

**NEVADA CHILD SUPPORT GUIDELINES COMMITTEE PUBLIC MEETING TO  
REVIEW CHILD SUPPORT ENFORCEMENT GUIDELINESS 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 Kim Surratt, representing the Family Law Section of the State Bar of Nevada, at 1:08 p.m. on Friday, September 8, 2017. This meeting was video-conferenced between the Nevada State Legislative Building, 401 South Carson Street, Hearing Room 1214, Carson City, NV 89701 and Grant Sawyer State Office Building, 555 East Washington Avenue, Hearing Room 4412, Las Vegas, NV 89101.

**MEMBERS PRESENT:**

Kathleen Baker, Washoe County District Attorney's Office  
Karen Cliffe, Clark County District Attorney's Office  
Ellen Crecelius, Deputy Director, Department of Health and Human Services  
Senator Patricia Farley  
Assemblyman Ozzie Fumo  
Charles Hoskin, Family Division of the Eighth Judicial District Court  
Nova Murray, Deputy Administrator, Division of Welfare and Supportive Services  
Assemblyman Keith Pickard  
Bridget E. Robb, Family Division of the Second Judicial District Court  
Senator Michael Roberson  
Joseph Sanford, Churchill County District Attorney's Association  
Jim Shirley, Family Division of the Eleventh Judicial District Court  
Kim Surratt, Family Law Section of the State Bar of Nevada Dawn Thorne, Family Law Section of the State Bar of Nevada

**MEMBERS NOT PRESENT:**

Lidia Stiglich, Justice, Nevada Supreme Court

**LEGAL REPRESENTATION:**

Ryan Sunga, Deputy Attorney General

**GUESTS PRESENT – NORTH**

Jenelle Gimlin, Chief of Child Support Enforcement, Division of Welfare and Supportive Services (DWSS)  
David Castagnola, Social Service Program Specialist III, DWSS  
Cathy Kaplan, Field Operations Manager, DWSS  
Stephanie Lee, Administrative Assistant IV, DWSS  
Joy Tomlinson, Administrative Assistant III, DWSS  
Leandra Copeland, Program Analyst, Legislative Counsel Bureau

**GUESTS PRESENT – SOUTH**

Kiersten Gallagher, Social Services Manager, DWSS

### **Agenda Item #1 – Call to Order and Roll Call**

Kim Surratt called the meeting to order at 1:08 p.m.

Roll call was taken. All members present, except Judge Lidia Stiglich. Senator Patricia Farley and Senator Michael Roberson arrived after roll call.

### **Agenda Item #2 – Public Comment**

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

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

### **Agenda Item #3 – Approval of Meeting Minutes (August 10, 2017)**

Ms. Surratt called for committee to approve the meeting minutes from August 10, 2017.

Judge Bridget E. Robb motioned to approve meeting minutes. Judge Charles Hoskin seconded the motion. Motion passed unanimously.

### **Agenda Item #4 – Determine Committee Goals and Objectives**

Ms. Surratt opened the floor for members to discuss the goals and objectives of the committee.

Assemblyman Keith Pickard stated AB278 was passed to review, simplify, and apply additional guidelines. Suggestions can come from the materials provided at the last meeting including the Jane Venohr Vendor Report. Assemblyman Pickard would like to create a set of calculations that are fair to everyone and are simple enough a parent can do the calculations themselves.

Ms. Surratt said the committee should consider the 16 Recommendations on page 84-86 of the Jane Venohr Vendor Report as the base goals and objectives of this committee. The first recommendation can be ignored, as the forming of this committee covers the requirements of Recommendation #1. Recommendation #1 could be replaced with reviewing the statutes that are going to be replaced and determine which of those statutes need to exist.

Chief District Attorney, Karen Cliffe, agreed all 16 Recommendations need to be addressed. However, determining whether Nevada continues to use the percentage model or move to a shared income model needs to be prioritized.

*Video Conference disconnected from 1:14 p.m. to 2:15 p.m. due to loss of power in Las Vegas. Meeting resumed at 2:15 p.m.*

Ms. Cliffe continued by recommending the committee review which model Nevada is going use before moving forward with discussing the 16 Recommendations.

