

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 9:02 am. on Friday, September 17, 2021. This meeting was video conferenced via Zoom Webinar.

MEMBERS PRESENT:

Margot Chappel, Deputy Administrator, Division of Welfare and Supportive Services (DWSS)
Karen Cliffe, Clark County District Attorney's Office
Assemblywoman Lesley Cohen
Ellen Crecelius, Actuarial Economist, Division of Health Care and Financing and Policy
Senator Dallas Harris
Charles Hoskin, Presiding Judge of the 8th Judicial District Court
Senator Keith Pickard
Joseph Sanford, Churchill County District Attorney's Association
Lidia Stiglich, Justice, Nevada Supreme Court
Kim Surratt, Family Law Section of the State Bar of Nevada

MEMBERS ABSENT:

Kathleen Baker, Washoe County District Attorney's Office
Jack Fleeman, Family Law Section of the State Bar of Nevada
Assemblywoman Mellissa Hardy
Bridget E. Robb, Presiding Judge of the 2nd Judicial District Court
Jim Shirley, Family Division of the Eleventh Judicial District Court
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 Silwa, Deputy Attorney General

GUESTS PRESENT

Sonia Ramirez
Karin Cooney
Michelle Rodriguez
Sharon Benson
Marshal Willick
Kristine Brewer
Tammy Stephenson

Stephanie MacDonald

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 9:02 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. Senator Pickard left the meeting at 10:33 am.

Agenda Item #2 – Public Comment

Ms. Surratt called for public comment. Public comment given by Marshal Willick. Mr. Willick stated he represented the American Academy of Matrimonial Lawyers, the Nevada Chapter. He stated the group he represents would like for the meetings to be sited for the public to see what the intent of the committee was with regard to certain phrases used. He stated most of the disputes they are tracking are listed on the agenda for discuss. He stated it would be helpful to the public to know what was intended with the language used.

Agenda Item #3 – Approval of meeting minutes (November 30, 2018 and March 6, 2020).

Senator Pickard motioned to approve the meeting minutes. Mr. Sanford seconded the motion. Ms. Chappel and Senator Harris abstained from the vote as they were not on the committee for these meetings. Motion passed.

Agenda Item #4 – Discussion of the commission’s duties by statute of the make-up of the current commission membership to determine if any seats are vacant to be filled.

Ms. Surratt stated her concern with this agenda item has been addressed as there are new legislators present for the meeting. She stated that Dawn Throne who was the Vice Chair has been appointed to the bench and the committee needs to appoint a new Vice Chair. Senator Pickard volunteered to be the new Vice Chair. Mr. Sanford motioned to appoint Senator Pickard as the Vice Chair of the committee. Ms. Stiglich seconded the motion. Motion passed unanimously.

Ms. Surratt asked the new committee members to notify her if they need copies of any of the foundational documents. She stated the most important documents are AB278, Final Rule, Code of Federal Regulations (CFR), and Review of the Nevada Child Support Guidelines by Jane Venohr. Ms. Surratt stated the review was done in October 2016 and the committee passed the new regulations in February 2020. She stated per AB278 and federal regulations, a review on the child support guidelines will be done every four years. Ms. Surratt then stated there was discussion about when the four years goes into effect and when the next audit will happen.

Senator Pickard stated they determined the next review will be done four years from the time the new regulations are implemented. Ms. Chappel agreed and stated the next guideline review will be done in February 2024.

Agenda Item #5 – Discussion and recommendations on NAC 425.100(2) and if “basic needs of a child” should be defined.

Ms. Surratt stated the issue brought to her attention is “the basic needs of a child” is being used to capture extracurricular activities and expensive clothing. She stated judicial discretion is needed to determine “the basic needs of a child.”

Mr. Sanford asked if this issue is something that is being brought up more regularly than it has been in the past. He also asked if the issue is something that has changed in respect to the guidelines.

Ms. Surratt stated this agenda item came from Ms. Baker, who could not make it to the meeting. Ms. Surratt stated she has not seen this issue within the private sector and asked Ms. Cliffe if she has seen this issue in Clark County.

