

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 9:01 am. on Friday, December 9, 2022. This meeting was video conferenced via Zoom Webinar.

MEMBERS PRESENT:

Karen Cliffe, Clark County District Attorney's Office

Assemblywoman Lesley Cohen

Ellen Crecelius, Actuarial Economist, Division of Health Care and Financing and Policy

April Green, Family Law Section of the State Bar of Nevada

Charles Hoskin, Family Division of the Eighth Judicial District Court

Cathy Kaplan, Chief of Child Support Enforcement Program, Division of Welfare and Supportive Services (DWSS)

Sarah Molleck, Washoe County District Attorney's Office

Senator Keith Pickard

Bridget E. Robb, Family Division of the Second Judicial District Court

Joseph Sanford, Churchill County District Attorney's Office

Kim Surratt, Family Law Section of the State Bar of Nevada

MEMBERS ABSENT:

Assemblywoman Melissa Hardy

Senator Dallas Harris

Jim Shirley, Family Division of the Eleventh Judicial District Court

Lidia Stiglich, Justice, Nevada Supreme Court

STAFF PRESENT:

Angelise Washington, Social Service Program Specialist III, DWSS

Joy Tomlinson, Administrative Assistant IV, DWSS

Kiersten Gallagher, Social Services Manager, DWSS

Rebecca Lindelow, Family Services Supervisor, DWSS

Ryan Sunga, Deputy Attorney General

Sharon Benson, Deputy Attorney General

GUESTS PRESENT

Adam Hughes

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 9:01 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. Sarah Molleck was a proxy for Kathleen Baker. Cathy Kaplan was a proxy for Lisa Swearingen. Ms. Green joined the meeting at 9:03am.

Agenda Item #2 – Public Comment

No public comment was given.

Agenda Item #3 – Approval of Meeting Minutes (September 30, 2022).

Ms. Surratt asked for a motion to approve the September 30, 2022, meeting minutes. Senator Pickard made a motion to approve the meeting minutes. Mr. Sanford seconded the motion. Assemblywoman Cohen requested the minutes consistently reflect the titles of Assemblywoman Cohen and Ms. Surratt. Ms. Molleck and Ms. Kaplan abstained from voting on the minutes. Motion passed.

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

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

Agenda Item #5 – Discussion and recommendations on proposed reorganization and language changes to the NAC. See Exhibit 2 from Committee Member Sanford.

Ms. Surratt asked for discussion or motions on this exhibit. She stated the changes being considered at this meeting are in green. Senator Pickard asked if 425.XXX is being left to LCB to number. Ms. Surratt stated in the affirmative. Senator Pickard made a motion to approve the changes to Exhibit 2 that are listed in green. Ms. Cliffe seconded the motion. Ms. Molleck abstained from voting. Motion passed.

Agenda Item #6 – 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. See Exhibit 3 from Committee Member Pickard.

Ms. Surratt asked Senator Pickard if he had any discussions on this agenda item. Senator Pickard stated he asked for opinions from opposing council, and they were supportive of the change. He stated the committee will have the majority of the bars support on this agenda item.

Ms. Green stated the proposed calculation is designed to reduce the child support obligation when there is a significant difference in income between the parties, but at what cost. Anecdotally the majority of family court litigants are working for people. This effort to help higher earning parties will be at the expense of Nevada's children. That money, however small it is, pays bills and children need that money for everyday expenses. This change will be at the expense of the most vulnerable.

Ms. Molleck proposed removing the “half of” terminology. And leaving the very last line, “subject to adjustment pursuant to NAC 425.150.” She stated individuals who are represented by attorneys can argue these adjustment factors to the judge. It gives the judge the discretion to make the proper order. She stated children are getting lost in these changes. Child Support is not for the benefit of the parents; it is for the benefit the child.

Judge Robb stated the last two speakers have not had the benefit of the discussions that took place at the beginning of the committee. She stated the federal government has requested Nevada right-size child support obligations. She stated this is not a matter of taking money away from the children. The current formula is in error. This is a matter of equity. She stated she supports this change.

