

**NEVADA CHILD SUPPORT GUIDELINES COMMITTEE PUBLIC MEETING TO
REVIEW CHILD SUPPORT ENFORCEMENT GUIDELINES 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 Nova Murray, Deputy Administrator for the Division of Welfare and Supportive Services at 1:00 p.m. on Thursday, August 10th, 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, Suite 5100, Hearing Room 4401, Las Vegas NV 89101.

MEMBERS PRESENT – NORTH

Kathleen Baker, Nevada District Attorney's Office – Washoe County
Ellen Crecelius , Expert in Economics and Child Support
Nova Murray, Division of Welfare and Supportive Services
Bridget E. Robb, Family Division of the Second Judicial District Court
Joseph Sanford, Nevada District Attorney's Association – Churchill County
Jim Shirley, Family Division of the Eleventh Judicial District
Lidia Stiglich, Justice of the Nevada Supreme Court
Kimberly Surratt, Family Law Section of the State Bar of Nevada

MEMBERS PRESENT – SOUTH

Karen Cliffe, Clark County District Attorney's Office
Tyrone Thompson for Ozzie Fumo, State of Nevada Assembly
Charles Hoskin, Family Division of the Eighth Judicial District Court
Patricia Farley, State of Nevada Senate
Keith Pickard, State of Nevada Assembly
Michael Roberson, State of Nevada Senate
Dawn Throne, Family Law Section of the State Bar of Nevada

LEGAL REPRESENTATION

Ryan Sunga – Deputy Attorney General

GUESTS PRESENT - NORTH

David Castagnola, Social Service Program Specialist III, State of Nevada Child Support
Jenelle Gimlin, Chief, State of Nevada Child Support
Cathy Kaplan, Field Operations Manager, State of Nevada Child Support
Danielle Loomis, Social Services Program Specialist III, State of Nevada Child Support
Stephanie Lee, Administrative Assistant IV, State of Nevada Child Support
Joy Tomlinson, Administrative Assistant III, State of Nevada Child Support

GUESTS PRESENT – SOUTH

Kiersten Gallagher, Social Services Manager, State of Nevada Child Support

Rebecca Lindelow, Family Support Supervisor, State of Nevada Child Support
Ben Graham

Agenda Item #1 – Call to Order and Roll Call

Nova Murray called the meeting to order at 1:00 p.m.

Roll call was taken. All members present, except Senator Patricia Farley who arrived after roll call. Assemblyman Tyrone Thompson was present in Assemblyman Ozzie Fumo's stead.

Agenda Item # 2 – Public Comment

Ms. Murray called for public comment in the south; no public comment.

Ms. Murray called for public comment in the north; no public comment.

Agenda Item #3 – Committee Charge & Administrator Directive

Ms. Murray stated the directive provided from Steve Fisher, Administrator for the Division of Welfare and Supportive Services (DWSS), describes guidelines, where they come from, and states guidelines are the formula for calculating child support. This committee is not designed to make changes to enforcement remedies. Any suggestions regarding enforcement remedies must go through the legislative session and request to change the Nevada Revised Statutes (NRS). The committee is strictly in place to create the formula for child support.

Agenda Items # 4 and #5 – Introduction of Guidelines Review Complete by Center for Policy Research and Introduction of Federal Guideline Requirements.

Ms. Murray introduced David Castagnola to discuss the Center for Policy Research data.

Mr. Castagnola stated the federal Social Security Act mandates each state to establish guidelines for determining child support awards or obligation amounts. For states to receive a Temporary Assistance to Needy Families (TANF) block grant, a state must have a child support program that complies with federal requirements. Guidelines can come from statute or administrative rule and must be reviewed and revised (if necessary) every four years.

The Federal Rule, published in the federal register on December 20, 2016, significantly provided guideline requirements as well as requirements of what a state must review. Guidelines must be specific, descriptive, include numeric criteria and result in a computation of the child support obligation. The guidelines need to be a mathematical formula based on all earnings/income of the obligor. Factors that could affect the formula include:

- Evidence of the *obligor's ability to pay or comply with the support order*
- Custodial parent's income
- Basic subsistence needs of the obligor with limited ability to pay by incorporating low-income adjustments
- Basis subsistence needs of the custodian (state's discretion)

If imputation of income is allowed, following factors must be taken into consideration for the obligor:

- Assets
- Residence
- Employment and earnings history
- Education, job skills, literacy
- Age and Health
- Barriers to employment
- Availability of employers willing to hire the obligor
- Prevailing wage level in the local community

Guidelines will need to address the following:

- How health care will be provided (i.e. private, public, and/or cash medical support)
- The state must specify incarceration and may not be considered voluntary or willful unemployment

Pages 494-496 and 515-530 of the Final Rule address the guideline requirements.