Ms. Cliffe stated she has seen the court entertain “the basic needs of the child” and whether the obligation is being met before they discuss the adjustment factors. She was not sure why Ms. Baker wanted the committee to discuss this topic and would like to discuss this agenda item at the next committee meeting when Ms. Baker is present.

Judge Hoskin stated this topic comes back to discretion and does the committee want to limit the discretion of the court. He stated making a list will make it more difficult for the courts to use discretion on individual cases.

Senator Pickard stated one of the discussions the committee had early on was about leaving some discretion up to the courts. “Basic needs” was a concept that came from the federal rules the committee was working under. He stated there are several states that define “basic needs.” They talk about shelter, food, and clothing. He stated the committee should leave “basic needs” up to the court to determine.

Ms. Surratt stated she would put this item on the agenda for the next committee meeting, so Ms. Baker can give comments on it.

Agenda Item #6 – Discussion and recommendations on modification of NAC 425.100(3)(a) to modify the term “deviation” to “adjustment”.

Judge Hoskin motioned to change “deviation” to “adjustment.” Ms. Chappel seconded the motion. Motion passed unanimously.

Agenda Item #7 – Discussion and recommendations/clarification of NAC 425.100(3) and the language “established pursuant to the guidelines” and if that language means with or without “adjustments” per the guidelines.

Ms. Surratt asked for comments on this agenda item. Senator Pickard stated the language needs to be changed to be consistent with the change to 425.100(3)(a).

Ms. Surratt read NAC 425.100(3) for the record.

3. If the court establishes a child support obligation that is greater or less than the child support obligation that would be established pursuant to the guidelines set forth in this chapter, the court must:

(a) Set forth findings of fact as to the basis for the deviation from the guidelines; and

(b) Provide in the findings of fact the child support obligation that would have been established pursuant to the guidelines.

Ms. Surratt asked do you do the adjustments and establish that is what is pursuant to the guidelines. She stated the confusion comes from pre-adjustments that are part of the formula, but they were put in separate NAC code numbers. Medical insurance and childcare were meant to be mandatory parts of the child support calculation and not adjustments. They are mandated by the federal government to consider in every calculation.

Senator Pickard suggested modifying the language to reference NAC 425.150 where adjustments are discussed. He stated he was not aware of any misunderstandings regarding medical insurance.

Ms. Surratt stated agenda item #7 and #8 are connected. She asked for a volunteer to bring proposed language for agenda item #7 and #8 at the next meeting.

Judge Hoskin stated he would draft up some language to present at the next meeting. Senator Pickard suggested a reference at the beginning at NAC 425.140. Judge Hoskin stated per NAC 425, medical support is not required to be shared and that it currently is only required to include a provision stating medical support was considered. Senator Pickard stated the committee previously decided not to incorporate medical insurance as a requirement to share and the committee decided to leave this up to the discretion of the courts based on individual cases.

Agenda Item #8 – Discussion and recommendations on cleaning up language in the regulations on what is part of the “formula” versus what is an adjustment after the formula. For example, should NAC 425.130 and NAC 425.135 be moved into NAC 425.140 to be clear they are part of the formula and not an “adjustment”. Discuss that the intention was for the “formula” to be a percent of income plus equitable division of childcare plus equitable division of health insurance premium. Discuss edits to language to make this clear.

Judge Hoskin stated he would draft up some language to present at the next meeting.

Agenda Item #9 – Discussion and recommendations on NAC 425.125 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 plenty of money for the person to not work.

Ms. Surratt stated this topic came to her from several people who stated that “without good cause” is being interpreted differently by different people. Judge Hoskin stated the committee could define what good cause is and what it is not, but then the committee is limiting the courts ability to discern this based on individual cases. Assemblywoman Cohen suggested making a catch all for NAC 425 that would give the courts discretion, but the public could see that it is an option.

Ms. Surratt stated the confusion comes from not being able to view the meeting minutes or recordings to see the intent of the committee. She stated there is no way to add notations to the NAC. She asked the committee if they should modify the statute or will posting the meeting minutes and recordings be enough to fix this issue.

