the obligor is receiving TANF.

4. No Existing Order

In the absence of an existing support order, recommend a “zero” current support obligation. Additionally, recommend that the obligor be required to notify the enforcing authority within 10 days of TANF benefits terminating.

503 SUPPORT OBLIGATION TIME FRAMES

A. NINETY (90) CALENDAR DAYS FROM LOCATE [45 CFR 303.4]

Within 90 calendar days of locating the NCP or alleged father, and using diligent effort, the enforcing authority must establish a support order, including medical support and an arrears judgment as appropriate, complete service of process, or document unsuccessful attempts for service of process.

For service of process, diligent effort means using all appropriate mechanisms for serving legal process and repeating such attempts at least once every 30 days in cases where previous attempts have failed but adequate information exists to attempt service. The case manager must provide the process server with new information that will facilitate serving the obligor within 10 days of the information becoming available to the enforcing authority.

B. DISMISSED PETITION [45 CFR 303.4]

If a court or administrative authority dismisses a petition for a support order without prejudice, the case manager must examine the reasons for dismissal and based on those reasons, proceed promptly to obtain needed information or upon resolution of issue(s), petition the court or administrative authority to obtain a support order.

C. RESPONDING JURISDICTION MONITORING

If it has been 90 days from initiating a request to a responding jurisdiction for establishment of a support order and no order is received or correspondence providing status, the case manager must send a case status request to the responding jurisdiction.

D. LOADING ORDERS IN SYSTEM

Within 15 days of the enforcing authority receiving a filed support order, the case manager must enter the support order information into the automated system. Timely order entry is essential for proper accounting including distribution of support collections, arrears calculations, penalty and interest calculations and federal offset certification.

504 METHODS FOR ESTABLISHING AND CONTENTS OF SUPPORT ORDERS  
[NRS 125B.055 and 45 CFR 302.50]

Support obligations shall be established by order of a court of competent jurisdiction, order of an administrative process, or by stipulation. A support order is effective the date it is filed. The obligation is retroactive to the date the payment is due pursuant to the order.

For every support order issued or modified on or after October 1, 1998, the court must obtain, file in a confidential manner and provide the division the following information:

1. The names, dates of birth, Social Security Numbers and driver's license numbers of the parents of the child;
2. The name and Social Security Number of the child;
3. The case identification number assigned by the court;
4. The NCP's residential and mailing address;
5. The NCP's employer name, address and telephone number;
6. The NCP's health insurance policy information.

Each party shall update the above information filed with the court and the division within 10 days after the information becomes inaccurate.

504.1 STIPULATIONS

A NCP has three options when served with legal process. The options are not to respond, request a hearing or enter into a stipulation or agreement regarding the terms of the NCP's support obligation.

Stipulations may be initiated as a result of:

1. A request by the CST, NCP, or
2. Change of circumstances regarding the NCP's income or medical coverage for the child(ren), or
3. Review and adjustment.

Prepare a stipulation when the NCP is in agreement to the terms. Within 10 calendar days of obtaining the NCP's signature, the case manager must send a signed copy of the stipulation to the CST, or initiating jurisdiction if an interstate case, for review and signature. The custodian or initiating jurisdiction must be advised in writing that the enforcing authority may proceed with processing the stipulation unless a written objection is received by the enforcing authority.

If the custodian or initiating jurisdiction does not respond, the enforcing authority must set the case for hearing or, with attorney approval, proceed with processing the stipulation. The case must be set for hearing if any of the parties (CST, NCP or initiating jurisdiction) objects to the proposed stipulation.

In public assistance cases, a copy of the proposed stipulation must also be sent to the appropriate PAO within 10 calendar days of obtaining the NCP's signature. When the enforcing authority is the responding jurisdiction in an interstate case the proposed stipulation must be sent to the initiating, or out-of-state, IV-D agency on behalf of the CST. The initiating authority shall be allowed 10 days to provide the enforcing authority with any written objections to the proposed stipulation. If any of the parties (CST, NCP, initiating jurisdiction, or the appropriate PAO if a public assistance case) object to the signed stipulation, the matter must be set for court hearing.

A. CURRENT SUPPORT

When calculating current support, use the formula specified in NAC Chapter 425 and SEM 506(E). In no instance may a case manager make a finding of fact deviating from the formula unless stipulated to by both parties and approved by the enforcing authority's legal counsel.

B. ARREARS

The current monthly obligation to satisfy arrears must be at least 10% of the current periodic support obligation pursuant to SEM 506(F).

In addition, do not establish stipulations where accrued arrears obligations occur. This happens when only a portion of the current support is to be paid and the balance of the current support payment accumulates. Enforcement actions must be initiated to collect arrearages.

C. PRIVATE HEALTH INSURANCE

The parties may propose that a percentage of the cost be deducted from the current child support obligation if the NCP is paying the cost of insurance. If the CST is providing the insurance coverage, the parties may propose that a percentage of the cost be added to the NCP's obligation. Both parties must stipulate to the facts to justify the deviation to the court and the finding must be approved by the enforcing authority's legal counsel.

