

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 1:05 p.m. on Friday, March 6, 2020. This meeting was video conferenced between the Legislative Counsel Building, 401 South Carson St, Hearing Room 2134, Carson City, NV and the Grant Sawyer State Office Building, 555 East Washington Ave, Hearing Room 4401, Las Vegas, NV. The meeting was also accessible via teleconference.

MEMBERS PRESENT:

Kathleen Baker, Washoe County District Attorney's Office
Elisa Cafferata, Deputy Administrator, Division of Welfare and Supportive Services (DWSS)
Karen Cliffe, Clark County District Attorney's Office
Ellen Crecelius, Actuarial Economist, Division of Health Care and Financing and Policy
Charles Hoskin, Presiding Judge of the 8th Judicial District Court
Senator Keith Pickard
Bridget E. Robb, Presiding Judge of the 2nd Judicial District Court
Lidia Stiglich, Justice, Nevada Supreme Court
Kim Surratt, Family Law Section of the State Bar of Nevada
Dawn Throne, Family Law Section of the State Bar of Nevada

MEMBERS ABSENT:

Assemblyman Ozzie Fumo
Assemblywoman Mellissa Hardy
Senator Dallas Harris
Lidia Stiglich, Justice, Nevada Supreme Court

MEMBERS PRESENT VIA TELEPHONE:

Joseph Sanford, Churchill County District Attorney's Association
Jim Shirley, Family Division of the Eleventh Judicial District Court

STAFF PRESENT:

Cathy Kaplan, Chief of Child Support, DWSS
Kim Smalley, Social Services Program Specialist III, DWSS
Joy Tomlinson, Administrative Assistant IV, DWSS
Rebecca Lindelow, Family Services Supervisor, DWSS
Kiersten Gallagher, Social Services Manager, DWSS
Don Winne, Senior Deputy Attorney General
Ryan Sunga, Deputy Attorney General

GUESTS PRESENT – NORTH

None

GUESTS PRESENT – SOUTH

None

GUESTS PRESENT VIA TELEPHONE:

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 1:05 pm. It was determined a quorum was present. Judge Robb arrived at 1:08pm and Judge Stiglich arrived at 1:17pm.

Agenda Item #2 – Public Comment

Ms. Surratt called for public comment over the telephone: no public comment.

Ms. Surratt called for public comment in Las Vegas: no public comment.

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

Agenda Item #3 – Approval of meeting minutes (June 28, 2018).

Judge Shirley motioned to approve the meeting minutes. Ms. Baker seconded the motion. Ms. Cafferata abstained from the vote as she was not on the committee for this meeting. Motion passed unanimously.

Agenda Item #4 – Review and update membership of the committee.

Ms. Surratt stated that each member is appointed for a term of four years. She stated if there is a vacancy, then that appointment will be made within 30 days of the vacancy. Ms. Surratt mentioned that Ms. Elisa Cafferata is replacing Ms. Nova Murray and Senator Dallas Harris is replacing Senator Nicole Cannizzaro. Ms. Surratt asked the committee to check the membership list and make sure their contact information is up to date. Any changes can be submitted to Joy Tomlinson.

Agenda Item #5 – Review Child Support Guidelines Committee’s statutory authority and scope of work. Discussion and recommendations for next steps.

Ms. Surratt stated that she wanted to review the language in AB278 regarding the committee’s authority.

- 2. Each appointed member serves a term of 4 years. Members may be reappointed for additional terms of 4 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.*
- 3. At the first regular meeting every 4 years, the members of the Committee shall elect a Chair by majority vote who shall serve until the next Chair is elected.*
- 4. The Committee shall convene on or before September 1, 2017 and shall meet at least once every 4 years thereafter. The Committee may also meet at such further times as deemed necessary by the Chair.*

Ms. Surratt stated that the purpose and legislative intent behind this bill was that the committee would continuously review needed changes to the guidelines and meet to continue a forward movement versus sitting stale within the guidelines. She stated the regulations went into effect February 1, 2020. Ms. Surratt mentioned the committee first met in August of 2017 and the four-year term is not up yet. She stated most of the committee's work was based on the audit done by Jane Venohr. She stated it would not make any sense for another audit to be done until the new regulations have had a chance to provide new data for the auditor. Ms. Surratt stated that one of the unanswered questions was the fact Ms. Venohr did not have any data from private cases for her analysis. She asked the committee members to be thinking of ways to get private data to provide at the next audit.

Ms. Surratt asked the committee if they had any questions regarding the committee's authority. Ms. Cafferata stated that her staff works very hard in the Child Support Program. She stated they have been very diligent on taking the regulations submitted by the committee and making sure they are adopted. She stated that we are not revisiting the regulations to make any changes to them right away as they just went into effect. Ms. Cafferata stated that she wanted to start the conversation on how the new regulations are being implemented and figure out if there are places where guidance or background needs to be provided.

Ms. Surratt asked Ms. Cafferata to give more information on how guidance can be provided on the existing regulations. Ms. Cafferata stated the Child Support Program has communications with the county administered programs, the state administered programs, the judges and hearing masters to keep everyone updated on where the Child Support Program is in the process of implementing the new regulations, as well as, provide any clarification that is needed.

Ms. Surratt stated that the committee can play an important role in the guidance that is provided. She stated that the committee members may receive many comments and questions from the Bar and the courtroom and can discuss those comments as a committee. Ms. Surratt also asked the committee to provide her any agenda items that discuss these comments and questions.