Senator Pickard stated they would have to go back and review what the record says. He stated he never had any issues with the language until recently. He stated imputation of income has to be

based on the earning potential of the individual they are talking about and not a third party. Senator Pickard stated he liked the idea of leaving this up to the discretion of the courts. He stated “good cause” is whatever the judge thinks is “good cause.”

Ms. Surratt stated the committee thought they fixed this issue by putting household income as an adjustment and did not consider fixing it within “good cause” when imputing income. Mr. Sanford stated he agreed and did not think the committee would come up with better language than “good cause.” He stated it is best to address “good cause” in imputation of income and household income as an adjustment.

Ms. Cliffe stated she does not think the committee needs to define this issue any further. Ms. Surratt asked the public to provide proposed language if this is still an issue.

Ms. Surratt asked for a motion on this agenda item. No motion was made. Senator Pickard asked Ms. Surratt to table this agenda item pending further input from the public.

Ms. Surratt tabled this agenda item for discussion at the next committee meeting.

Agenda Item #10 – Discussion and recommendations/clarification on use and meaning of NAC 425.150(1)(f), “the relative income of both households, so long as the adjustment does not exceed the total obligation of the other party.”

Ms. Surratt stated that she has heard and received input regarding “relative income of both households.” She stated she has heard of misuses of this language. She asked if child support can go up from the formula?

Judge Hoskin asked for clarification on the complaints with the language. Ms. Surratt stated the input she received was in cases where one of the parties remarries and the new spouse makes so much money the party does not need to work. She gave an example; payor has a job and is paying but has a spouse at home that makes a lot of money. She asked can their child support payment go up from the formula based on the household income.

Judge Hoskin stated subsection 1 states it has to be in accordance with the specific needs of the child and the economic circumstances of the parties. He stated solely utilizing subsection f would overcome the courts need to make findings as to what the specific need would be. He stated proposed language would make it clearer for him to understand what the issue is.

Ms. Surratt read the input she received.

What does the phrase, “so long as the adjustment does not exceed the total obligation of the other party” mean? Who is the other party in a joint custody situation? How much deviation is possible based on subfactors f? If my theory that subfactor f is intended to address the new spouse or cohabitant is correct, I would interpret the other party as the new spouse or cohabitant and the adjustment can’t be more than what the total obligation of the third person would be if they were actually a party to the litigation. If my theory is not correct, I just don’t know who the other party is, especially in a joint custody situation where they are both obligors whose obligations are offset.

Judge Hoskin stated the other party would not be the new spouse if there are two parties to an action, whether it is custody or divorce. He stated the language is clear and there is nothing more

the committee could do. He stated he would hate to add language and have unintended consequences.

Senator Pickard stated after AB115 there may now be more than two individuals to a litigation. The term is parties and that is a term that is well understood. He the intent was to make sure we are not giving someone, who has more time than the other party, child support from the other individual. He stated the language is clear. He stated the courts would not be asking for the party with the wealthy spouse to be paying.

Ms. Surratt stated the confusion comes from not being able to view the meeting minutes or recordings to see the intent of the committee. She stated they struggled with “as long as it does not exceed the total obligation of the other party.”

Ms. Surratt asked for a motion on this agenda item. No motion was made. She asked for the public to give input if the committee is missing any issues with the language.

Agenda Item #11 – Discussion and recommendations/clarification of NAC 425.150(h) on “ability to pay” and use of the regulation.

Ms. Surratt stated she has received comments that this regulation is being interpreted as “because you have more money your child support obligation goes above what the formula was.” She stated she does not believe the committee’s intent was to adjust the obligation up, but to address one’s ability to pay what is formulated and whether or not you have the ability to pay the formulated amount.

Judge Hoskin stated this item points back to NAC 425.150(1) and the courts have to look at “the specific needs of the child and the economic circumstances of the parties.” He stated that he would not interpret that just because a party is making more money their obligation is raised.