505 CHILD SUPPORT GUIDELINES [NAC 425, NRS 425.600 – 620, NRS 125B.080, 45 CFR 302.56]

A. GUIDELINES REQUIREMENTS

Federal regulations mandate states establish guidelines for setting and modifying support obligation amounts and to review the guidelines at least once every four years to ensure the guidelines result in appropriate child support obligations. The guidelines must, at a minimum, provide that the child support order is based on the noncustodial parent's earnings, income and other evidence of ability to pay that:

1. Take into consideration all earned and unearned income (gross monthly income) of the NCP;
2. Takes into consideration the basic subsistence needs of the noncustodial parent who has a limited ability to pay by incorporating low-income adjustments; and

3. Is based on specific descriptive and numeric criteria resulting in a computation of the child support obligation;
4. Provides for health care needs of the child (see SEM 206);
5. Provides that incarceration may not be considered voluntary unemployment in establishing or modifying orders; and
6. Provides that if income is imputed the specific circumstances of the noncustodial parent must be taken into consideration to the extent known, including such factors as the NCP's employment history, education, job skills and the local job market.

**B. REBUTTABLE PRESUMPTION TO DEVIATE FROM GUIDELINES**

The basic needs of a child are presumed to be met by a child support obligation which has been established pursuant to the guidelines. However, any child support obligation may be adjusted by the court in consideration of the specific needs of the child and the economic circumstances of the parties based upon the following factors and a specific finding of fact:

1. Any special educational needs of the child;
2. The legal responsibility of the parties to support other;
3. Value of services contributed by either party;
4. Public assistance paid to support the child;
5. The cost of transportation of the child to and from visitation;
6. Other necessary expenses for the benefit of the child;
7. The relative income of both households, so long as the adjustment does not exceed the total obligation of the other party; and
8. The obligor's ability to pay.

**C. CHILD CARE**

The court must consider the reasonable cost of child care paid by either or both parties and make an equitable division of those costs.

**D. SOCIAL SECURITY BENEFITS**

The guidelines regulation provides that, if a child receives Social Security benefits based on a parent's entitlement to federal disability or old-age insurance benefits, the court may adjust an obligor's child support obligation by subtracting the amount of the child's benefit. Accordingly, enforcing authorities must subtract such benefits from an obligor's calculated obligation when seeking to establish or modify an order.

E. SHARED AND SPLIT CUSTODY

In accordance with the guidelines regulation, if the parties have joint physical custody of a child, the enforcing authority must calculate the child support obligation of each party and recommend to the court that the party with the higher obligation pays the other party the difference between the two obligations.

If the parties have two or more children and each party has joint physical custody of at least one, but not all, of the children, the enforcing authority must calculate the total child support obligation of each party based on the number of children to whom each party owes a child support obligation. After each party's respective obligation is determined, offset the obligations and recommend to the court that the party with the higher obligation pay the other party the difference.

F. LOW-INCOME OBLIGORS

Federal regulations require that state guidelines take into consideration the basic subsistence needs of obligors who have a limited ability to pay by providing for a low-income adjustment. Nevada's guidelines regulation incorporates a low-income schedule for determining the obligation of noncustodial parents with gross monthly incomes less than 150% of the federal poverty level. The low-income schedule is adjusted annually based on changes in the federal poverty level (FPL). The low-income schedule is available here: <https://dwss.nv.gov/>. The FPL is typically updated in January each year and published in the Federal Register.

G. HISTORICAL PRESUMPTIVE MAXIMUM (Effective through January 31, 2020)

Exhibit 500-2 provides a table of historical presumptive maximum amounts used to calculate obligations through January 31, 2020.

506 ESTABLISH AND RECOMMEND SUPPORT OBLIGATION AMOUNTS [NRS 425.360, 125B.070 and 125B.080]

A. APPLICATION OF GUIDELINES

When establishing or modifying child support orders, enforcing authorities must calculate and recommend obligations pursuant to the child support guidelines regulation at NAC 425. The current guidelines may be viewed on the DWSS website. Case managers are responsible for knowing and understanding the guidelines regulation.

The guidelines regulation authorizes non-assistance parties to stipulate to a child support obligation that does not comply with the guidelines. To be binding, the stipulation must be in writing, set forth the monthly gross income of each party, specify what the obligation would be under the guidelines, and be approved by the court. Enforcing authorities may recommend an obligation the non-assistance parties have stipulated to, if all of the conditions required in the guidelines regulation have been satisfied. See SEM 504 for additional information regarding stipulations.

1. Determine Ability to Pay

Identify the NCP's ability to pay a support obligation by locating and verifying gross monthly income from **all** sources and assets. The NCP is the best source to obtain information and verification of gross monthly income. Every effort must be made to obtain monthly income information from the NCP.

Request the NCP provide a written statement of:

- a. Current gross monthly income, including Social Security Disability benefits (SSD);
- b. Total gross income over the past 12 months;
- c. Amount of regular child support payments;
- d. Current monthly living expenses; and
- e. Any other pertinent information regarding ability to pay support.

Pursuant to NRS 425.390, failure of the NCP to provide a written financial statement, under oath, upon demand of a IV-D agency is a misdemeanor. If the NCP swears falsely to a material fact in the written statement, the NCP is guilty of perjury.

2. Low-Income Obligors

If, after investigating, an NCP's ability to pay, the enforcing authority determines that an NCP's gross monthly income is less than the highest level of the low-income schedule (i.e., less than 150% of FPL), the enforcing authority must calculate and recommend an obligation based on the low-income schedule.

If investigation establishes that the gross monthly income of an NCP is below the lowest level in the low-income schedule (i.e., 75% of FPL), the enforcing authority may recommend an obligation based on the total economic circumstances of the NCP and balancing the NCP's need for self-support with the obligation to support the NCP's child.