Judge Bridget E. Robb stated the committee should have a goal of ensuring child support enforcement will become uniform across the state. It was recommended to keep the enforcement from being dependent on the judicial officers.

Ms. Surratt asked if the committee is going to use the Jane Venohr's 16 Recommendations as an outline for the goals and objectives. It was suggested to use the 16 Recommendations as the format. Ms. Surratt stated within the 16 Recommendations there is a statement regarding assessing the income of both parties and questioned whether Nevada is going to move to a shared income model.

Ms. Cliffe referred to page 83 of the report which recommends reviewing the premise and basis of the Nevada Child Support Guidelines. On page 84, bullet point five, the report discusses some of the different states and how Nevada is distinguished in the consideration of an obligor's gross monthly income. Nevada is in the minority of States that do not consider both parties' incomes and this thought is woven throughout the recommendations. Deviations can be a problematic issue for Nevada because each hearing master or judge makes different decisions on a case by case basis because there is not a set standard.

Deputy District Attorney, Joseph Sanford, recommended determining the base guideline percentage and formula mentioned in Section three be a top priority. This should come before addressing what deviations should be applied and how much those deviations should be. The first consideration should be the determination of the base amount and the formula that is going to be used to determine it.

Judge Hoskin stated the guidelines seem to be heavily focused on the Child Support Enforcement Program and leave out what happens in the private sector and asked if the committee will define a custodial parent and noncustodial parent more specifically or accept the Supreme Court's definition. He is concerned the committee is limiting themselves to the 16 Recommendations. There is more to consider regarding child support than the enforcement portion of it.

Assemblyman Pickard said the idea of eliminating the distinction of custody and using parenting time arrangements has been mentioned. This then led to a discussion regarding child support and that under the current scheme people often ask for joint physical custody, not because they want the child(ren) but because they want to pay less money. If a shared income approach is used and parenting time was decoupled, there would be no worry about a distinction between primary physical custody and joint physical custody. Utah looks at parenting time and combined income when calculating child support. He suggested making child support something that can easily be calculated and complete cases efficiently.

Ms. Cliffe noted there are two types of percentages: net income and gross income. Nevada relies on the gross income when using the percentage model. The percentage model is the easiest for Nevada's program because the income of the other party is usually not available. Often only the custodial parent is working, which could result in the custodial parent paying the noncustodial parent. She will research what would be best for Nevada.

Ms. Throne said this is where the difference between Child Support Enforcement cases and private practice cases come in. In private cases, the standard operating procedure is shared custody so a shared income approach is used. Shared custody is a guideline in Nevada that was adopted thirty years ago.

Ms. Surratt stated the goal of this agenda item was to determine committee goals and objectives. The Committee could talk about Recommendation #2 as this is a big concept. In setting the goals and objectives, what kind of outside information is needed: presenters, information or both? Which State models should be looked at or how will research be presented in this meeting? Does someone want to make a motion on using these recommendations with any of these comments that have been made?

Mr. Sanford motioned to use the 16 Recommendations as initial goals and objectives for the committee with the understanding that additional topics could be added. Assemblyman Keith Pickard seconded the motion. Motion passed unanimously.

Ms. Surratt summarized the motion and stated the goals and objectives of the committee will use the 16 Recommendations, "Exhibit 44" of the Guideline Review on page 84, as a framework.

#### **Agenda Item #5 – Determine Process to Set up Future Meeting Dates**

Ms. Surratt asked if the next meeting should be in the North and South. Assemblyman Pickard motioned to meet in the North and South. Judge Robb seconded the motion. Motion passed unanimously.

Ms. Surratt inquired about a date for the next meeting. Ms. Murray stated the State could contact each member and schedule the next meeting based on the majority of members that can attend on a specific date. Ms. Surratt agreed with the process and asked if it would be sufficient for everyone to assess the agenda items and come to the next meeting with some opinions?

Assemblyman Pickard stated the concern is time for Ms. Murray to get the presentation together. Presentations can be done through electronic means as well. Assemblyman Pickard asked if Ms. Murray could have a presentation arranged in two weeks. Ms. Murray said other states would be contacted to potentially present at the next meeting.