Ms. Cliffe stated “ability to pay” is heavily used in the Child Support Program because of the inception of *Turner v Rogers*. She stated any time they are entertaining civil contempt they must go through those procedural safeguards that *Turner v Rogers* set forth for the Child Support Program. She stated they consider the same thing establishing a child support order.

Ms. Surratt stated the confusion comes from not being able to view the meeting minutes or recordings to see the intent of the committee. She read one comment she received on this issue.

Needing guidance on how to use “ability to pay.” Some masters see it as catch all adjustment to only be used in situations where obligor earns very little and informs obligor that payment of child support comes first, before all other bills.

Ms. Surratt stated that “before all other bills” is not what “ability to pay” out of the federal rules means. She stated federal rules were about calculating the child support and looking at what else are they paying. Are they paying for expense items and that is their reason for not being able to pay child support? Or are they paying rent, utilities, and there literally is no money left or reduced funds left to pay child support. She stated the federal government was wanting the committee to look at whether the individual is spending money on expensive item or necessities, such as, rent and utilities.

Senator Pickard stated he has had masters and judges say child support comes first before all other bills. He stated he has never interpreted what they were saying to mean before all other bills. He stated it was always in the context of before you spend money on a new set of wheels for your car. He stated he thinks this is a training issue.

Ms. Surratt read the other comment she received on this issue.

Subfactor h, the obligor's ability to pay, as a basis for adjustment. Is this the third bite of the disparity in income apple, if the obligor is a hire income earner? In other words, the court takes the higher earner's greater income into account in the formula. Then takes it into account a second time in subfactor f. And then takes it into account a third time in subfactor h. I assumed it meant that if child's specific needs are not met by the formula the court can then look at income to see which parent can better afford to meet the child's specific needs. As opposed to ability because the parent is a higher earner the child necessarily has higher specific needs.

Senator Pickard stated he believes this comment is a misinterpretation of the whole section. He stated the subsection is not to be used for upward adjustment. He stated the questions should be, do they have enough income to meet all of their reasonable and necessary expenses and pay the child support obligation.

Judge Hoskin stated he does find that comment interesting because he can follow the logic all the way through to the end of the analysis, except for the part were they skip over the language of NAC 425.125(1), "the court must make a finding of the specific needs of the child and the economic circumstances of the parties." He stated he agrees with Senator Pickard and this might be a training issue that needs to be addressed.

Ms. Cliffe stated she agrees with Senator Pickard and Judge Hoskin. She stated the feds are stuck on the "ability to pay" language because of *Turner v Roger*. She stated ultimately it is an ability to comply with the order.

Judge Hoskin suggested changing language from "ability to pay" to "ability to comply" in NAC 425.150(1)(h).

Ms. Surratt stated the feds look for the language "ability to pay." She stated the committee is relying on what the feds told them they had to rely on. She stated it is a mandate and requirement to use the language "ability to pay."

Mr. Sanford stated he agrees with the committee and it sounds like this is a hypothetical situation and not something a judicial officer has reviewed and done. He stated if a judicial officer has done this, then it is a training issue and not an issue with the language itself.

Ms. Surratt stated she would not put this item on the next agenda unless someone comes up with proposed language that helps with this issue.

Agenda Item #12 – Discussion and recommendations on NAC 425.135 to discuss how the health insurance costs should be divided and to include the following language from the prior statutes "Expenses for health care which are not reimbursed, including expenses for medical, surgical, dental, orthodontic and optical expenses, must be borne equally by both parents in the absence of extraordinary circumstances."

Ms. Surratt asked for comments on this agenda items. She stated NAC 425.135 is missing the medical insurance language. She stated the proposed language is language from the prior statutes that the committee did not include it in the new regulations. She stated the committee did struggle with the medical section quite a bit to get where DWSS thought it met their duties and obligations verses the private side. She stated the committee did want the courts to have the discretion to make a decision on medical, but she believes the bar and the public is habitually fixated on 50/50 everything.

Mr. Sanford stated if there is an appetite to add language, it should be separate from 425.135 because this is more like the 30/30 rule and reimbursement. He stated it really is not about calculating child support itself, but rather for unreimbursed medical expenses.