B. GROSS INCOME

"Gross income" for purposes of determining a child support obligation is defined in the child support guidelines regulation. See NAC 425. Generally, gross income is the total amount of income from any source of a wage-earning employee or the gross income from any source of a self-employed person after deduction of all legitimate business expenses, but without deduction for personal income tax, contributions for retirement benefits, contributions to a pension or for any other personal expenses.

Gross income for determining a child support obligation does not include:

- Child support received
- Foster Care or kinship care payments
- SNAP benefits
- Cash assistance paid by a county
- SSI benefits
- Public assistance benefits
- Compensation for personal injury awards not intended to replace income.

**STATE REGULATION ADOPTED JANUARY 19, 2005**

Gross monthly income may be ascertained by actual income records, Employment Security Division (ESD) records, state or federal income tax returns or, if actual income information is unavailable or does not reflect the obligor's current earning ability and the obligor's occupation is known and no other documented factors suggest a higher or lower amount is appropriate, gross monthly income should be based on Occupational Employment Statistics (OES) as published by the Department of Employment, Training and Rehabilitation (DETR).

Information obtained from ESD records must be independently verified and documented in the case record (e.g., contact the employers listed in the ESD records). ESD records may not be released.

C. OCCUPATIONAL WAGE

If actual income records cannot be obtained, but the obligor's occupation is known, computation of the obligor's gross monthly income must be based on the Occupational Wage as published by DETR at <http://www.nevadaworkforce.com/?PAGID=67&SUBID=117> and pursuant to SEM 506(B).

D. NEVADA AVERAGE WAGE (NAW)

If an obligor's gross monthly gross income cannot be ascertained pursuant to SEM section 506 (B and C), calculate the obligation based on the Nevada Average Wage (NAW) provided in the table (Exhibit 500-3). Only impute income using the average wage if no other income information can be obtained. For past-due support determinations, use the monthly figure applicable to that calendar year. The NAW table is updated annually around July for the preceding year. Statewide Average Wage information is also available on the Department of Employment and Training's website at [www.nevadaworkforce.com](http://www.nevadaworkforce.com).

E. ESTABLISHING ARREARS (PAST-DUE SUPPORT) OBLIGATION AMOUNT

The duty of the NCP to provide child support exists with or without an order for support. Recovering past-due support is limited to the original IV-D application date, not to exceed the four-year statute of limitations. See SEM section 501(C).

1. Calculating Arrears - No Court Order

If a support order does not exist, and Nevada has subject matter and personal jurisdiction, a judgment for past-due support (arrears) must be established for all recipients of child support services (public and non-public assistance cases)



within the required federal time frames as specified in 45 CFR 303.4 and SEM section 503 (A).

Identify the NCP's gross monthly income from all sources for the period of time the arrears judgment must cover. The NCP is the best source to obtain information and verification of gross monthly income for the period of time necessary. Every effort must be made to obtain this income information from the NCP.

Request the NCP provide:

- a. Total gross income over the period in question (e.g., IRS tax forms);
- b. Proof of child support payments made, if applicable;
- c. Any other pertinent information regarding establishing the judgment amount.

Pursuant to NRS 425.390, failure of the NCP to provide a written financial statement, under oath, upon demand of a IV-D agency is a misdemeanor. If the NCP swears falsely to a material fact in the written statement, the NCP is guilty of perjury.

Calculate the arrears obligation pursuant to SEM 506(B) by applying the child support guidelines in effect at the time the arrearage was incurred.

2. Arrears Monthly Payment Amount - No Court Order

If there is no court order, the enforcing authority must recommend at least a monthly arrears payment amount according to the following chart:

ARREARS AMOUNT	RECOMMENDED PAYMENT	ESTIMATED PAYBACK TIME
\$500 to \$1,500	\$40	2 years
\$1,501 to \$2,500	\$60	3 years
\$2,501 to \$3,500	\$75	3.5 years
\$3,501 to \$4,500	\$100	3.5 years
\$4,501 and over	*calculate using the estimated payback time.	*4-5 years

3. Calculating Arrears - Single Support Order

The court ordered amount is calculated for periods in which support was not paid as ordered.

4. Calculating Arrears - Multiple Support Orders

For cases with multiple support orders, the following procedures must be followed to calculate the arrears:

a. Multiple Orders With Judgments

- 1) Obtain a certified copy of all child support orders, payment histories and the total amount due to date from each child support enforcement agency.
- 2) Start calculating the unadjudicated arrearages in the month following the most recent adjudication, using the highest ongoing current support amount. The unadjudicated arrears will continue to accrue in this amount until a controlling order determination is made by a tribunal.
- 3) The tribunal that determines the controlling order must state in the controlling order the total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited.
- 4) Commencing on the date a controlling order determination is made, interest and/or penalty will be governed by the laws of the state with the controlling order.

For example:

In January: State A enters an order for \$50  
 State B enters an order for \$100  
 State C enters an order for \$500

No payments are made on any of the orders.

June - State A obtains an arrearage judgment of \$300 for the time period of January through June.

As this is the most recent, and only, adjudication, unadjudicated arrears will begin accruing in July, in the amount of \$500 per month (the highest support obligation). The unadjudicated arrears will continue to accrue at \$500 per month until a controlling order determination is made by a tribunal.

MONTH	STATE A	STATE B	STATE C
JANUARY	\$50	\$100	\$500
FEBRUARY	\$50	\$100	\$500
MARCH	\$50	\$100	\$500
APRIL	\$50	\$100	\$500
MAY	\$50	\$100	\$500
JUNE	\$300 Arrears Judgment	\$100 No Arrears Judgment	\$500 (highest order) No Arrears Judgment
JULY	-----	-----	Adjudicated Arrears = \$300 Unadjudicated Arrears accrue at \$500 per month until controlling order determination is made.

b. MULTIPLE ORDERS WITHOUT JUDGMENTS

Obtain a certified copy of all child support orders and payment histories.

