

RESPONSIBILITY FOR SUPPORT OF OTHER CHILDREN (Option A)

NAC 425.116 Determination of child support obligation in consideration of obligations to other children.

When calculating a base child support obligation, the court shall determine the total number of children for which the obligor has a court ordered obligation and apply that number of children in determining the base child support obligation, dividing the calculated base obligation equally across each child. When an offset is required under NAC 425.115, the offset shall not exceed the total obligation of the other party.

For example, if the obligor has four children, only one of whom is subject to the pending order, the Court shall calculate the obligation based upon four children, and then divide that number by four to determine the obligation in the present order. This provision shall not create a material change justifying an immediate review of an existing child support obligation, but the Court shall apply this adjustment to any otherwise-justified modification of child support occurring after the effective date of this subsection.

RESPONSIBILITY FOR SUPPORT OF OTHER CHILDREN (Option B)

NAC 425.114116 Determination of child support obligation in consideration of obligations to other children.

When determining a child support obligation for a party that is subject to one or more court ordered obligations to support other children, the court shall:

- ~~1. —The Court shall calculate~~when calculating a base child support obligation pursuant to NAC 425.115(2)~~of the obligor due for other children~~the court shall apply the total number of children for which the obligor shall have a court ordered obligation and divide the calculated portion equally for the children at issue.
- ~~2. when calculating a base child support obligation pursuant to NAC 425.115(3-4)~~the court shall determine both a (local) base child support obligation by determining the base child support obligation of the children at issue and a global base child support obligation by applying the total number of children for which the obligor shall have a court ordered obligation and dividing the calculated portion equally for the children at issue. When performing the offset, the court shall apply the local base child support obligation when the party is an obligee and the global base child support obligation when the party is the obligor.
- ~~1. —by adjusting an obligor's child support obligation based upon the total number of children as if all children were subject to the same order, not including children currently living with the obligor, so long as the adjustment does not exceed the total obligation of the other party.~~

For example, if the obligor has four children, only one of whom is subject to the pending order, the Court shall calculate the obligation based upon four children, and then divide that number by four to determine the obligation in the present order. This provision shall not create a material change justifying an immediate review of an existing child support obligation, but the Court shall apply this adjustment to any otherwise-justified modification of child support occurring after the effective date of this subsection.

RESPONSIBILITY FOR SUPPORT OF OTHER CHILDREN (Option C)

NAC 425.116 Determination of child support obligation in consideration of obligations to other children.

When determining a child support obligation for a party that is subject to one or more court ordered obligations to support other children, the court shall:

1. If calculating a base child support obligation pursuant to NAC 425.115(2), calculate child support for the obligor by applying the total number of children for which the obligor has a court ordered obligation and divide the calculated portion equally across the children of the obligor.

For example, if the obligor has four children, only one of whom is subject to the pending order, the Court shall calculate the obligation based upon four children, and then divide that result by four to determine the obligation in the present order.

2. If calculating a base child support obligation pursuant to NAC 425.115(3-4), calculate child support for the obligor by applying the total number of children for which each obligor has a court ordered obligation and divide the calculated portion equally across the children of each obligor, except that the court shall assure that in any offset, no obligor shall be required to contribute to the support of children of a co-parent for which they have no underlying obligation to support.

For example, if the first obligor has four children, though not all of whom are subject to the pending order, the court shall calculate the obligation based upon four children, and then divide that result by four to determine the obligation in the present order; likewise if the second obligor has three children, the court shall calculate the obligation based upon three children, then divide that result by three to determine the obligation in the present order; then, when considering the offset, the court shall adjust the obligation so that no obligor is contributing to the support of children for whom they have no underlying obligation to support.

This provision shall not create a material change justifying an immediate review of an existing child support obligation, but the Court shall apply this adjustment to any otherwise-justified modification of child support occurring after the effective date of this subsection.

RESPONSIBILITY FOR SUPPORT OF OTHER CHILDREN (Option D)

NAC 425.150 Adjustment of child support obligation in accordance with specific needs of child and economic circumstances of parties. ([NRS 425.620](#))

1. Any child support obligation may be adjusted by the court in accordance with the specific needs of the child and the economic circumstances of the parties based upon the following factors and specific findings of fact:

- (a) Any special educational needs of the child;
- (b) The legal responsibility of the parties for the support of others;
- (c) The value of services contributed by either party;
- (d) Any public assistance paid to support the child;
- (e) The cost of transportation of the child to and from visitation;
- (f) The relative income of both households, so long as the adjustment does not exceed the total obligation of the other party;
- (g) Any other necessary expenses for the benefit of the child; and
- (h) The obligor's ability to pay.

2. The court may include benefits received by a child pursuant to 42 U.S.C. § 402(d) based on a parent's entitlement to federal disability or old-age insurance benefits pursuant to 42 U.S.C. §§ 401 to 433, inclusive, in the parent's gross income and adjust an obligor's child support obligation by subtracting the amount of the child's benefit. In no case may this adjustment require an obligee to reimburse an obligor for any portion of the child's benefit.

3. When considering the legal responsibility of the parties for the support of others, the court must consider factors such as:

- (a) The number of children for whom the obligor is currently under an order to support;
- (b) The amount of total support being required of the obligor, including other orders for support;
- (c) The household makeup; (**Judge Hoskin can explain**)

➔ All children are to be treated equally regardless of birth order.