Senator Pickard stated he has heard the comments, that this is due process. These are subject to adjustments. The hearing masters do a pretty good job of right sizing the obligations. He stated the committee needs to rely on the good faith of the hearing masters and judges to right size. He stated he agreed with Judge Robb that this should have been done in the first instance. He sees this as a correction.

Ms. Cliffe stated, as a member of the committee since inception, she agrees with Legal Aid and the Washoe County District Attorney’s office. Ms. Surratt stated Legal Aid and the DAs, ignore the fact that the committee is talking about a person that has the children in their home 50 percent or 60 percent of the time. The payor may be paying so much child support that they can’t pay their bills or put food on the table. She stated the payors are just as important as the recipients.

Ms. Surratt asked if there was a motion on this agenda item. Senator Pickard made a motion to approve the language in Exhibit 3. Judge Robb seconded the motion. Six members approved the motion, and four members opposed the motion. Motion passed.

Agenda Item #7

There was no agenda item #7 listed on the agenda. Agenda goes from item #6 to item #8.

Agenda Item #8 – Discussion and recommendations on conflicting language between NAC 425.160(1) and 425.160(2). The obligation termination conflicts between the two paragraphs. See Exhibit 4 from Committee Member Cliffe.

Ms. Surratt asked Ms. Cliffe to present the changes that were made to NAC 425.160(1).

Ms. Cliffe deferred to Ms. Kaplan on the background of the changes. Ms. Kaplan stated the language originally read if there is one child, the obligation terminates the month following the date the child reaches the age of 18. However, if there are other children on the order, the obligation terminates the following day the additional children turn 18. Ms. Kaplan stated there was conflicting language on when the child support obligation ends and when a child emancipates. DWSS proposed updating the language to align NAC 425.160(1) and NAC 425.160(2).

Ms. Surratt presented the language change to read as follows in italics:

1. Except as otherwise provided by law, if an order pertains to only one child, *the child support obligation is terminated beginning on the first day of the month following the date on which*

the child reaches 18 years of age or, if the child is still in high school, when the child graduates from high school or reaches 19 years of age, whichever comes first.

Ms. Green stated she agrees with the changes. Senator Pickard and Ms. Molleck agreed with the proposed changes.

Ms. Surratt asked if there was a motion to adopt the proposed changes. Ms. Molleck made a motion to adopt the changes. Senator Pickard seconded the motion. Motion passed unanimously.

Agenda Item #9 – Discuss and approve ideas for future agenda items and the next meeting date/time.

Ms. Surratt stated she would incorporate all the language changes that were voted on today in the master document. She will submit the Master Document to DWSS. DWSS will hold a couple of public hearings before the language goes to LCB for formal drafting and approval. Ms. Surratt stated the changes will not happen until after the Legislative session. Ms. Surratt stated if the committee would like to hold any meeting from now until the public hearings, they will need to keep in mind that several members of the committee are Legislative members and LCB will not be able to hold the meetings.

Ms. Surratt asked if there are any new agenda items that need to be added. Judge Hoskin asked that the committee clarify the cap for the appellate courts. He stated he would provide the information to Ms. Surratt to add to any future agenda. Ms. Surratt asked if it was an item the committee needed to address for the record or an edit that is needed to the language. Judge Hoskin stated he did not want to speak for the whole committee, but it is something the committee needs to discuss. Ms. Surratt asked Judge Hoskin to provide her the information. Mr. Sanford stated the case is Matkulak v. Davis, 138 Nevada Advance Opinion 61. Ms. Surratt stated she would add the item to the agenda.

Ms. Surratt asked if there were any objections to submitting the master documents with all the changes voted on to date. Senator Pickard stated he agreed that Ms. Surratt should submit the language changes that have been voted on to date. Ms. Surratt stated she would set a meeting after the new year to discuss the case.

Agenda Item #10 – Public Comment

No public comment was given.

Agenda Item #11 – Adjournment

Ms. Surratt adjourned the meeting at 9:34am.