When there are multiple support orders existing for the same period of time, the highest ongoing current support amount is used to calculate the unadjudicated arrears.

For example:

1980 order entered in State A for \$200 per month;  
 1982 order entered in State B for \$700 per month; and  
 1983 order entered in State C for \$350 per month.

The arrears must be computed as follows:

\$200 per month from 1980 - 1981  
 \$700 per month from 1982 forward.

TIME PERIODS	STATE A	STATE B	STATE C
1980-1981	\$200	-----	-----
1982	(\$200) Unadjudicated Arrears = \$4,800 (\$200 x 24 months)	\$700 (highest order)	-----
1983	-----	\$700 (highest order) Unadjudicated Arrears accrue at \$700 per month until controlling order determination is made.	(\$350) -----

NOTE: As the ongoing support from both orders cannot be collected for the same time period, payments must be credited (dollar for dollar) toward the amounts due on all orders.

For example:

1980 order entered in State A for \$200 per month; and  
 1980 order entered in State B for \$700 per month.

If full payments are received by State A from 1980 forward, State A must also give the NCP a \$200/month credit against the \$200/month obligation. The reverse is also true. If full payments were received by State B from 1980 forward at \$200/month, State B must also give the NCP a \$200/month credit against the \$700/month obligation.

In the event Nevada's arrearage calculation does not agree with the calculations provided by the other state(s), the case manager must request the other state(s) obtain a judgment on arrears. The Nevada arrears calculation will be used until an arrearage judgment is received from the other state(s).

NOTE: See SEM section 603.2(D) regarding collection of interest.

5. Calculating Arrears - Child is Adopted

The relinquishment or termination of parental rights does not exempt the parent(s) from past-due support obligations, unless a court order specifies otherwise.

Calculate arrears using an existing order or, if no order exists, see subsection F, 1 and 2 above. The support obligation ends with the last month of public assistance, relinquishment, or parental termination filing; whichever comes first.

6. Providing Unreimbursed Assistance (URA) Information to the Court

The IV-D program is prohibited from establishing judgments or pursuing enforcement in the amount of URA. The following four scenarios are exceptions in which URA is required to determine arrears assigned to the State.

Total URA and/or the month-by-month breakdown of assistance paid will not be provided by enforcing authority staff, unless specifically requested by the Hearing Master in a court order and one of the following circumstances exist. Court ordered URA computations will be prepared and provided for the return court date.

**SCENARIO I - RESTORED FAMILIES**

Parties were separated for a period of time during which the CST and child(ren) received public assistance in an amount less than the NCP's obligation as calculated under State guidelines. The parties reconcile and come to court as a unified family unit. The CST waives right to unassigned arrears. The NCP will repay the debt assigned to the State in monthly "arrears only" payments.

When the amount of URA is greater than the accrued arrears, only the obligation amount may be retained to reimburse the debt to the State.

- Total URA may be requested for the majority of these types of cases. However, a month-to-month breakdown of URA may also be requested by the court. Cases with or without prior orders are not handled differently.

**SCENARIO II - ACKNOWLEDGMENT OF SUPPORT CONTRIBUTION**

NCP provided support in-kind to the CST (before summoned to court). Examples of support-in-kind include diapers, clothing, food or paying bills. CST acknowledges receiving such support in-kind while receiving public assistance. Neither party can quantify the dollar amount contributed, but both acknowledge it was furnished. The Court may give credit against arrears (to the extent obligation exceeds assistance paid).

Although support in-kind may not be considered when determining eligibility for public assistance, in the absence of a support order, it is relevant in determining arrears liability. To deny any credit for support in-kind diminishes the role played by the NCP.

- If the NCP requests credit for support in-kind in an amount less than 10% of the guideline arrears, no URA figures will be requested by the court.
- If the NCP is requesting credit for support in-kind for an amount more than 10% of the guideline arrears, URA may be requested for the next hearing.

These are only cases with no prior order.

### **SCENARIO III - URA RECOVERY WITHOUT PARTICIPATION OF CST**

CST receives public assistance from January 1991 through November 1991, then leaves the State. Years later the NCP is located and arrears are sought based upon the information available to the State which provided assistance. The petition indicates the parties separated June of 1989 and no money was received by the State providing assistance. NCP provides receipts for direct payments made during 1989 and 1990 and accuses the CST of lying and welfare fraud. URA is requested by the court for the months assistance was paid.

- Total URA with dates the child(ren) went on and off aid may be requested.

These are only cases with a prior order.

### **SCENARIO IV - RECOVERY ONLY WITH COURT ORDER AND NO CONTINUED SERVICES**

If the amount of URA is less than the arrears, the URA amount is needed to determine the arrears assigned to the State.

- Total URA with dates the child(ren) went on and off aid may be requested.

Enforcing Authority staff will continue to calculate and provide arrearage worksheets with new case referrals.

F. INCARCERATED OR INVOLUNTARILY INSTITUTIONALIZED OBLIGORS

If an obligor has no income or attachable assets while incarcerated, or involuntarily institutionalized for 180 consecutive days or more, an enforcing authority may recommend a monthly support obligation, including stipulations and default orders, that is below the minimum monthly child support amount specified in the low-income schedule of the child support guidelines..