Ms. Surratt asked Ms. Cliffe if Jeffrey Witthun, Director of the Clark County DA Family Support Division, could attend the next meeting and present Wisconsin's percentage model. Ms. Cliffe stated he would make himself available. Ms. Surratt asked Ms. Cliffe if Mr. Witthun is aware of the newest changes in Wisconsin. Ms. Cliffe replied his contacts are substantial and is sure he can obtain information regarding any changes.

Ms. Surratt proposed Jeffrey Witthun be tentatively placed on the agenda. If he is unable to make it, the agenda item will be declared dead. Ms. Surratt proposed "State Report of Alternative Models" be placed on the next agenda. Mr. Sanford seconded motion. Motion passed unanimously.

Ms. Surratt would like the committee to meet again in two weeks. The State will send out an email looking for the date that receives a majority of members able to appear. If two weeks does not work, the next meeting could be scheduled in two to three weeks.

Ms. Cliffe noted to Ms. Murray, in terms of obtaining a speaker, there are some states, including the District of Columbia, Georgia, Massachusetts, Minnesota and Tennessee that have changed their models to a shared income model. A presentation from any one of those states would be very beneficial. Mr. Sanford asked if no one is available to speak, if they will still be meeting.

Ms. Murray stated the next meeting potentially needs to include presentations from a state that changed their model, a high performing state, someone from the private bar, and the IV-D program. She said some IV-D representatives will be in Alaska two weeks from now for the Western Interstate Child Support Enforcement Council (WICSEC). Ms. Baker clarified the conference is from September 24-28.

Ms. Surratt said the meeting will be at the two to three week point. Judge Robb asked Deputy Attorney General, Ryan Sunga, if proxies are acceptable. Mr. Sunga stated yes. In fact, Assemblyman Fumo had a proxy in the first meeting. Assemblyman Fumo noted Assemblyman Tyrone Thompson attended in his stead.

Ms. Surratt indicated the notice is placed on the DWSS website and different methods of getting the notice out to more locations was discussed at the last meeting. Ms. Murray asked if this issue should be an agenda item since something has to be created to do it. If the agenda had a cover letter, everyone's staff could hand it out to people and it is a nice recruitment for the meeting. The agenda being posted by itself is clearly not working. Ms. Surratt clarified this agenda item was to determine process to set up future meeting dates. The notice falls under the process of setting up those meeting dates and the notice is critical to the entire procedure.

Mr. Sunga reiterated discussing the meeting notice can be included under the process for determining future meeting dates. He also offered to help Ms. Murray draft more specific agenda items for the upcoming meetings. Secondly, more can be done than what open meeting law requires. If there is a better notice that can be distributed to the public, it is allowed.

Senator Farley noted there are father's rights groups, mother's rights groups, et cetera out there and asked if there was a way to contact them. Feedback from these groups would be really helpful to understand how the impacts are affecting families.

Ms. Surratt stated at the last meeting different ways to get the information out to the public was discussed. Several members have access to listservs where the agenda can be posted. Somebody has to take on the duty and obligation of getting the meeting agendas out to these places.

Ms. Throne asked if the agenda could be posted at the Family Court and the self-help center. She also said the child support office would be an appropriate place to post the agenda.

Ms. Murray stated a medium is needed because this agenda does not work. A completely separate document needs to be created that is more public friendly. The new document could be available to the members to post on listservs. There are individuals in a Public Information Officers (PIO) capacity that can create a flyer for the public.

Mr. Sunga told the Committee an action item is recommended. This could be delegated to someone and specify what form will be used. Unfortunately, it is not on the agenda as an action item today. The Chair could place it on the next agenda as an action for discussion to determine the outlet to use when advertising this committee's work.

Judge Charles Hoskin asked if there are limitations on how to announce open meetings. Mr. Sunga confirmed there are no limitations. The safest way is to always do it through an agenda item so everybody knows.

Judge Hoskin said the committee could ask someone to create the new notice and each member can work on getting the notice out to the public through different means.

Assemblyman Pickard stated these are all in excess of the official notice and does not believe an action item is needed to solicit the notice. Each member should work on posting the official notice on top of posting the notice online. Mr. Sunga noted no one will get in trouble for giving too much notice.

Ms. Surratt suggested each member giving notice whether through listervs or other means once it is available.

