



BRIAN SANDOVAL
Governor

STATE OF NEVADA
DEPARTMENT OF HEALTH & HUMAN SERVICES
DIVISION OF WELFARE & SUPPORTIVE SERVICES

1470 College Parkway
Carson City, NV 89706
(775) 684-0500

RICHARD WHITLEY MS
Director

STEVEN H. FISHER
Administrator

PUBLIC HEARING NOTICE AND AGENDA
December 5, 2017

**NOTICE OF PUBLIC HEARING TO ADOPT CHILD SUPPORT ENFORCEMENT
PROGRAM MANUAL AMENDMENTS**

The Nevada Division of Welfare & Supportive Services (DWSS) will hold a public hearing in Carson City and Las Vegas on December 5, 2017 via video-conference to obtain comment and input from interested persons on changes to the Child Support Enforcement Program Manual.

Date: December 5, 2017

Time: 2:00 p.m.

Location: DWSS
Central Office
1470 College Parkway
Room 149
Carson City, Nevada

DWSS
Prof. Development Center
701 N. Rancho Drive
Training Room 5
Las Vegas, Nevada

AGENDA

***I. CHILD SUPPORT ENFORCEMENT MANUAL AMENDMENT:**

- *A. AN ENFORCING AUTHORITY MUST CONDUCT A REVIEW OF A CHILD SUPPORT ORDER IF THE PARENT OWING SUPPORT WILL BE INCARCERATED FOR MORE THAN 180 DAYS:** An amendment to an existing state regulation is proposed specifying that an enforcing authority must conduct a review of a child support order after learning that a parent who owes support will be incarcerated for more than 180 calendar days.

Pursuant to 45 CFR 303.8(b)(2) the State may elect in its IV-D state plan to initiate review of an order, after learning that a noncustodial parent will be incarcerated for more than 180 calendar days, without the need for a specific request from one of the parties, and, if appropriate, adjust the order in accordance with the state child support guidelines.

II. General Public Comments

* Indicates items on which action may be taken at the Public Hearing.

A copy of each State Plan and related documentation are available at DWSS.nv.gov. If you are unable to access these documents Please contact Kim Schlesener at 775 684-0504 or by e-mail at kschlesener@dwss.nv.gov.

Note: Testimony and written materials submitted during the Public Hearing will be considered. Persons wishing to comment on the SNAPET State Plan and/or policy changes may appear at the scheduled public hearing or address their comments in writing to:

**Administrator
Nevada State Division of Welfare and Supportive Services
1470 College Parkway
Carson City, NV 89706**

Written submissions should be received by November 16, 2017 to be given adequate time for copying and consideration at the Public Hearing. Persons wishing to comment may also appear at the Public Hearing on December 5, 2017.

A copy of this notice and the state plan/regulations/policy changes are available at the following locations for inspection and copying:

DWSS Central Office	1470 College Parkway	Carson City	89706
Las Vegas Belrose DWSS Office	700 Belrose St.	Las Vegas	89158
Reno DWSS Office	4055 S. Virginia	Reno	89502
Elko DWSS Office	1020 Ruby Vista Dr. #101	Elko	89801

MAILING DATE: **October 18, 2017**

PUBLIC HEARING POSTING LOCATIONS:

Health Division	4150 Technology Way	Carson City
DWSS Central Office	1470 College Parkway	Carson City
Elko DWSS Office	1020 Ruby Vista Drive, #101	Elko
Reno DWSS Office	4055 S. Virginia St.	Reno
Las Vegas Flamingo DWSS Office	3330 E. Flamingo, Suite 55	Las Vegas
Las Vegas Belrose DWSS Office	700 Belrose St.	Las Vegas
Las Vegas Henderson DWSS Office	520 South Boulder Highway	Henderson

In addition, this notice is posted on the Division's web site at <http://dwss.nv.gov/>.

*****IMPORTANT NOTICE*****

Mailing a copy of the DWSS public hearing agenda to any person who has requested one will not be continued unless a request for reinstatement on the mailing list is made every six months. NRS 241.020.

Persons with disabilities who require special accommodations or assistance at the meeting are requested to notify Kim Schlesener at the Nevada Division of Welfare and Supportive Services, 1470 College Parkway, Carson City, Nevada, 89706 or by calling (775) 684-0504 no later than five (5) working days before the public hearing.

**PROPOSED REGULATION
DIVISION OF WELFARE AND SUPPORTIVE SERVICES
CHILD SUPPORT MANUAL**

**PUBLIC HEARING FOR ADOPTION
DECEMBER 5, 2017**

Need and Purpose of Regulation:

An amendment to an existing state regulation is proposed specifying that an enforcing authority must conduct a review of a child support order after learning that a parent who owes support will be incarcerated for more than 180 calendar days.

Pursuant to 45 CFR 303.8(b)(2) the State may elect in its IV-D state plan to initiate review of an order, after learning that a noncustodial parent will be incarcerated for more than 180 calendar days, without the need for a specific request from one of the parties, and, if appropriate, adjust the order in accordance with the state child support guidelines.

The majority of federal and state prisoners are parents, and many have child support orders that were established before incarceration. Incarceration can result in the accumulation of high levels of child support debt because parents have little to no ability to earn income while they are incarcerated and reduced ability to pay off the debt when released. Nationally, studies find that incarcerated parents leave prison with an average of \$20,000 or more in unpaid child support, with no means to pay upon release. This accumulated child support debt is rarely paid. Research finds that uncollectible debt substantially reduces noncustodial parent earnings, which in turn reduces child support payments to their families. One study found that people released from jail are unemployed 9 weeks more per year and annual earnings are reduced by 40%. On the other hand, reducing uncollectible debt can increase payments.

In keeping with the underlying federal regulation, the goal of this proposed regulation is to increase consistent child support payments for children by setting child support orders based on the noncustodial parent's earnings, income, or other evidence of ability to pay, including for incarcerated parents. Children do not benefit when their parents engage in a cycle of nonpayment, underground income generation, and re-incarceration. Support orders modified for incarcerated parents, based on their current ability to pay, result in less debt accrual, more formal employment, more child support payments, and less need for enforcement after they are released.

Nevada Revised Statute 425.365 authorizes the Administrator of the Division of Welfare and Supportive Services to adopt such regulations as are necessary with respect to the Child Support Enforcement Program.

Financial Impact:

None.

Local Government Impact:

None.

Effective Date:

December 6, 2017

Proposed Regulation

(Matter in ~~red strikethrough~~ is material to be deleted. Matter in *italics* is new.)

Support Enforcement Manual (SEM) 213 – Review and Adjustment

State Regulation ~~Effective December 16, 2008~~ *Adopted December 6, 2017*

~~Every 36 months, upon request of either parent or if there is an assignment under Title IV A, and Nevada has Continuing Exclusive Jurisdiction (CEJ) over the child support order, the enforcing authority must conduct a review of the order.~~

The enforcing authority must conduct a review of a child support order over which Nevada has Continuing Exclusive Jurisdiction (CEJ):

- 1. Every 36 months upon the request of either party in a non-assistance case.*
- 2. Every 36 months if there is an assignment of support rights under Title IV-A.*
- 3. Upon learning that a noncustodial parent will be incarcerated for more than 180 calendar days.*

If the *calculated* current monthly child support amount meets the standard established by program policy, then the program must adjust the child support order by applying the state guidelines for setting and adjusting child support awards; and/or the child's health care needs must be provided for through health insurance or other means.