When the enforcing authority recommends an order below the minimum monthly amount specified in the low-income schedule, the case record must contain evidence of the obligor's incarcerated status, evidence of the absence of income and assets, and the obligor's estimated release date.

If a child support obligation is reduced or set at less than the minimum amount during the period an obligor is incarcerated or involuntarily institutionalized, the enforcing authority must also recommend that beginning on the first day of the month following the release of the obligor, the child support obligation will increase to the higher of either the minimum monthly amount specified in the low-income schedule or the amount ordered prior to the period of incarceration.

507 NOTICE & FINDING OF FINANCIAL RESPONSIBILITY [NRS 425.3822, 425.3824 and 425.3826]

A. NOTICE ISSUANCE CRITERIA

If there is no existing support order, the case manager must issue and serve a notice and finding of financial responsibility upon the NCP pursuant to NRS 425.3822 within 90 days of locating the NCP.

The notice must be served upon the NCP in the same manner as a service of summons in a civil action or by certified mail, restricted delivery, return receipt requested.

B. NOTICE & FINDING OF FINANCIAL RESPONSIBILITY CONTENT REQUIREMENTS

The notice and finding of financial responsibility must include the following:

1. Name of CST;
2. Name of child(ren);
3. Recommended monthly support amount;
4. Amount of arrearages and recommended payment amount;
5. Private health care coverage requirements;
6. Plan for payment of support or participation in work activities, as applicable;

7. A statement advising the NCP:
  - a. May request a conference to discuss the amount of support or coverage for health care within 20 days of receiving the notice;
  - b. If the NCP objects to any part of the notice, the NCP must send a written request for hearing within 20 days of receiving the notice;
  - c. If no response is received within the 20-day period, the recommendation for support will be entered and approved by the court (default order);
  - d. Property will be subject to collection activities, including, but not limited to, withholding income, garnishments, liens, etc.;
  - e. Of the responsibility to notify changes in address or employment;
  - f. If there are any questions, the NCP may contact the child support office or consult an attorney;
  
8. A reference to NRS 425.382 to 425.3852 citations.

If no agreement is reached on the support or the health care coverage, a hearing must be held.

C. ADDITIONAL NOTICE CONTENT FOR PATERNITY ESTABLISHMENT

If paternity of a child(ren) has not been established per SEM section 400, a notice and finding of financial responsibility must also contain the following:

1. An allegation the NCP is the father;
2. Name of the other parent of the child;
3. Date of birth of the child(ren);
4. The probable period of conception;
  
5. A statement:
  - a. Of the right to genetic tests if denying paternity;
  - b. If there is no written response denying paternity within 20 days of the date of service, without further notice, the court will declare the NCP to be the legal father (default order).

508    ESTABLISHMENT HEARINGS

A.    RIGHT TO NOTICE OF HEARINGS

Individuals applying for or receiving IV-D services and individuals who are parties to the case must be noticed on all proceedings where a support obligation is established or modified (current or arrears).

B.    COPY OF ORDER OR NOTICE OF DETERMINATION

Within 14 days after issuance of a support order or determination there is no change in the amount of support, all parties must be sent a copy of the support order or determination.

C.    SERVICEMEMBERS CIVIL RELIEF ACT

The Servicemembers Civil Relief Act (SCRA) permits temporary stays of civil judicial and/or administrative proceedings whenever military service prevents a plaintiff or defendant in military service from asserting or protecting a right. Courts must grant a service member's request for a stay of proceedings under SCRA, unless the member's military service does not materially affect the member's defense.

Department of Defense regulations provide a service member must be granted leave to attend paternity establishment or child support obligation hearings, unless the member is deployed in a contingency operation or exigencies of military service require denial of such a request.

The SCRA is a necessary protective device for military service members during a time of conflict or training. It is not a shelter from facing legal and family responsibilities. Whenever a service member requests a stay, inquire about the reasons for the delay. If the service member is requesting a stay because the member does not have sufficient accrued leave or the resources to travel, then it may be possible to conduct a telephone hearing instead.

Additional information regarding the SCRA and child support proceedings involving military personnel is available in the OCSE website at [Working with the Military on Child Support Matters: Trainer Guide](#).



509 REPORTING ALLEGED PUBLIC ASSISTANCE FRAUD

If a NCP alleges fraud which could affect the establishment of support, the court master may direct the enforcing authority to make a referral to the Division’s Investigation and Recovery (I&R) Unit. In the event the court master directs an investigation of suspected fraudulent activities document the referral and it will be handled as a priority case by the I&R unit.

If a case is to be referred to I&R, the case manager must review both the IV-D and the IV-A contact entries (viewable in Ledgers) to see if a referral request has been submitted for the same issue within the previous 12 months. If no previous referral is found, the case manager should start a new I&R referral using the I&R Referral Review Guide (Exhibit 500-5) for the referral form and directives. Scan and attach supporting documentation to the referral email and notate the existence of the attachment on the I&R referral form (Page 2 of Exhibit 500-5). Send the referral to either [IRSouth@dwss.nv.gov](mailto:IRSouth@dwss.nv.gov) or [IRNorth@dwss.nv.gov](mailto:IRNorth@dwss.nv.gov) depending on the custodian’s address of record. I&R will notate the referral status and the name of the assigned investigator in IV-A contact entries which can be viewed by CSEP staff in Ledgers. The I&R investigators will send their findings to CSEP staff via email.