Ms. Cliffe stated the unpaid medical expense only come up in Clark County when the parties have obtained a judgment from Family Court at which point the Child Support Program would enforce. She stated the Child Support Program does not get involved in managing or overseeing the receipts for medical or surgical.

Ms. Surratt asked Senator Pickard his thoughts on unreimbursed medical being split 50/50 by statute versus not. Senator Pickard stated the purpose of the bill was to move the child support component out of statute and into regulation to make it easier to modify the language as needs require it. He stated having the language in the statutes was problematic for the Child Support Program because they were not meeting the four-year review requirement. He stated this is beyond child support. He stated he does not see a problem with the current language and does not see it is necessary to modify the current language. He stated this is equitable resolution which is left up to the discretion of the courts as a rule.

Ms. Surratt stated this issue came from the Family Law listserv early on and there was debate between quite a few lawyers. She stated the debate was whether or not the courts have discretion to allocate unreimbursed expenses.

Senator Pickard stated it is an illogical conclusion. He stated this does not take away the ability for the courts to issues a reimbursement rule bases on the 30/30 rule. He suggested leaving this to the discretion of the court to craft a remedy that was just.

Ms. Surratt stated the committee put that health insurance costs should be divided. She stated medical support is required to be provided for the child, but the committee did not designate a 50/50 rule and they did this intentionally.

Senator Pickard stated the committee relied heavily on the Supreme Court decision that stated the deviation of sharing the insurance premiums should be the exception not the rule.

Agenda Item #13 – Discussion and recommendations on adding language to NAC 425.025 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 for input from the committee regarding adding this language back into the regulations. Judge Hoskin stated he thought the committee discussed this previously and decided

they did not want to add this language into the NAC. He stated he thought it was self-explanatory that you subtract the business expenses to get the actual income for someone who is self-employed.

Ms. Surratt suggested the committee table this agenda item and see if the public has any input on the language. She also wanted to table this agenda item because it came from Ms. Baker, who was unable to attend the meeting.

Agenda Item #14 – Discussion and recommendations on NAC 425.150(1)(e) and whether it should be expanded to cover the cost of the parent to travel for visitation.

Ms. Surratt stated this agenda item came from Ms. Baker. She asked for comments from the committee. Judge Hoskin stated he would like to hear the reasoning behind this agenda item before he ways in.

Ms. Surratt tabled this agenda item for the next committee meeting.

Agenda Item #15 – Discussion and recommendations on NAC 425.150(1) to determine if the old deviation factor of “amount of time the child spends with each parent” should be reinstated.

Ms. Surratt stated this agenda item came from Ms. Baker. She tabled the agenda item for the next committee meeting.

Agenda Item #16 – Discussion and recommendations on NAC 425.150(1)(g) to determine if the “other necessary expenses” should be further defined to discuss what is not intended to be covered, i.e., tuition, extracurricular activities, life insurance, etc.

Ms. Surratt stated this agenda item came from Ms. Baker. Ms. Cliffe stated she would be okay with tabling this agenda item for the next committee meeting. She stated she does not like the idea of further defining the language as the public will interpret the things listed are what is to be considered necessary expenses and anything that is not listed is not a necessary expense.

Ms. Surratt stated she will look in the federal guidelines and see what other language she can gather for the next meeting. Ms. Surratt tabled this agenda for the next committee meeting.

Agenda Item #17 – Discussion and recommendations/clarification on the low-income schedule and discussion of use of the table as a “minimum” child support obligation.

Ms. Surratt stated she has heard about this issue from several different people. She stated the committee did not set a minimum amount in the new guidelines, but that does not mean the courts cannot issue an order for \$0, if ability to pay is incredibly restrictive.

Ms. Cliffe stated she agrees with Ms. Surratt. She stated she has heard the same issue and would like to clarify this issue.

Ms. Surratt stated she is not sure there is a statutory fix for this. Judge Hoskin stated he agreed, and this is a training issue. He stated they had a training session on this issue in Clark County.

