

NEVADA CHILD SUPPORT GUIDELINES SUB COMMITTEE PUBLIC MEETING TO DISCUSS THE DEFINITION OF PUBLIC ASSISTANCE IN ACCORDANCE WITH NRS 425.620.

The public meeting to discuss the definition of public assistance was brought to order by Kathleen Baker and Karen Cliffe at 9:03 am on Friday, September 24, 2021. This meeting was video conferenced via Microsoft Teams.

MEMBERS PRESENT:

Kathleen Baker, Washoe County District Attorney's Office
Karen Cliffe, Clark County District Attorney's Office

STAFF PRESENT:

Cathy Kaplan, Chief of Child Support Enforcement Program, Division of Welfare and Supportive Services (DWSS)
Kim Smalley, Social Services Program Specialist III, DWSS
Joy Tomlinson, Administrative Assistant IV, DWSS
Kiersten Gallagher, Social Services Manager, DWSS

GUESTS PRESENT

None

Agenda Item #1 – Call to Order and Roll Call

The public meeting to discuss the definition of public assistance was brought to order by Kathleen Baker and Karen Cliffe at 9:03 am on Friday, September 24, 2021.

Agenda Item #2 – Public Comment

Ms. Baker and Ms. Cliffe called for public comment. No public comment was given.

Agenda Item #3 – Discussion and recommendation on NAC 425.150 to determine if “public assistance” should be defined and if so, how to define it.

Ms. Cliffe stated the Clark County child support office is receiving quite a few rejects from the hearing masters, because many of their parties are receiving non-referable aid, such as, food stamps and medical. They have had issues with the stipulation language in 425.110(d). Ms. Cliffe stated that Cathy Kaplan was on board with redefining public assistance to only Temporary Assistance for Needy Families (TANF) cash. Ms. Cliffe did not want to define public assistance again, when it is already defined in the Nevada Revised Statute (NRS) 422A. Ms. Cliffe suggested changing “public assistance” in NAC 425.110 and 425.150 to “Temporary Assistance for Needy Families.”

Ms. Baker stated she agrees the change would be appropriate. This is what Washoe County has been looking at when they review stipulations. Because they are looking at right sized orders, she is wondering if they should have this section included more than TANF. She wants to leave room for adjustment factors that will benefit the parties as well.

Ms. Cliffe asked Ms. Baker if 2nd Judicial uses Petitioner or child's receipt of other types of public assistance to lower Respondent's obligations.

Ms. Baker stated sometimes they do. 2nd Judicial looks at adjustment factors as discretionary. They look at the overall amount of on-going child support and make an appropriate adjustment. She has seen 2nd Judicial use receipt of TANF to make an adjustment. However, with an obligor that is a higher earner and an obligee who is a low earner, should they allow the adjustment factors to be considered in this situation?

Ms. Cliffe stated this topic is something the committee should discuss. She stated the committee asked them to meet to discuss the definition of public assistance and believes the topic of adjustment factors is a topic the committee should be discussing. They are only clarifying the guidelines created and are not changing the guidelines until February 2024.

Ms. Baker stated they can bring the topic before the committee. When they are looking at the definition of public assistance in accordance with the guidelines, do they want to limit public assistance to only TANF?

Ms. Cliffe stated with the board definition of public assistance staying in the NAC, all the stipulations are getting rejected in Clark County because many individuals are on Medicaid and/or food stamps. She would like to change "public assistance" to "Temporary Assistance for Needy Families." Ms. Cliffe asked Ms. Kaplan for her input. Ms. Kaplan agreed with Ms. Cliffe and stated Ms. Baker brings up a good point. Does the committee really want to limit the definition?

Ms. Cliffe stated if the definition of public assistance is not limited, then parties are never able to enter stipulations because they are receiving some type of public assistance as defined by NRS 422A. The intent of this language was so parties would not stipulate to a support amount and detrimentally affect the State because they are on cash assistance. The committee did want to impact the State on repayment to Welfare.

Ms. Baker stated she agrees with Ms. Cliffe. She stated the committee also wanted to make sure the basic needs of the child are met. She suggested expanding the definition of public assistance to include TANF and Supplemental Nutrition Assistance Program (SNAP).

Ms. Cliffe stated stipulations in Clark County are being rejected because the hearing masters are looking at public assistance as defined by NRS 422A. This is affecting their program because now they have cases where paternity and child support obligations are not being established. They then must set the cases for hearing and this impacts the courts.

Ms. Baker asked Ms. Cliffe if she was suggesting to change the language in 425.110 and 425.150 from "public assistance" to just "TANF." Ms. Cliffe stated yes. Ms. Baker stated she is good with that change to the language.

Ms. Cliffe read new definition of NAC 425.110(d).

"(d) Contain a certification by the obligee that he or she is not currently receiving Temporary Assistance for Needy Families/cash assistance and has not applied for Temporary Assistance for Needy Families/cash assistance;"

Ms. Cliffe then read the new definition of NAC 425.150(d).

“(d) Any Temporary Assistance for Needy Families/cash assistance paid to support the child;”

Ms. Baker agreed with the changes to the language. Ms. Cliffe stated she would provide the changes to the committee at the next meeting.

Agenda Item #4 – Public Comment

Ms. Baker and Ms. Cliff called for public comment. Public comment was heard from Kim Smalley. Ms. Smalley asked if 425.110(d) needed to mirror 425.150(d) when defining public assistance. She suggested including TANF with the certification requirements in NAC 425.110(d), but leaving “public assistance” in NAC 425.150(d). Would this fix the issue?

Ms. Cliffe stated NAC 425.110(d) and 425.150(d) do not need to mirror each other. She stated they would bring this public comment up with the committee.

Agenda Item #5 – Adjournment

Ms. Baker and Ms. Cliffe adjourned the meeting at 9:25am.