Referrals for the following counties are sent to I&R North:

Carson	Eureka	Pershing
Churchill	Humboldt	Storey
Douglas	Lander	Washoe
Elko	Lyon	White Pine
Esmeralda	Mineral	

Referrals for the following counties are sent to I&R South:

Clark	Lincoln	Nye
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If an allegation of fraud will be an issue at the court hearing, the case manager must notify the CST and request the CST’s presence during the hearing.

If the NCP’s fraud allegation has no bearing on the establishment of support, provide the NCP with the public information line number, (775) 684-0704, to make the fraud report directly.

Referrals for investigative actions may be made by the enforcing authority using the I&R Referral Review Guide found in Exhibit 500-5. In the event any Division employee receives a community complaint or anonymous call, all information is to be recorded on a referral form and forwarded to the appropriate I&R unit supervisor responsible for the subject area.

510 ARREARAGE WORKSHEET

- A. The automated system is used to determine a NCP’s debt to the State of Nevada. The case manager should refer to NOMADS Task Guide #D-07.00 for assistance in completing the arrearage worksheet on the system. Any case with a court-ordered obligation must have the obligation loaded in the system (refer to NOMADS Task Guide #D07.01 for order loading procedures). If there are any changes to an obligation or the arrears, the system must be updated.

Do not load any obligations or arrears balances in the system unless based on a court-ordered obligation. IN NO CASE WILL THE CASE MANAGER LOAD INTO THE SYSTEM A COMBINATION OF ARREARS COMPUTED FROM A COURT ORDER AND ARREARS COMPUTED FROM STATE FORMULA.

**B. ORDER MODIFICATION – TANF RECIPIENT AND CSEP  
STATE REGULATION ADOPTED JUNE 18, 2004**

After a court proceeding when a child support arrearage amount is modified, which affects the arrearage amount, and there is no information available to determine the arrears allocation, the system will prorate the new adjudicated court ordered child support arrearage amount between the Temporary Assistance for Needy Families (TANF) recipient and CSEP.

511 AUDIT WORKSHEETS

The available audit tools approved by Central Office are:

A. NEVADA AUTOMATED WORKSHEET CALCULATOR (NAWC)

NAWC was designed to facilitate audits from the State Legacy (WELF), County Ledgers and NOMADS systems into an automated audit worksheet.

B. NOMADS ARREARAGE WORKSHEET

The case manager should refer to NOMADS Task Guide #D-07.00 for assistance in completing the arrearage worksheet on the system.

512 NAWC AUDIT RULES/REQUIREMENTS

**BACKGROUND:** Welfare Legacy computer system TOPWELF is no longer maintained by programming staff. Payment information in TOPWELF history can no longer be accessed and some IV-D cases have disappeared entirely.

**DEFINITION:** Start URA (Legacy URA) is the balance determined to be owed to DWSS when TOPWELF conversion to NOMADS occurred. The URA was initially displayed on the NOMADS TURA screen until June 4, 2004 when the TURA screen was replaced with FURA. The Legacy URA displayed on FURA will represent the total Welfare Legacy debt to DWSS to be used for recovery.

**REQUIREMENTS:** Effective August 2, 2005, the Legacy URA currently displayed on FURA is considered frozen, and will no longer be updated by IV-D staff.

Audits will no longer be routinely performed at case closure (PA cases) unless requested in writing by either the NCP or CST.

The only time a case should be taken to court to request arrears owed DWSS is for recovery only. If the CST is receiving continued services the enforcing authority can request a judgment on the total arrears. The arrears for PA and former PA cases will be established by using federal regulations and state law.

DISTRIBUTION EXCEPTION REQUESTS: A Distribution Exception Request may be used to request monies from DWSS retained collections, or monies previously sent to Medicaid or Division of Child and Family Services (DCFS) as reimbursement. Effectively August 2, 2005, a NAWC audit must be completed before a distribution exception is requested. The NAWC audit must have interest enabled (not waived) for calculation from date of the latest child support judgment *or* from July 1981 (if the last judgment occurred prior to this date) (*NRS 99.040, NRS 125B.140*).

If a distribution exception request is warranted, prior to giving testimony in court to have retained money refunded to the NCP, Central Office must review and approve the request.

**EXHIBIT 500-1**

**STATE OF NEVADA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF WELFARE AND SUPPORTIVE SERVICES  
SUPPORT ENFORCEMENT PROGRAM**

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Date: \_\_\_\_\_

Case Name: \_\_\_\_\_

Case No.: \_\_\_\_\_

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**Your child(ren) \_\_\_\_\_**

**is/are receiving public assistance from the State of Nevada. Whenever public assistance is paid, the recipient assigns to the Nevada State Division of Welfare and Supportive Services all rights to support from any person responsible for the support of any family members for whom the recipient is receiving assistance.**

**This letter is to inform you legal action has been initiated on your case.**

**If you have any questions regarding this action, you may contact this office at the number provided below.**

\_\_\_\_\_  
Case Manager

\_\_\_\_\_  
Enforcing Authority

\_\_\_\_\_  
Telephone Number

**EXHIBIT 500-2**

<b>PRESUMPTIVE MAXIMUM AMOUNTS OF CHILD SUPPORT</b> Effective July 1, 2018 – June 30, 2019  NRS 125B.070  <i>Presumptive Maximum Amounts Increased 2.1% Pursuant to the CPI (All Items)                      Increase in Calendar Year 2017 (December-December) Published by the U.S. Department of Labor</i>		
<b>INCOME RANGE</b> If the Parent’s Gross Monthly Income is at Least	<b>But Less Than</b>	<b>PRESUMPTIVE MAXIMUM                      AMOUNT</b> <i>The Presumptive Maximum Amount                      the Parent May be Required to Pay                      per Month per Child Pursuant to                      Paragraph (b) of Subsection 1 is</i>
\$ 0	\$ 4,235	\$ 711
\$ 4,235	\$ 6,351	\$ 781
\$ 6,351	\$ 8,467	\$ 855
\$ 8,467	\$10,585	\$ 924
\$10,585	\$12,701	\$ 995
\$12,701	\$14,816	\$1,065
\$14,816	No Limit	\$1,138

**Notes:** Pursuant to Assembly Bill 27 of the 2003 Legislature only the Presumptive Maximum Amounts are adjusted annually.

