

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 9:00 am. on Friday, March 25, 2022. This meeting was video conferenced via Zoom Webinar.

MEMBERS PRESENT:

Kathleen Baker, Washoe County District Attorney's Office
Margot Chappel, 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, Family Division of the Eighth Judicial District Court
Senator Keith Pickard
Bridget E. Robb, Family Division of the Second Judicial District Court
Joseph Sanford, Churchill County District Attorney's Office
Lidia Stiglich, Justice, Nevada Supreme Court
Kim Surratt, Family Law Section of the State Bar of Nevada

MEMBERS ABSENT:

Assemblywoman Lesley Cohen
Jack Fleeman, Family Law Section of the State Bar of Nevada
Assemblywoman Mellissa Hardy
Senator Dallas Harris
Jim Shirley, Family Division of the Eleventh Judicial District Court

STAFF PRESENT:

Cathy Kaplan, Chief of Child Support Enforcement Program, DWSS
Kiersten Gallagher, Social Services Manager, DWSS
Joy Tomlinson, Administrative Assistant IV, DWSS
Sharon Benson, Deputy Attorney General
Ryan Sunga, Deputy Attorney General

GUESTS PRESENT

Darlene Anderson
Giovanni Andrade
Yolanda Carroll

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 9:00 am. It was determined a quorum was present. Ms. Surratt reminded all committee members they must keep their cameras on for the duration of the meeting. Margot Chappell joined the meeting at 9:12am.

Agenda Item #2 – Public Comment

No public comment was given.

Agenda Item #3 – Approval of Meeting Minutes (February 18, 2022).

Ms. Surratt asked for a motion to approve the February 18, 2022 meeting minutes. Senator Pickard made a motion to approve the meeting minutes. Justice Stiglich seconded the motion. Motion passed unanimously.

Agenda Item #4 – Discussion and recommendations on the Master Document for approved language changes. See Exhibit 1

No discussion or action on this agenda item. No vote was taken on this agenda item.

Agenda Item #5 – a. Discussion and recommendations on proposed reorganization and language changes to the NAC. See Exhibit 2 from Committee Members Joseph Sanford and Jack Fleeman.

Ms. Surratt asked Mr. Sanford to present his and Mr. Fleeman’s suggested changes to NAC 425. Senator Pickard present his revised language. The new language reads:

NAC 425.XXX A court shall determine a total child support obligation of the obligor as the sum of:

- 1. The base child support obligation as determined by NAC 425.140 or NAC 425.140 as applicable;**
- 2. Any adjustments determined by the pursuant to NAC 425.150;**
- 3. Any equitable division of child scare costs determined pursuant to NAC 425.130; and**
- 4. Any equitable division of medical support determined pursuant to NAC 425.135.**

Ms. Surratt stated she liked the new language and prefers referencing the NACs through this new language. Senator Pickard agreed with Ms. Surratt and suggested leaving the language “that does not comply with such guidelines” in NAC 425.110. Senator Pickard stated he liked the language added to NAC 425.110(1)(d). Ms. Surratt stated the language in NAC 425.110(1)(d) was previously voted on by the committee and not a change Mr. Sanford made. Senator Pickard suggested adding language to NAC 425.110(1)(d) in case Congress changes the name of the Temporary Assistance for Needy Families (TANF) program.

Ms. Baker stated the medical support language in NAC 425.135 does not address who is paying the cost of the medical support. She stated the new language addresses medical support but does not address the medical support costs. Mr. Sanford stated he agreed with Ms. Baker and made a comment on the Word document version regarding the medical support language.

Senator Pickard stated in the past there were discussions about how insurance premium costs are not considered part of child support. He suggested making medical support, including premiums, be divided similar to child card. Ms. Baker stated the committee did have discussions about medical support and premium costs. She stated she would support having an equitable division of the insurance premium costs be added to the NAC.

Ms. Surratt stated she would have to create an agenda item for the committee to discuss changing the language for medical support. She asked if the committee had any other comments on Mr. Sanford's suggested language as it correlates with this agenda item.

Ms. Baker stated she support Mr. Sanford's language on NAC 425.XXX(4). Ms. Cliffe stated there were concerns with having a higher child support obligation and balancing ability to pay. She stated there were also concerns with using Administrative Enforcement Tools and deciding what the amount to enforce would be. Senator Pickard suggested defining medical support more clearly and add insurance premiums as part of the definition.

Ms. Cliffe asked Ms. Chappell if she was prepared to discuss the topic of medical support today. Ms. Chappell stated she would prefer to review the previous discussions the committee had on this topic and discuss it at the next meeting.

Ms. Surratt asked if there were any other comments on the language Mr. Sanford drafted. Ms. Cliffe stated there was a typographical error stating "child scare cost" instead of "child care cost" on page 10. Mr. Sanford stated he noticed that typo along with the typo on page 10 that stated, "NAC 425.140 or NAC 425.140."

Judge Hoskin stated he does not believe number three is necessary on page 10 as the committee voted to eliminate NAC 425.130 and incorporate it into NAC 425.140. He stated once the double reference to NAC 425.140 is corrected the language should be fine.

Senator Pickard stated there is a reference to NAC 425.130 in NAC 425.140 that needs to be fixed. Ms. Surratt asked if someone would make a motion to realign any reference to NAC 425.130 in the Master Document. Senator Pickard made a motion to realign any reference to NAC 425.130 in the Master Document. Judge Robb seconded the motion. Motion passed unanimously.