Ms. Cliffe asked Ms. Surratt what date the four-year term would end and what is the ability for members to be reappointed. Ms. Surratt stated her interpretation of AB278 is that the members serve four years at a time. She stated there is nothing in the language that prohibits members from serving more than one term. She also stated whatever body appointed each member can appoint someone different for that seat at the completion of that four-year term.

Agenda Item #6 – Discussion and guidance regarding the consideration of alimony payments and/or receipts in the setting or modifying child support orders pursuant to NAC 425.025 and 425.150.

Ms. Surratt stated the language that was placed in the regulations regarding alimony was not fully discussed by the committee and she wanted the committee to discuss alimony.

Ms. Throne stated if alimony is considered gross income for the recipient that it should be deducted from gross income from the payor. Ms. Baker stated it depends on if you are talking about two parents of the same child or if the child is from a second relationship. Then the alimony being deducted is not being received by the custodial parent in the second relationship. Ms. Baker stated

alimony could be considered a bill the payor has to pay, and bills are not considered except when looking at ability to pay. Ms. Baker stated she agreed with Ms. Surratt that it should be considered when looking at ability to pay.

Judge Robb asked if Ms. Surratt wanted to change the language in the regulations or was she just asking for the interpretation of alimony. Ms. Surratt stated she wanted to provide guidance to the public on how alimony fits into the current regulations. Ms. Surratt stated alimony is not spelled out in the regulations.

Judge Hoskin stated the committee needs to be cognizant that any changes made are clearer rather than difficult. Ms. Surratt suggested the committee keep an eye on alimony the next few years and the impact it has with the judges' decision.

Ms. Baker asked if someone is paying the alimony and how is that factored in. Judge Robb stated she agrees with Judge Hoskin and suggested the committee wait and see if the current definition of alimony causes any problems before they further define the meaning of alimony.

Agenda Item #7 – Discussion and guidance regarding shared parenting when setting or modifying child support orders pursuant to NAC 425.115.

Ms. Surratt stated this agenda item came from public comments presented at the public workshops. She stated the comments she heard were regarding joint physical custody. The regulations state the individual with the higher child support will pay the difference instead of one half of the difference in order to equalize the two. She stated she does not want to change the language right now but wanted to bring this to the committee's attention.

Senator Pickard stated he has had the same comments from attorneys that the committee had an opportunity to correct an error. It should be half the difference in order to equalize the two child supports. He encouraged the committee to think about making this change.

Ms. Surratt stated she would hold this agenda item and the committee will discuss this topic again when they feel they can make this change.

Agenda Item #8 – Discussion and guidance on how to calculate child support obligations in split-parenting cases pursuant to NAC 425.115.

Ms. Surratt stated this agenda item came from Senator Pickard. Senator Pickard stated many comments he received about the new regulations was regarding how the calculation for significant earners over multiple children is lower than the previous guidelines. He stated in practice the calculation for high earners with multiple children levels off a lot faster and he wanted to look at this a little more closely.

Ms. Surratt suggested getting the public's input on this and they can provide any areas people are having issues with.

Agenda Item #9 – Discussion and recommendations on the language in the mandatory notice in §20 of the current regulations pursuant to NAC 425.165.

Ms. Surratt asked Senator Pickard to present his suggested language change. Senator Pickard presented his suggested language change.

NOTICE: If ~~you want~~ a party wishes to adjust the amount of child support established in this order, ~~you~~ that party MUST file a motion to modify the order with or submit a stipulation to the court. If a motion to modify the order is not filed or a stipulation is not submitted, the child support obligation established in this order will continue until such time as all children who are the subject of this order reach 18 years of age or, if the youngest child who is subject to this order is still in high school when he or she reaches 18 years of age, when the child graduates from high school or reaches 19 years of age, whichever comes first. Unless the parties agree otherwise in a stipulation, any modification made pursuant to a motion to modify the order will be effective as of the date the motion was filed.

Ms. Surratt asked Ms. Cafferata for her input on this change. Ms. Cafferata stated she feels that the DWSS can suggest changing the language using Senator Pickard's suggestion. She stated there is blanket authority for grammatical and stylistic changes. Ms. Cafferata stated the committee could request the language be changed by the Legislative Counsel Bureau.

Judge Robb motioned the committee make a recommendation the language be changed pursuant to Senator Pickard's suggestion. Senator Pickard seconded the motion. Ms. Throne objected to the motion. Motion passed.

Agenda Item #10 – Discuss and approve ideas for future agenda items.

Ms. Surratt asked for agenda items for the next meeting. Ms. Cliffe asked to add an agenda item regarding the State releasing a low-income schedule for 5-10 children and make sure the State Bar is aware of it. She also brought up creating a calculation for cases that have more than 10 children. Ms. Surratt stated would add an agenda item to clarify the date timing for the low-income schedule.

Ms. Throne suggested adding serial parenting and split custody to the agenda again. Judge Robb suggested having staff collect data from other states on serial parenting. Ms. Surratt stated she would table serial parenting for a future agenda item to give the DWSS staff time to recover from the adoption of the new regulations. She also asked the committee to let her know when they have an idea on how to deal with serial parenting.

Ms. Baker suggested clarifying 425.150e.

Agenda Item #11 – Public Comment

Ms. Surratt called for public comment over the telephone: no public comment.

Ms. Surratt called for public comment in Las Vegas: no public comment.

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

Agenda Item #12 – Adjournment

Ms. Surratt called for a motion for adjournment and stated the next meeting will be approximately six months from this meeting. Judge Robb motioned to adjourn. Justice Stiglich seconded motion. Motion passed unanimously. Meeting adjourned at 1:51 pm.