The current presumptive maximum amounts are published on the AOC’s website at:

[https://nvcourts.gov/AOC/Administration/Budgets\\_and\\_Accounting/News/Presumptive\\_Maximum\\_Amounts\\_of\\_Child\\_Support/](https://nvcourts.gov/AOC/Administration/Budgets_and_Accounting/News/Presumptive_Maximum_Amounts_of_Child_Support/)

**EXHIBIT 500-3**

**HISTORICAL RECOMMENDED SUPPORT OBLIGATION  
 BASED UPON NEVADA AVERAGE WAGE**

EFFECTIVE DATE	MONTHLY GROSS INCOME	RECOMMENDED SUPPORT OBLIGATION BY NUMBER OF CHILDREN					EACH ADDITIONAL CHILD (+2%)
		1 (18%)	2 (25%)	3 (29%)	4 (31%)		
1/1/1995	\$2,142.31	\$385.62	\$535.58	\$621.27	\$664.12	\$42.85	
1/1/1996	\$2,237.93	\$402.83	\$559.48	\$649.00	\$693.76	\$44.76	
1/1/1997	\$2,318.07	\$417.25	\$579.52	\$672.24	\$718.60	\$46.36	
1/1/1998	\$2,446.73	\$440.41	\$611.68	\$709.55	\$758.49	\$48.93	
1/1/1999	\$2,527.33	\$454.92	\$631.83	\$732.93	\$783.47	\$50.55	
1/1/2000	\$2,612.18	\$470.19	\$653.05	\$757.53	\$809.78	\$52.24	
1/1/2001	\$2,683.85	\$483.09	\$670.96	\$778.32	\$831.99		
1/1/2002	\$2,755.05	\$495.91	\$688.76	\$798.96	\$854.07		
1/1/2003	\$2,858.22	\$514.48	\$714.56	\$828.88	\$886.04		
1/1/2004	\$3,006.29	\$541.13	\$751.57	\$871.82	\$931.95	\$60.13	
1/1/2005	\$3,141.54	\$565.48	\$785.39	\$911.05	\$973.88	\$62.83	
1/1/2006	\$3,244.28	\$583.97	\$811.07	\$940.84	\$1,005.73	\$64.89	
1/1/2007	\$3,413.45	\$614.42	\$853.36	\$989.90	\$1,058.17	\$68.27	
1/1/2008	\$3,475.07	\$625.51	\$868.77	\$1,007.78	\$1,077.27	\$69.50	
1/1/2009	\$3,455.36	\$621.96	\$863.84	\$1,002.05	\$1,071.16	\$69.11	
1/1/2010	\$3,437.03	\$618.66	\$859.26	\$996.74	\$1,065.48	\$68.74	
1/1/2011	\$3,484.43	\$627.20	\$871.11	\$1,010.49	\$1,080.17	\$69.69	
1/1/2012	\$3,529.85	\$635.37	\$882.46	\$1,023.66	\$1,094.25	\$70.60	
1/1/2013	\$3,573.57	\$643.24	\$893.39	\$1,036.34	\$1,107.81	\$71.47	
1/1/2014	\$3,620.28	\$651.65	\$905.07	\$1,049.88	\$1,122.29	\$72.41	
1/1/2015	\$3,699.89	\$665.98	\$924.97	\$1,072.97	\$1,146.96	\$74.00	
1/1/2016	\$3,805.10	\$684.92	\$951.28	\$1,103.48	\$1,179.58	\$76.10	
1/1/2017	\$3,907.37	\$703.33	\$976.84	\$1,133.14	\$1,211.28	\$78.15	
1/1/2018	\$4,067.53	\$732.16	\$1,016.88	\$1,179.58	\$1,260.93	\$81.35	

**EXHIBIT 500-4**

**DECLARATION OF CUSTODIAN OF MINOR CHILD  
TO CHANGE CHILD SUPPORT PAYEE**

STATE OF: }

COUNTY OF }

I, \_\_\_\_\_, under penalty of perjury hereby declare:

1. I understand this declaration is subject to the laws of the State of Nevada for the purposes and statements contained herein and that the statements contained herein, except where otherwise indicated to be upon information and belief, are based on my personal knowledge, are true, accurate and correct, are made under penalty of perjury, and if I am called to testify regarding the matters herein, I would testify consistently therewith

2. On \_\_\_\_\_, I obtained lawful physical custody of \_\_\_\_\_, a minor child(ren), and currently reside with aforementioned child(ren).

3. I declare under penalty of perjury under the laws of the State of \_\_\_\_\_, and County of \_\_\_\_\_ that the foregoing is true and correct.

\_\_\_\_\_  
(Signature) (Date)

**NOTICE**

Pursuant to NRS 125B.040(6), notice is hereby given to \_\_\_\_\_, the party ordered to provide child support for the above-mentioned child(ren), that future child support payments must be made payable to the above lawful physical custodian and sent to the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If the Nevada Division of Welfare and Supportive Services, or its designee, has been responsible for enforcing the child support order, payments must continue to be made through the State Collection and Disbursement Unit.