The Guideline Review Report completed in October 2016 by Economist Jane Venohr of the Center of Policy Research includes two main components as required by federal regulations:

1. Economic Analysis of Cost of rearing children
2. Case Data Analysis of Deviations for the State Formula – Federal Requirements state deviations must be limited and kept to a minimum.
 - This could be a challenge because the state does not have the ability to capture data on private caseloads. Information does not come through State. No way to get statistics. The committee can try to get a complete database.

New elements required by the recently revised federal regulations include:

- Analysis of labor market data by occupation and skill level for local job market. Factors that need to be considered are: employment/unemployment rates, hours worked, earnings by occupation, etc.
- Impact of guidelines on families with income below 200% of Federal Poverty Level
- Must include rates of default and the number of cases based on imputed income
- Rates of orders using low-income adjustment
- Comparison of payments on child support orders by case characteristics (i.e. high and low earnings, what is the rate individual cases pay in child support).

Mr. Castagnola stated the review process needs to include an opportunity for public input and specifically input from low-income parents. In addition, under federal rules the process must solicit the views and advice of the state IV-D Program.

Mr. Castagnola referenced *Review of the Nevada Child Support Guidelines* (Vendor Report) reported by Jane Venohr. In the vendor report, Nevada's current child support guideline structure and where Nevada falls as a percentage compared with other states is addressed. In addition, three models of determining child support obligations are explained:

1. The percentage of the obligor's income (only used by five states; including Nevada)
2. Shared income, considering income of both parents
3. Melson formula, (hybrid formula; only used by a couple states)

Report also includes cost of rearing children determined by:

1. USDA data
2. Rothbarth formula

Mr. Castagnola concluded with asking the members if there were any questions. There were no questions in either the North or the South.

Agenda Item #6 – Elect Chairperson by Majority

Ms. Murray stated the committee must move forward with electing a chairperson and asked the committee members for nominations.

Assemblyman Keith Pickard nominated Kimberly Surratt for Chair and Dawn Throne for Vice Chair. Senator Michael Roberson seconded the nominations. Ms. Murray took a vote; unanimous decision to elect Ms. Surratt as Chair and Ms. Throne as Vice Chair.

Agenda Item #7 – Approve Future Meeting Dates and Location

Ms. Surratt requested members to read all material before the next meeting and suggested the next meeting be held in two weeks (August 24, 2017). Ms. Murray stated she has the same accommodation (same locations as this meeting) scheduled for three weeks out (August 30th). Member discussion occurred regarding availability for 2 – 3 weeks out. Ms. Surratt stated the reading material includes in-depth data and it would be okay if the meeting is 3-4 weeks out. This will ensure everyone has enough time to read the material.

Senator Roberson suggested the committee schedule meetings similar to the LCB procedure. A member of the LCB contacts each member of a meeting to determine which date and time is

most convenient. Ms. Murray stated there are employees within DWSS to assist with scheduling.

Judge Bridget E. Robb motioned to have DWSS staff contact the members of the committee and find the date most acceptable to the largest amount of the committee members within 3-4 weeks. Ms. Murray seconded the motion. Motion passed unanimously.

Ms. Surratt asked for member comment on the structure of future meetings. Factors to consider are whether to video conference or be face-to-face, what location to have the meeting at, etc. Judge Charles Hoskin requested first meeting to all be face-to-face if feasible. Ms. Murray stated there is a budget in place for members to travel so an in person meeting can occur.

Judge Robb motioned to have the next meeting (organizational meeting) be held face-to-face. Ms. Murray seconded the motion. Motion passed unanimously.

Assemblyman Pickard motioned to have the next meeting in Las Vegas. Karen Cliffe of the Nevada District Attorneys Association seconded the motion. Motion passed by majority vote.

Ms. Surratt stated future meetings will be determined after first meeting is held in person.