#### **Agenda Item #6 – Open Discussion on Guidelines**

Mr. Sunga said Agenda Item #6 was not discussed. Ms. Surratt stated it was part of the same conversation for Agenda Item #7. He asked if Agenda Item #6 needs to be tabled and placed on the next agenda. Ms. Surratt stated, for the record, the Chair chose to not take any action on Agenda Item #6.

#### **Agenda Item #7 – Discuss and Approve Ideas for Future Agenda Items**

Ms. Surratt suggested to begin the next meeting with Recommendation #2 versus Recommendation #3.

Ms. Murray is unsure of how to start this undertaking. It was recommended she look at the other states, specifically the successful states that rank high in collections and other areas child support is measured. A report could be brought back showing what other state structures look like. It was also suggested obtaining this information from the other states and presenting it before the committee to help decide what model Nevada should use.

Judge Hoskin stated when reading through the materials one question kept coming to mind, is the model broke? If yes, then start looking at which states are doing it better. If not, find a way to approach the current model and move forward. The report has already compared other states, so the work is already done. Ms. Cliffe seconded what Judge Hoskin's suggestion.

Judge Robb noted the amount of deviations was strongly mentioned in the report. She objects to this as insurance premiums are routinely divided up and are one of the reasons why the deviations are so high. She suggested including a way to divide up the insurance premiums as part of the calculations in the formula which would eliminate it as a deviation and lower the number of deviations. Judge Robb is concerned that looking at the incomes of both households will lead to noncustodial parents receiving the child support.

Senator Farley asked if there is a maximum on the percentage. For example, take a non-custodial parent who makes more than the custodial parent; if they reach the maximum percentage, then they no longer have to pay child support past that amount or percentage. The primary parent is then put at the dependency of the court to collect additional items the child needs. He believes the state maximum is a low amount when raising children.

Ms. Surratt stated this was one of the reasons why private family law attorneys were included on this committee. The analysis with private cases versus the IV-D cases is very different. She believes Nevada is broken when it comes to the high income cases. For example, there is a father who has a child in California receiving \$1600 a month in child support. However, that same father has a child in Nevada receiving the maximum \$1400 in child support. So, there is one child that can afford to go to private school and attend extracurricular activities, but their half-sibling is unable do any of those things. Nevada does not need to match California or match other states. Nevada's percentages are askew with the presumptive cap amounts. Where the lower income parties are paying closer to 16% of their income in child support and the highest income owners are only paying 7% to 8% of their income. Those gaps are part of what needs to be addressed. The problem in answering the question "is it broke" is there is no ability to provide private case data and statistics for the review. The IV-D cases are easily traced through the software utilized. Private lawyers think it is broke. The numbers come out okay but only by accident. Okay is not sufficient. Which, as Judge Robb pointed out, are some easy fixes that will dramatically change a lot of outcomes. Her example was the medical insurance premiums. Another example is the \$100 minimum per child per month. When an individual is under the poverty level, \$100 is a dramatic percentage of income. That is a hard set number within Nevada's system that can easily be fixed when goals and objectives are met. There are two different problems and two different types of cases.

Senator Farley asked is there a state focusing on the best interest of a child? In a divorce, the focus of what is in the best interest of the child is usually lost. It never appears to go back to what is in the best interest of the child and then holding the parents responsible for continuing that based on income and not percentage.

Ms. Surratt stated in reading the materials that seemed to be one of the things to determine for goals and objectives. This is where grasping the difference between what the Federal government requires and balancing it with state policies is important. The Federal government looks at ability to pay, the parents and their incomes, et cetera. Nevada's statutes are written with the best interest of the child in mind. However, discretion is what causes some problems with the numbers working out.

Judge Robb explained the difference between Federal and State policy is Federal policy is aimed at keeping people off public assistance. The Child Support system is tasked with finding ways to do that. The question Senator Farley asked about the best interest of the child is so amorphous, it couldn't be studied from state-to-state because it is a case-by-case analysis. Objects need to build in flexibility where child support is calculated by the child or else a child who lives in Clark County is going to be treated differently than a child who lives in Elko. The system needs to be fair to all children in the State.

Assemblyman Pickard agreed with Judge Robb that these concepts are amorphous. However, the committee should have a willingness to keep their minds open. Considering multiple states is a good idea. Assemblyman Pickard likes how Utah's child support is calculated better than Nevada's and would like to ensure the committee keeps the children's best interests in mind and makes the policies uniform throughout the State.