Mr. Sanford stated he has seen this issue as well. He suggested changing the income table to show \$0. He stated this might resolve a lot of confusion for the public.

Ms. Surratt asked Ms. Crecelius if she could adjust the income table. Ms. Crecelius stated she can update the income table.

Ms. Cliffe stated how the income table is currently setup, the lowest income is “up to” \$805. She stated it is written as income \$0 up to \$805 and any changes to the income table will cause a change to the statewide child support calculator.

Ms. Crecelius asked if the income table will be changed to start at \$0 or a share of \$805. Ms. Cliffe asked if the income table starts at \$0, when do you calculate the \$85 monthly. Ms. Crecelius stated the income table was setup based on another state’s income chart. She stated she would be happy to make any changes but just needs to know what changes to make.

Ms. Surratt asked Ms. Chappel if there was a fiscal note issue for DWSS when modifying the child support calculator. Ms. Chappel called on Cathy Kaplan or Kim Smalley to answer Ms. Surratt’s question. Ms. Cliffe stated Clark County can redevelop the calculator and there would not be any additional costs. She stated the monetary issue would be with how NVKids is built to use the income table. She asked if the intent to have GMI at \$0 and obligation at \$0 and anything beyond \$0 would have a child support amount attached to it.

Ms. Surratt asked Mr. Chappel and her staff to work on the income table. She stated the income table was not meant to have a minimum amount, but rather, an assistance for low income families. She stated the desire was not to make it difficult for low income families to pay. She stated she would keep this item on the next agenda so the committee could discuss what to do with the low-income table, NVKids, and the child support income calculator.

Ms. Chappel asked Susanne Silwa for guidance regarding working with Ms. Crecelius to modify the low-income table and whether they would be out of compliance with open meeting law since they are both members of the committee. Ms. Silwa recommended a sub-committee or work group be formed. She stated that the sub-committee or work group would follow open meeting law and would need to notice and agendaize their meetings.

Ms. Surratt stated the open meeting law materials can be provided to the new members if needed. She stated she would table this agenda item for the next committee meeting.

Agenda Item #18 – Discussion and recommendations on NAC 425.150 to determine if “public assistance” should be defined and if so, how to define it.

Ms. Surratt stated this agenda item came from Ms. Baker. Ms. Cliffe stated the intent of the language was to make sure the state was protected in terms of parties entering into stipulations. She stated if there is cash assistance being paid out, the language would protect the State. She stated the NRS broadly defines “public assistance” to include medical and food stamps, which are benefits that are not referable to the State. She stated there is room to redefine public assistance in the NAC to mean “cash assistance.”

Ms. Surratt asked Ms. Cliffe and Ms. Baker to meet and propose language at the next committee meeting. She stated any members that are meeting to discuss an agenda item that was assigned to them to reach out to Joy Tomlinson to setup the sub-committee meetings.

Agenda Item #19 – Discussion and recommendations on NAC 425.155 to include discussion of individuals incarcerated for month pending resolution of charges and if the court should set an amount to be paid upon release at the current low-income schedule amount.

Ms. Surratt stated this agenda item came from Ms. Baker as she has been having issues with the incarceration language. She stated Ms. Baker has individuals who have been sitting in county jail serving time but are not actually in prison. There are some issues determining when they were convicted and what should happen to them once they are released.

Ms. Cliffe stated she deals with this issue often. They enter into stipulations with the local detention centers and prisons. She stated they use the “ability to pay” analysis to get the child support obligation down to \$0. Unclear as to what Ms. Baker is experiencing and would like to table this agenda item for the next meeting.

Ms. Surratt tabled this agenda item for the next committee meeting.

Agenda Item #20 – Discussion and recommendations on NAC 425.160 and the legality and enforceability of the obligation of a parent to pay child support for a 19-year-old who is an adult.

Ms. Surratt asked Judge Hoskin if he had any input and stated this issue came from another judge. Judge Hoskin does not understand what the concern is on this agenda item. He stated that if the child is still in high school than the courts still have jurisdiction. He stated he does not agree that a language change is needed but wanted to pass along the information to see what other committee members thought.