Agenda Item #8 – Approve Guideline Review Committee Goals and Objectives

Ms. Surratt stated information needs to come from the committee regarding committee goals and objectives. Presentation from Mr. Castagnola provided the big picture breakdown to bring Nevada into compliance with Federal Requirements and modernize Child Support calculations. A more in-depth breakdown would include requirements from the December 2016 report and mesh with the review report from the Vendor Report. More specific topics include items such as: incarceration of parents, minimum child support calculation, etc.

Ms. Murray stated page 84 of The Vendor Report discusses 16 recommendations which Nevada should review. The committee can add or subtract from these recommendations but they are a good starting point.

Assemblyman Thompson recommended a date be set for which recommendations are completed to ensure efficiency.

Pursuant to statute recommendations on or before July 1, 2018, the committee shall review the existing guidelines established in the state for the support of one or more children and provide any recommendation for revisions to the administrator. Ms. Surratt suggested a draft must be completed by May 31st. This will allow time to assess the audit or guideline review report and the federal requirements for changes.

Assemblyman Pickard asked about open meeting laws and asked how much time is needed for public comment and review. Deputy Attorney General, Ryan Sunga responded 30 days are

required. Assemblyman Pickard suggested the draft of recommendations be completed by April 1, 2018. This will allow time for public comment before final draft is completed.

Ms. Murray stated additional time is not needed. The public is able to attend meetings in person, through video conference, or streamed online.

Assemblyman Thompson believes members of the committee need to complete additional outreach and go a step above. Individuals who will be affected by future recommendations and guidelines will not be used to seeing notices regarding the meetings.

Assemblyman Pickard agreed the committee must retrieve as much external input as possible. To retrieve input, per NRS 233B, the committee is required to publish and post proposed regulations for public comment for 30 days before a hearing.

Ms. Murray stated the process mentioned by Mr. Pickard above will happen when the draft makes it to Nevada Administrative Code (NAC). As the draft is brought to administrator and recommendations are made, the committee will follow adoption of regulations through the correct process and will allow for public comment.

Assemblyman Thompson asked if public comment will be allowed after the draft is presented to the administrator. Ms. Murray stated outreach happens throughout the process of setting guidelines into NAC. If a change gets in NAC and public comment leads to a disagreement with the changes, the draft is going to be kicked back.

Deputy District Attorney, Joseph Sanford, stated there will be two intervals where public comment will come from. The first will be while the committee is reviewing guidelines and is requesting public comment when recommendations are being created. The second interval will be after recommendations are complete and in the hands of the administrator. At that time, it will be out of the committee's hands and the committee will not have any input on additional public comments received. Mr. Sanford stated the committee should solicit public comment well before recommendations are sent to administrator.

Ms. Surratt stated, in terms of public outreach, she would like the committee to consider additional outreach because it is part of the committee's goals and objectives and will assist in the process of accomplishing them. Notices will go out on the Family Law list serve for the Family Law Section of the State Bar of Nevada. Additional posting suggestions were asked of the committee.

Judge Robb suggested legal service provider clinics could publish and have information for clientele. This meets some concern regarding the audience the notices will reach. For example: through private council, private attorneys, Washoe legal, legal service providers in Clark County, volunteer lawyers in rural Nevada, etc. Assemblyman Thompson stated faith based communities, nonprofit providers, radio stations, PSA's, and social media should be included.

Chief District Attorney, Karen Cliffe, stated she can commit to help clients and the public to be aware the committee is working on the outreach. Chief Deputy District Attorney, Kathleen Baker can work with clients and provide information as well. Ms. Murray stated she will solicit to county partners and state offices to assist. Mr. Sanford agreed Churchill County will do the same and he will contact other rural counties and administrator offices to provided information.

Judge Robb motioned to table the committee goals and objectives to future meetings. Assemblyman Pickard seconded the motion. Motion passed unanimously.

Agenda Item #9 – Approve Future Agenda Items

Judge Robb motioned to include the tabled discussion regarding the committee goals and objectives, the breakdown of plans of topics, and a date to address them on the next meeting agenda. Assemblyman Pickard seconded the motion. Motion passed unanimously.

Ms. Murray stated DWSS has staff that can facilitate future meetings. Items included creating the agenda, meeting minutes, and providing documents to committee members and the public.

Agenda Item #10 – Public Comment

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

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

Agenda Item #11 – Adjournment

Judge Robb motioned to adjourn the meeting. Assemblyman Thompson seconded the motion. Motion passed unanimously.

The meeting adjourned at 1:51 pm.