Judge Hoskin was shocked to learn Nevada is the only state to have a maximum for child support. It was assumed every state had a maximum for child support and suggested Nevada could do something different with a maximum.

Assemblyman Pickard replied states that do not have a maximum are counterintuitive when looking at economic theory. If the cap is eliminated, then the total support will be reduced as it goes up. The purpose of child support is to ensure the reasonable and necessary expenses for rearing the child are met. The idea of standard living would remain the same as it had during the marriage of the parents.

Senator Farley stated once one or both parents realize there is a maximum, the negotiations begin and the best interest of the child stops. The amount of divisiveness between people was mentioned and how this process continues to make that grow. Senator Farley asked if there are states that have a model with productive family law results and productive families or broken families entering the divorce system resulting in productive co-parents afterwards.

Ms. Cliffe stated according to the report about 39 states use a shared income model. What they take out of it is unknown. The shared income model looks at the custodial parent's income, what comes into the household, any assets, income, et cetera. There are only three states using a hybrid system when looking at the best interest of the child and changing the model would change many aspects of child support enforcement.

Ms. Surratt asked what needs to be done for the next meeting to set agenda items. Is Nevada going to stay with percentages or not? The Committee had talked about collecting information from the top states and bringing the information back. How do we get there? What do we want to do to get there? Should the next meeting focus on that topic before moving on to the other topics?



Mr. Sanford believes this is a good idea. In preparation for today's meeting, a staff member prepared a comparison based on one of the exhibits in the report, specifically Exhibits 22, 23, 24, and 25 on pages 36 & 37 of the report. These compare the Nevada child support formula using the median earnings for males and females with different levels of education to other state formulas. The numbers were run through state provided child support calculators. Mr. Stanford hoped this would be a starting point for the type of information collected and reviewed by this committee in determining whether an income shared model is preferred or whether Nevada's current model is preferred. The first goal would be to determine whether the current formula provides enough support for the child. Secondly, is it fair to all the parties? Third, is it simple and easy to calculate and understand by the parties? The numbers used were the median numbers that individuals with less than a high school degree: \$19,427 for females and \$25,794 for males. The high level for graduate and professional degrees: \$51,667 for females and \$66,334 for males. This is the type of information that should be the starting point on deciding which formula is right in the most number of cases.

Ms. Cliffe suggested going back to the initial determination concerning moving forward and changing the model to something other than a percentage model. Perhaps the Committee should look at the burden on both the IV-D and family bar if the model were changed. When there is a family court order, stating Right vs. Osborne, whatever the custodial arrangement, the IV-D agency follows it. However, many IV-D cases lack a custody order. Moving to an income shared model, with various nights and various homes, without a court order to that effect would put a burden on a IV-D court to hear those cases.

Judge Robb suggested looking at this chart when establishing child support to see if this is the information available to the court. The more information required the harder it is to establish child support. The Committee needs to be careful about making establishment even more difficult.

Judge Hoskin stated the child support formula Nevada has now is simple. It is inconsistent when talking about the deviation factors. It meets the criteria and just has not been looked at in a long time. First, the Committee needs to determine what is wrong with the model and then fix it. Deviations allow judges to look at the facts and circumstances of each case and determine what is the best interest of the child, making that part of that child support order. Judge Hoskin asked if wholesale changes should be made or should some tweaks be made to make it better.

Assemblyman Pickard agreed. One of the questions that came to his mind was is the Committee deluding themselves by thinking any calculation is going to give a wildly different result. He would like to focus on some of the best interest issues and come to a system where no matter what the custodial arrangement is, Nevada can estimate what the child support is going to be. Assemblyman Pickard believes the custodial parent's income is relevant to the equation when looking at the best interest of the children. Maybe have the author of the report come in and give a brief presentation on whether or not the states she looked at were chosen for a particular reason. Having experts in from other state's programs present the strengths the weaknesses of their program versus Nevada's. This would give the Committee context and a sense of direction.

