

Meeting Minutes Draft

NEVADA CHILD SUPPORT GUIDELINES COMMITTEE PUBLIC MEETING TO REVIEW CHILD SUPPORT ENFORCEMENT GUIDELINES IN ACCORDANCE WITH NRS 425.620.

The public meeting to review child support enforcement guidelines was brought to order by committee chair, Kim Surratt at 9:00 am. on Friday, September 30, 2022. This meeting was video conferenced via Zoom Webinar.

MEMBERS PRESENT:

Kathleen Baker, Washoe County District Attorney's Office
Karen Cliffe, Clark County District Attorney's Office
Assemblywoman Lesley Cohen
Ellen Crecelius, Actuarial Economist, Division of Health Care and Financing and Policy
April Green, Family Law Section of the State Bar of Nevada
Charles Hoskin, Family Division of the Eighth Judicial District Court
Senator Keith Pickard
Lisa Swearingen, Deputy Administrator, Division of Welfare and Supportive Services (DWSS)
Kim Surratt, Family Law Section of the State Bar of Nevada

MEMBERS ABSENT:

Assemblywoman Mellissa Hardy
Senator Dallas Harris
Bridget E. Robb, Family Division of the Second Judicial District Court
Joseph Sanford, Churchill County District Attorney's Office
Jim Shirley, Family Division of the Eleventh Judicial District Court
Lidia Stiglich, Justice, Nevada Supreme Court

STAFF PRESENT:

Cathy Kaplan, Chief of Child Support Enforcement Program, DWSS
Angelise Washington, Social Service Program Specialist III, DWSS
Ryan Sunga, Deputy Attorney General (DAG)

GUESTS PRESENT

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 9:00 am. It was determined a quorum was present. Ms. Surratt reminded all committee members they must keep their cameras on for the duration of the meeting. Ms. Surratt also updated the committee that April Green filled Jack Fleeman's position on the committee.

Agenda Item #2 – Public Comment

No public comment was given.

Agenda Item #3 – Approval of Meeting Minutes (March 25, 2022 and May 20, 2022).

Ms. Surratt asked for a motion to approve the March 25, 2022, meeting minutes. Judge Hoskin made a motion to approve the meeting minutes. Ms. Baker seconded the motion. Motion passed unanimously.

Ms. Surratt asked for a motion to approve the May 20, 2022, meeting minutes. Judge Hoskin made a motion to approve the meeting minutes. Ms. Baker seconded the motion. Motion passed unanimously.

Agenda Item #4 – Discussion and recommendations on the Master Document for approved language changes. See Exhibit 1

No discussion or action on this agenda item. No vote was taken on this agenda item.

Agenda Item #5 – Discussion and recommendations on proposed reorganization and language changes to the NAC. See Exhibit 2 from Committee Member Sanford.

No discussion or action on this agenda item. No vote was taken on this agenda item.

Agenda Item #6 – Discussion and recommendations on formulas to address new possible administrative codes to calculate child support for parents with more than one child support order. See Exhibit 3 from Committee Members Pickard, Cliffe, and Sanford.

Ms. Surratt asked Senator Pickard, Mr. Sanford, Ms. Cliffe to present any changes that were made. Senator Pickard stated they did not have any updated language as they were finding it hard to come up with good language that addressed every scenario. He also stated the NVKIDS system does not include this scenario and would cause money to add to the new system. Senator Pickard asked if the agenda item could be tabled until the next meeting, to give them more time to prepare language and address all scenarios that would not impact the clients or DWSS.

Ms. Cliffe stated she agreed with Senator Pickard. She also stated that Judge Hoskin was part of the conversation as well. Ms. Cliffe stated they are trying to come up with language that balances the needs of the parties, DWSS, and the judicials.

Ms. Surratt asked if the request was to remove this item from the agenda and she could put it back on the agenda later. Senator Pickard asked Ms. Surratt if she could remove this item from the agenda and add it back on later.

No vote was taken on this agenda item.

Agenda Item #7 – Discussion and recommendations on the proposed language for NAC 425.115(3) for joint physical custody to change the language to one-half of the difference versus the full difference in child support values. See Exhibit 4 from DWSS

Ms. Surratt asked if anyone from DWSS was ready to give comment on this agenda item. Senator Pickard stated the committee has heard DWSS' concerns but does not believe this change will cause a mass change of people applying for public assistance. He stated this language change is a question of fundamental fairness to both sides.

Ms. Surratt asked if anyone from DWSS was ready to discuss this agenda item. Ms. Kaplan stated there was no additional information from DWSS. She stated she provided links from North Dakota for the committee to review.

Ms. Surratt asked if there was any other comment from the committee. Ms. Baker asked if this language only applied if both parties have joint physical custody of all their children. She stated if there was a situation where one party has primary custody of two children but joint physical with the other parent, it would be very difficult to figure out a calculation.

Senator Pickard stated the committee has already built-in discretion for the court for the different custody arrangements. He stated he would not want to limit the court's discretion in the other custody arrangements. Judge Hoskin stated he has a hard time understanding how this new language will be a better approach than what the courts have been doing previously. He stated the court would have the ability to right-size the order in different custody arrangements.

Ms. Green stated equalization of income and fairness issues are not the point when it comes to child support. She stated child support is for meeting the basic needs of the child. Ms. Green stated she believes this would impact Nevada children. She suggested the committee looking at the poverty numbers before making a change like this.

Ms. Surratt stated the entire committee has been based on looking at the poverty numbers. She stated in an abuse and neglect scenario this language would not apply. This language applies in joint physical custody arrangements, specifically when the child is in the payor's home fifty percent of the time. The payor deserves to be paying less money to the payee. She stated the comments the committee has received on this language has been from the payors who state they are paying more money when they have the child the same amount of time as the other party. Ms. Surratt stated this language change is trying to balance the needs of the payor as well.