Mr. Sanford suggested moving the new language that is currently called NAC 425.XXX into NAC 425.130 and keep 425.130 so NAC 425.140 is not so confusing. Ms. Surratt and Senator Pickard stated they agreed with Mr. Sanford. Ms. Baker asked if the low-income schedule language should be moved to before NAC 425.140. Mr. Sanford, Ms. Surratt, and Senator Pickard agreed with Ms. Baker. Ms. Surratt suggested adding steps to the NAC 425.XXX so adjustments are included as part of calculation, but only after determining the child support obligation. Mr. Sanford stated he was concerned with putting an order to the calculations as the child support obligation may not be calculated correctly if it is not done in the order mentioned in the regulation.

Mr. Sanford asked the committee where they would like to move the new language he proposed (NAC 425.XX). He suggested moving the language after NAC 425.100. Ms. Surratt suggested moving the language before NAC 425.100 and have it listed as NAC 425.050. Judge Robb stated medical support should be addressed before child care costs. Ms. Surratt stated she would work with Mr. Sanford on the next rendition of the language for the next meeting.

Agenda Item #6 – a. Discussion and recommendations on formulas to address serial parenting. See Exhibit 3 from Committee Member Senator Pickard.

Ms. Surratt asked for discussion on this agenda item. Senator Pickard presented the formula on how to address serial parenting to the committee. He stated the serial parenting calculation only arises when there are two or more child support orders in affect at that time. Ms. Cliffe stated the goal was to equalize the payments the cases would receive.

Judge Robb asked what to do with a child support order that is not issued in the State of Nevada or not enforced in the State of Nevada. Ms. Cliffe stated they would reach out to the initiating jurisdiction that requested Nevada enforce on their behalf and encourage a modification. She stated they would consider that child as there is a court ordered obligation. Judge Robb asked if the IV-D Program is always asked to enforce if there is an out of state child support obligation. Ms. Cliffe stated they would not have the case if the initiating jurisdiction did not ask the State of Nevada to enforce the case. She stated there are cases where the parties did not seek the IV-D Program's services. Judge Robb stated the committee needs to be cognizant of cases that fall outside of Nevada's enforcement parameters.

Ms. Surratt stated when they draft language for the serial parenting calculating, the committee needs to be careful not to touch modification language that is out of the scope of the committee. Ms. Chappell stated DWSS sees some potential issues arising from this serial parenting language and asked that the Deputy Attorney General be able to review the language when it is drafted.

Judge Hoskin stated he wanted to make sure this new language for serial parenting still meets the needs of the children involved as the child support obligation is spread across multiple cases. Senator Pickard stated the committee needs to consider the payor's need to maintain their life while paying child support. He stated this is a balancing question and he is okay with it.

Ms. Cliffe asked if it would help to add language that says the serial parenting calculation is discretionary. Ms. Surratt stated she likes the idea of adding that language. Judge Robb stated the committee needs to make sure all children are treated the same in the State of Nevada. Mr. Sanford stated he approached this language by looking at how much money could be provided to the children in a serial parenting situation. Ms. Cliffe stated she can see the serial parenting calculation impacting families across the board.

Ms. Surratt stated she would keep this item on agenda for the next meeting. She asked Senator Pickard, Ms. Cliffe, and Mr. Sanford to work on drafting language for serial parenting based on the comments received from the committee.

b. Public Comment

No public comment was given.

Agenda Item #7 – a. Discussion and recommendations on the proposed language for NAC 425.115(3) for joint physical custody to change the language to one-half of the difference versus the full difference in child support values.

No discussion or action was taken on this agenda item. No vote was taken on this agenda item.

b. Public Comment

No public comment was given.

Agenda Item #8 – a. Discussion and recommendations on the proposed language for NAC 425.115(4) for scenarios in which a parent has primary physical custody of one child each.

Ms. Surratt asked Ms. Baker if she could propose language for the next committee meeting. Ms. Baker stated she would propose language to the committee. Ms. Surratt stated she would keep this item on the agenda for the next meeting.

b. Public Comment

No public comment was given.

Agenda Item #9 – Discussion and recommendations/clarification of NAC 425.025(1)(m), the inclusion of alimony in “gross income” in the regulations versus NAC 425.025(2) that does not exclude or deduct alimony paid from the obligor’s income.

Ms. Surratt asked Judge Robb to work with her on language for the next meeting. Judge Robb stated she would help with language. Judge Hoskin and Senator Pickard volunteered to help if needed.

b. Public Comment

No public comment was given.

Agenda Item #10 – a. Discuss and approve ideas for future agenda items and the next meeting date/time.

Ms. Surratt stated she would add an agenda item regarding discuss on 425.110(1)(d). She stated she would add an agenda item regarding equitable splitting of medical costs and regarding 425.100’s low income table not meeting the needs of the children.

Ms. Chappell asked that an agenda item be added to vote on the Chair for the committee, as the rules for the committee state the Chair needs to be voted on every four years.

Ms. Surratt stated the next meeting would be held on April 29, 2022 at 9am.

Agenda Item #11 – Public Comment

No public comment was given.

Agenda Item #12 – Adjournment

Ms. Surratt adjourned the meeting at 11:02am.