Ms. Surratt noted the report shows some analysis by the different types of models and groups states together. An analysis based on neighboring states so regionally the report was relevant. Also, it did address why certain states were chosen and what their relevance was for the analysis within the report. This is the weird dichotomy between what the Federal government looks at versus the State's perspective, which is less deviation, higher collection rates, and the success level. When looking at models, what the Committee likes does not mean it will meet the requirements of the Federal government. Ms. Surratt prefers to look at the whole balance of things. Ms. Surratt agrees with Ms. Cliffe's comments to analyze the IV-D Program.

Ms. Murray stated the Child Support program is building a new system and now is the time to make dynamic changes to the child support calculations. One option is to look at other states to see how they calculate it through their judiciary system.

Assemblyman Pickard agreed with Judge Robb's previous statement. He believes the Committee needs to address deviations and how to label them. Call it a consideration. He suggested working it into the formula and it becomes another input based on real numbers. This would make things a lot easier for the IV-D Program because now they are no longer considered deviation.

Senator Farley asked Assemblyman Pickard if the Utah model separates the custody agreement from the support. Assemblyman Pickard answered indirectly, yes. Utah looks at the income of both parents. Time is considered for a minor part of the equation. The calculations are done in court and the results are hard numbers in the end.

Ms. Surratt said the private bar was very adamant about being on this committee because Nevada is not getting consistency in child support orders. The IV-D cases get consistency because the same hearing master works on child support cases with the same DA's/Deputy. Private cases will have a different outcome than IV-D cases because judges base their decisions on different variables such as: spousal support, custody, assets, et cetera. The private bar and general public sees the inconsistency and does not understand why the outcome is so different from IV-D cases.

Senator Farley stated in the private practice there is always that threat, when an agreement cannot be made between the parties, of waiting to see what the judge decides. However, separating custody from child support may change the dynamics. Ms. Surratt said a significant number of custody disputes come about because it impacts the child support amount.

Judge Hoskin said when a parent mediates a custody resolution, they will come before the judge to ratify the resolution. However, once they are told the child support obligation in result of that mediation, the parent will generally no longer want to pay it. The parent will reveal their true intentions and judges want to know that.

Judge Robb stated one of the things mentioned is the presumptive cap/presumptive maximum payment. Nevada is the only state utilizing this. This was a legislative compromise because child support was an issue. The committee can look at the presumptive cap and find a way to make that cap more equitable or eliminate it all together.

Ms. Surratt reminded the Committee adjusting the presumptive maximum was supposed to be reviewed on a yearly basis to comply with the Federal government. The only yearly adjustments made were those made by the Supreme Court. Nevada's original formula was based off of Wisconsin. Wisconsin has since made changes to their formula.

Ms. Cliffe stated Mr. Witthun has provided the Wisconsin model and that consistency may be found in reevaluating the presumptive maximum payment and looking at how Nevada wants to approach deviations and health insurance costs without necessarily changing the guideline model Nevada is currently using. She recommended removing the presumptive maximum or taking a look at the model to provide more clarity in terms of cap versus deviation.

Mr. Sunga clarified for the record this discussion seems to fall under agenda item #7 or a combination of agenda items #6 and #7. Ms. Surratt confirmed the Committee is discussing Agenda Item #7: Discuss and approve ideas for future agenda items. Then, Ms. Surratt asked for a motion to place Recommendations #2 and #3 on the next meeting's agenda. Judge Robb motioned to add Recommendations #2 and #3 to the next meeting's agenda. Assemblyman Pickard seconded the motion. Motion passed unanimously.

Kim Surratt clarified these were the recommendations # 2 and #3 of Exhibit 44 of the Guideline Review.

Recommendation #2 states: Review the premise and basis of Nevada Child Support guidelines model.

- Why: This provides a foundation for other policy decisions.
- How: Review the premise and basis of the Nevada child support guidelines and other state's guidelines in Section II. Identify and review supplemental information if appropriate.

Recommendation #3 states: Determine whether the base guidelines percentages/formula should be changed.

- Why: The base guidelines percentages/formula should reflect the premise and basis of the Nevada guidelines model.
- How: Review the economic evidence on child-rearing expenditures in Sections II, III, and IV in the report and new studies of child-rearing expenditures as they become available.

Ms. Surratt asked if the committee would like to add any additional items to the next agenda.