The transfer of this obligation for support remains in effect as long as the above named custodian retains physical custody of the child(ren) or a court orders otherwise.

**EXHIBIT 500-5**

**I&R Referral Review Guide**

The purpose of this guide is to ensure you provide a valid referral to I&R. FAQs are listed on the back of the page. Review the questions below and proceed to 'Identifying I&R Referral Reasons' as needed:

1. Were benefits received that the customer was not entitled to? If NO – do not refer for an overpayment. If YES:
  - Is total SNAP and or TANF over issuance in excess of \$125?
    - If yes, continue 'Identifying I&R Referral Reasons'.
  - If Medical was received and should not have been, continue to 'Identifying I&R Referral Reasons'
  - Exception: If the issue is related to forged, altered, or falsified documents (in a manner to benefit the customer), refer the case to I&R via approved referral process.
2. If I&R has verified a felony drug conviction or fleeing felon status, **do not refer**. I&R will complete the referral.
3. For SNAP allegations, has simplified reporting policy and reporting responsibilities been reviewed?
4. Has the case been pended or collateral contact been made to clarify the discrepancy?

If after reviewing questions 1-4 you still have questionable circumstances, evidence contrary to what was reported, and/or a potential overpayment (intentional or agency caused), identify the potential violation or issue using the chart below.

**Identifying I&R Referral Reasons**

<p><b><u>Household Composition</u></b></p> <ul style="list-style-type: none"> <li>- Is there supporting documentation or information to support the allegation?</li> <li>- Examples of supporting documentation:                     <ul style="list-style-type: none"> <li>○ Interfaces (Work #) show NCP with income in the home</li> <li>○ lease shows NCP in the home</li> <li>○ school district states school age child is not enrolled</li> </ul> </li> <li>- Was the customer required to report the change?</li> <li>- If there is no additional information other than a “hunch,” do not submit</li> <li>- Questionable SFU if 22 or older if strong <b>documentation</b> is present</li> </ul>	<p><b><u>Income</u></b></p> <ul style="list-style-type: none"> <li>- Is there supporting documentation or information to support the allegation?</li> <li>- Was this discovered on an interface?                     <ul style="list-style-type: none"> <li>○ If so, was the customer questioned?</li> </ul> </li> <li>- SNAP: Was the income mid-certification and due to exceeding 130%/200%?                     <ul style="list-style-type: none"> <li>○ If so, submit for Overpayment only</li> </ul> </li> <li>- <b>Do not refer</b> issues concerning cash contributions if the question is gift vs loan</li> <li>- Was the customer required to report the change?</li> </ul>
<p><b><u>Overpayment Only (OP)</u></b></p> <ul style="list-style-type: none"> <li>- Is the OP an agency error for TANF or FMC?                     <ul style="list-style-type: none"> <li>○ If yes, do not submit</li> </ul> </li> <li>- SNAP: Did the customer exceed 130% or 200% limits and fail to report?                     <ul style="list-style-type: none"> <li>○ If so, evaluate 10 – 10 – 13 (MS B-620)</li> </ul> </li> <li>- Only submit if estimated overpayment exceeds \$125.00</li> </ul>	<p><b><u>Miscellaneous</u></b></p> <ul style="list-style-type: none"> <li>- Paternity: the child has different last name from the mother yet the mother states she doesn't know who the father is</li> <li>- Self-employment/ business owned:                     <ul style="list-style-type: none"> <li>○ How was this discovered?</li> <li>○ Did we ask/pend customer for info?</li> </ul> </li> <li>- Trafficking – the customer stated they sell their EBT benefits.</li> </ul>



## Frequently Asked Questions

- 1- **What is the status of my referral?**
  - a. Check the CLOG. I&R will update the CLOG as the investigation advances through the process. The investigator assigned will be notated in the CLOG once case is assigned.
  
- 2- **Are there any types of referrals I should not send?**
  - a. Due to various reasons, the following referrals should not currently be sent unless there is **strong** documentation to support the allegation: Questionable cash gifts vs. loans, SFU where applicant is 22 or older, gut feelings, self-employment income where no documents would exist, or they claim they do not file taxes and should. Do not send: TANF and Medical agency error overpayments, drug felony convictions/fleeing felons verified by I&R.

### How to Send an I&R Referral

1. Complete the table below, Copy and Paste into the body of your email.
2. Send email to supervisor or lead for vetting. Subject line "I&R Referral"
3. Supervisor or Lead will verify validity of referral & forward to:
  - a. [IRSouth@dwss.nv.gov](mailto:IRSouth@dwss.nv.gov)
  - b. [IRNorth@dwss.nv.gov](mailto:IRNorth@dwss.nv.gov)

- **Note: Steps 2&3 do not apply to Child Support Enforcement referrals.**

<b>Referral Date:</b>	
<b>District Office:</b>	
<b>FSS Name and Phone Number:</b>	
<b>HOH Name/SSN</b>	
<b>Additional member(s) if needed:</b>	
<b>Has policy been reviewed (i.e. simplified reporting)?</b>	
<b>Is there supporting documentation? If yes, where is it located? If not in DIS, please attach</b>	
<b>Is the discrepancy only with the current application? If no, indicate cert periods affected (if known)</b>	
<b>Allegation (include names, SSN, addresses, and timeframes):</b>	