

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 9:04 am. on Friday, November 19, 2021. This meeting was video conferenced via Microsoft Teams.

MEMBERS PRESENT:

Kathleen Baker, Washoe County District Attorney's Office
Margot Chappel, Deputy Administrator, Division of Welfare and Supportive Services (DWSS)
Assemblywoman Lesley Cohen
Ellen Crecelius, Actuarial Economist, Division of Health Care and Financing and Policy
Jack Fleeman, Family Law Section of the State Bar of Nevada
Charles Hoskin, Presiding Judge of the 8th Judicial District Court
Adam Hughes, Clark County District Attorney's Office
Senator Keith Pickard
Bridget E. Robb, Presiding Judge of the 2nd Judicial District Court
Joseph Sanford, Churchill County District Attorney's Association
Jim Shirley, Family Division of the Eleventh Judicial District Court
Kim Surratt, Family Law Section of the State Bar of Nevada

MEMBERS ABSENT:

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

STAFF PRESENT:

Cathy Kaplan, Chief of Child Support Enforcement Program, 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
Susanne Sliwa, Deputy Attorney General

GUESTS PRESENT

Jennifer Matabikwa-Walker
Alec Raphael

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 9:04 am. It was determined a quorum was present. Adam Hughes filled in for Karen Cliffe. Mr. Fleeman joined the meeting at 9:08 am. Judge Shirley joined the meeting at 9:16 am. Ms. Surratt reminded all committee members they must keep their cameras on for the duration of the meeting.

Agenda Item #2 – Public Comment

No public comment was given.

Ms. Chappel requested discussion on agenda item number 10 be postponed until DWSS could research the topic further.

Agenda Item #3 – Approval of meeting minutes (October 15, 2021).

Ms. Surratt requested a motion to approve the October 15, 2021 meeting minutes. Senator Pickard made a motion to approve the meeting minutes. Ms. Baker seconded the motion. Ms. Crececius abstained as she was not present for the meeting. Motion passed unanimously.

Ms. Surratt stated she did not receive any edits from the American Academy of Matrimonial Lawyers (AAML). She stated some agenda items may be tabled until the next meeting unless the committee wants to discuss them.

Agenda Item #4 – a. Discussion and recommendations on reorganization of statutes and cleaning up language in the regulations to make clear what is part of the “formula” versus what is an adjustment after the formula.

No discussion or action was taken on this agenda item.

b. Public Comment

No public comment was given.

Agenda Item #5 – a. Discussion and recommendations on adding language to NAC 425.025(1) on “Gross Income” to clarify self-employed income is “after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.”

Ms. Surratt asked the committee for input on where they should add the definition for self-employed. She stated she currently has it listed as NAC 425.025(1)(n), close to the end. Senator Pickard stated he liked the definition being placed in subsection n.

Ms. Surratt requested a motion to approve the placement of the definition for self-employed. Judge Robb made a motion to approve the placement. Senator Pickard seconded the motion. Motion passed unanimously.

b. Public Comment

No public comment was given.

Agenda Item #6 – a. 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.

No discussion or action was taken on this agenda item.

b. Public Comment

No public comment was given.

Agenda Item #7 – a. Discussion and recommendations on whether income from bonuses should be included in “Gross Income” and how the receipt of a bonus impacts child support and in particular the language in NAC 425.025.

Senator Pickard suggested the committee add language to address bonuses as part of the calculation of gross income. Mr. Hughes stated there is catch all language in subsection (1)(n), which states, “Except as otherwise provided in subsection 2, all other income of a party, regardless of whether such income is taxable.” He thought bonuses could be captured in that catch all.

Senator Pickard stated a judge did not include bonuses as part of the income even though it was part of the compensation package. This is why he proposed the agenda item.

Ms. Surratt asked Senator Pickard to prepare language for the committee to discuss at the next meeting.

No vote was taken on this agenda item.

b. Public Comment

No public comment was given.

Agenda Item #8 – a. Discussion and recommendations on NAC 425.125(1) to determine if the “without good cause” language needs to be modified to include individuals who are unemployed or underemployed because their household members make sufficient money for the person to not work.

No discussion or action was taken on this agenda item.

b. Public Comment

No public comment was given.

Agenda Item #9 – a. Discussion and recommendations on NAC 425.100(2) and if “basic needs of a child” should be defined.

No discussion or action was taken on this agenda item.

b. Public Comment

No public comment was given.

Agenda Item #10 – 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.

b. Public Comment

No public comment was given.

Agenda Item #11 – a. Discussion and recommendations on proposed language for NAC 425.150 and NAC 425.110 to define “public assistance.”

Mr. Hughes proposed changing the language for NAC 425.110 to read, “Contain a certification by the obligee that he or she is not currently receiving Temporary Assistance for Needy Families Cash Assistance and has not applied for Temporary Assistance for Needy Families Cash Assistance.” He also proposed changing the language in NAC 425.150 to read, “Any public assistance as defined in NRS 422A.065 paid to support the child.”

Ms. Surratt requested a motion to approve the language. Senator Pickard made a motion to approve the language.

Mr. Sanford asked if there is a need to limit that to a time frame of when the individual received TANF/cash assistance. He suggested changing “has not applied for Temporary Assistance for Needy Families Cash Assistance” to “has no current application for Temporary Assistance.” Ms. Baker agreed with Mr. Sanford and suggested amending the language to what he suggested.

Senator Pickard withdrew his motion and suggested Mr. Hughes and Mr. Sanford provide new language at the next meeting.

No vote was taken on this agenda item.

b. Public Comment

No public comment was given.

Agenda Item #12 – a. Discuss and approve ideas for future agenda items.

Judge Hoskin requested an agenda item to discuss proposed language for NAC 425.130 and 425.140 be added back on the agenda.

Ms. Surratt asked the committee for suggestion for the next meeting date. Ms. Surratt set the next meeting for December 10, 2021

Agenda Item #13 – Public Comment

No public comment was given.

Agenda Item #14 – Adjournment

Ms. Surratt requested a motion to adjourn. Ms. Chappel made a motion to adjourn the meeting. Judge Robb seconded the motion. Meeting adjourned at 9:48am.