Assemblyman Pickard asked Ms. Murray if it would be possible to obtain speakers/brief presentations on the other programs presented here. In addition, Assemblyman Pickard asked for someone who understands and can speak to the strengths and weaknesses of the state's program. Looking at Wisconsin, it appears they have brought in some additions. They also looked at split and shared placements to figure into the model. He would like someone that understands these changes whether it is from Ms. Murray's office or a practitioner out in the market place.

Ms. Murray asked if the Committee is looking for someone from those states to speak or if a presentation would suffice. Ms. Murray also asked when the next meeting would be. It will take some time to collect the information for the Committee. She is unsure if the other states will speak about the Committee's interest.

Ms. Cliffe suggested the Committee look at states who are performing well, receive insight from the Child Support Office, and someone from the private bar within the same county or state to give that perspective. In addition, talking to a state that went from a percentage to an income shared model.

Judge Hoskin asked Ms. Surratt if it would be appropriate to place Recommendations #5 and #7 on the next meeting's agenda to discuss for possible action. Those two are part of the discussion of how Nevada is going to move forward. Recommendation #6 needs to be on the agenda as well. Judge Hoskin moved that Exhibit 44 Recommendations #5-#7 be placed on the next meeting's agenda for possible action dealing with maximum and minimum payments and the self-support reserve. Judge Robb seconded the motion. Motion passed unanimously.

Ms. Surratt stated for the record the following recommendations will be placed on the agenda for the next meeting.

Recommendation #5: Eliminate the presumptive maximum amounts and replace them with a formula and provision consistent with economic theory and the economic data on child-rearing expenditures.

- Why: The presumptive maximum amounts are not consistent and economic theory nor is the evidence on consumer expenditures or expenditures on children. No other state provides for presumptive maximum amounts.
- How: Develop a tax-like table of percentages or schedule to address higher incomes, extend the presumptive formulas to incomes where the economic evidence of child-rearing expenditures is reliable, and provide that for incomes above this income, the highest amount is a presumptive floor rather than a presumptive cap.

Recommendation #6: Develop a self-supporting reserve or low-income adjustment like those used by other states.

- Why: Low-income adjustments require more policy decisions than reliance on economic data because of the balance between the needs of the custodial family and obligated parent. Many of the deviations were due to ability-to-pay issues. Many obligated parents do not have income or inconsistent earnings and limited employability. This impedes regular and full payments, and in turn, can result in enforcement actions (e.g., driver's license suspension) that impede earnings and contact with the child.
- How: Review the impact of varying levels of self-support reserves and low-income adjustments on support awards using the framework in Section VI. Is the resulting amount less than what is currently being collected? What can reasonably be ordered that will result in full compliance and financially benefit the child? Run case examples to ensure the transition from the self-support reserve/low-income adjustment is not abrupt.

Recommendation #7: Review the appropriateness of the minimum order and make changes if necessary.

- Why: The Nevada minimum order is much higher than those of most states. Application of the minimum order when there are three or more children often exceeds what low-income nonresidential parents can reasonably pay.
- How: Obtain more data and information about the circumstances in which the minimum order is applied. Is it usually applied to very low-income, obligated parents or due to other circumstances (e.g., a shared parenting adjustment)? Coordinate the minimum order with the self-support reserve/low-income adjustment.

The next agenda will include Recommendations #2, #3, #5, #6, and #7.

Mr. Sunga clarified for the record two different agenda items for the next meeting's agenda had been added. The first motion covered Recommendations #2 and #3 on one agenda item and Recommendations #5, #6, and #7 would be stated separately on the agenda.

Ms. Surratt suggested there would be three agenda items: Recommendations #2 and #3, Recommendation #5, and Recommendations #6 and #7. Ms. Surratt motioned for clarification on the agenda items. Assemblyman Pickard seconded the motion. Motion passed unanimously.

Ms. Murray stated the recommendations can be placed on the agenda and if the committee does not discuss them, they can be moved to the next meeting.

#### **Agenda Item #8 – Public Comment**

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

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

#### **Agenda Item #9 – Adjournment**

Ms. Surratt asked for a motion for adjournment. Assemblyman Pickard motioned for adjournment. Judge Robb seconded the motion. Motion passed unanimously.

The meeting adjourned at 3:58 p.m.