Senator Pickard stated he really struggles that fairness for the parents should not be considered when looking at the child support obligation. He stated he understand the impulse to get more for the child in a low-income home. He also stated the whole child support system is based on fairness, specifically to those who are providing the income. Senator Pickard stated he is prepared to vote on this agenda item.

Ms. Baker asked how the courts would address a scenario where one party has joint physical custody of one child and primary physical custody of two other children. Ms. Surratt stated this language is only for joint physical custody arrangements. She also stated this is a very rare scenario and it would be up to the discretion of the court. Ms. Baker stated the committee needs to address

a split scenario where one party has joint physical custody of one child and primary physical custody of two children. She stated the committee cannot ignore this scenario.

Judge Hoskin asked if there was proposed language on this agenda or was it from several meetings back. Ms. Surratt stated the proposed language was from several meetings back. Judge Hoskin stated he would prefer to wait on voting on the language until he can review it. Ms. Surratt asked Senator Pickard to propose language to the committee at the next meeting. Senator Pickard stated he would have language ready.

No vote was taken on this agenda item.

Agenda Item #8 – Discussion and recommendations/clarification of NAC 425.025(1)(m), the inclusion of alimony in “gross income” in the regulations versus NAC 425.025(2) that does not exclude or deduct alimony paid from the obligor’s income. See Exhibit 5 from Committee Member Robb

No discussion or action on this agenda item. No vote was taken on this agenda item.

Agenda Item #9 – Discussion and recommendations on NAC 425.110(1)(d) to account for the possibility that TANF could have a name change in the future and the successor program names should be included. See Exhibit 6

Ms. Surratt asked for committee comments on this agenda item. Ms. Swearingen stated DWSS does not anticipate any changes to the name of the Temporary Assistance for Needy Families (TANF) program. Ms. Surratt stated the committee was trying to change the language in case the TANF program had a name change.

Ms. Surratt stated if DWSS is good with the committee adding TANF and does not anticipate the program name changing, then the committee can leave the language at that. Ms. Swearingen stated the TANF program has had its name since 2000 and would be comfortable with the language saying TANF.

Ms. Cohen stated the proposed language stated TANF or a subsequent program. Senator Pickard stated that since this is a standing committee if Congress ever changed the name of the TANF program the committee could meet to make that change in the language. Ms. Surratt stated she would remove this agenda item from future agendas.

No vote was taken on this agenda item.

Agenda Item #10 – Discussion and recommendations on the means for division of “medical costs” including whether the term “equitable” should be utilized for division. See Exhibit 7

Ms. Surratt asked the committee for any comments on this agenda item. No comments were made by the committee on this agenda item. Ms. Surratt stated she would remove this item from the next agenda. No vote was taken on this agenda item.

Discussion and recommendations on conflicting language between NAC 425.160(1) and 425.160(2). The obligation termination conflicts between the two paragraphs.

Ms. Surratt asked Ms. Kaplan if she would address this agenda item. Ms. Kaplan stated the obligation ends when the child turns 18 and can be prorated if they turn 18 at the beginning of the month. In subsection 2, the obligations do not end until the beginning of the following month after the child turns 18. She stated subsection 2 is written so the obligor has to pay for the emancipated child until the beginning of the next month.

Ms. Surratt asked if Ms. Kaplan had a proposal on which way she would like the language to read. Ms. Kaplan stated she would leave it up to the committee but wanted to point out the conflicting language. Senator Pickard asked if DWSS the child support obligation could automatically terminate when the child emancipates. Ms. Kaplan stated the NVKIDS system accepts the order to be prorated based on the day the child emancipates. Senator Pickard asked what the order would say to address an automatic termination. Ms. Surratt stated this question was not part of the agenda. Ms. Baker stated the only way for the system to automatically terminate the child support order is if there is only one child on the order. She stated the consistent approach would be to end the child support obligation a month after the child emancipates. Ms. Kaplan agreed with Ms. Baker.

Ms. Cliffe stated prorating child support would be difficult to enforce. She stated she would go with ending the child support obligation the month after the child emancipates, which is what Clark County has been doing. Ms. Baker stated Washoe County has been doing the same thing. Judge Hoskin stated it should go through the end of the month of the child's birthday. Assemblywoman Cohen stated she agrees as well. Ms. Surratt asked Ms. Cliffe if she could make the changes to the language to present at the next meeting. Ms. Cliffe stated she would work with Ms. Kaplan to prepare the language for the next meeting.

No vote was taken on this agenda item.

Agenda Item #12 – Discuss and approve ideas for future agenda items and the next meeting date/time.

Ms. Surratt asked if there were any additional agenda items to add for the next meeting. No additional agenda items were provided. Ms. Surratt stated she is looking for the next meeting to be held at the end of October. She stated she would hold off on setting the next date until she speaks with Mr. Sanford, since his agenda item is the last big piece the committee is looking at before they submit their changes to DWSS.

Ms. Surratt asked for an update from DWSS on posting the old recordings and meetings minutes. Ms. Kaplan stated she had thought the website had updated with all the old meeting recordings and meeting minutes. Ms. Surratt checked the DWSS website and verified that the website has been updated. Ms. Surratt provided the website link for committee members and the public to go to (https://dwss.nv.gov/Support/cs_guideline_committee/).

Agenda Item #13 – Public Comment

No public comment was given.

Agenda Item #14 – Adjournment

Ms. Surratt adjourned the meeting at 10:05am.