Ms. Surratt agreed with Judge Hoskin and stated there are many scenarios where the other party is required to pay for a person who is over the age of 18. She stated that if this is still an issue the Nevada Supreme Court may need to do an analysis for the committee.

Ms. Surratt stated she would remove this item from the next agenda.

Agenda Item #21 – 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 stated the committee needs to work on the alimony language. She stated this language was not vetted through the committee, but rather it was added after DWSS received comments during their Public Workshops. She asked the committee to review the language and come back to the next meeting with proposed language and ideas on how to deal with alimony. She also asked the private bar to provide proposed language to the committee.

Judge Hoskin asked Ms. Surratt for clarification on what she is asking from the committee. Ms. Surratt stated she wants the committee to come back prepared to talk about this subject in depth. Judge Hoskin agreed with Ms. Surratt.

Agenda Item #22 – Discussion and recommendations on maintenance of the hearing videos and minutes from the Commission in a public location for preserving the “intent” of the work of the commission.

Ms. Surratt stated she has been struggling to find a place to post the previous committee recordings and materials. She stated due to compliance with the Americans with Disabilities Act (ADA), the meeting materials and recordings were removed from the DWSS website, and this caused some issues with the public being able to see what the intent of the committee was. Ms. Surratt stated she was hoping that the videos could be posted through the Nevada Supreme Court or the Nevada Law Library website. She stated the committee needs a place for the information to be posted where it will not be taken back down.

Justice Stiglich stated the recordings and materials could be post on the Nevada Supreme Court website, they would just need to figure out where to post the materials.

Senator Pickard stated it does not make sense for the materials to be housed with the body that will ultimately interpret the committee's intent. He suggested the materials be maintained by DWSS since the agendas are maintained by DWSS.

Ms. Chappel stated she agrees. She stated DWSS has been challenged with updating all the documents on the website to be ADA compliant. She stated the main issue was that hosting the meeting recordings takes up a lot of bandwidth on the website that the division does not have. She stated DWSS is looking into getting a YouTube channel and posting the link to the YouTube videos on the DWSS website. Ms. Chappel asked for time to come up with a solution on where to post the videos/materials.

Senator Pickard suggested posting the meeting minutes to the DWSS website and posting the meeting recording to the YouTube channel. Ms. Chappel stated she would research if there is someone within DWSS that can remediate the documents so they can be posted to the DWSS website. She stated she would come up with a solution and have an answer for the committee at the next meeting.

Ms. Surratt stated she would leave this item on the next agenda for Ms. Chappel to provide the solution she found.

Agenda Item #23 – Discussion and recommendations on the language in NAC 425.115(3) for joint physical custody and the recent legislative proposal to change the language to one-half of the difference versus the full difference in child support values.

Ms. Surratt stated this agenda item was Senator Pickard's suggestion during the legislative session. She stated she wants the committee to have a long discussion on this agenda item as there is a lot of debate on this topic. Ms. Surratt stated she thinks the language should be changed.

Mr. Sanford asked for an example with dollar amounts, so he understands what the difference is. Ms. Surratt stated right now it is currently the full difference, but the suggestion is to make it half the difference to balance everything out. Mr. Sanford stated if the obligation for one party was \$600 and the obligation for the other party was \$400, currently the difference to be paid is \$200. However, if the language was changed then the obligation would be \$100 instead. Ms. Surratt verified he was correct.

Ms. Surratt stated she would table this agenda item for the next committee meeting.

Agenda Item #24 – Discuss and approve ideas for future agenda items.

Ms. Surratt asked if anyone has any other items to add to the agenda. Ms. Chappel suggested that any future agendas have each NAC section consolidation into one agenda item and add public comment after each agenda item. Ms. Surratt asked the committee their thoughts on adding public comment after each agenda item.

Ms. Chappel stated to only add public comment on only the agenda items the committee would like to have input from the public, not on every agenda item. She also suggested having the agenda in numerical order based on the NAC subsections to make it easier to follow.

Mr. Sanford stated that according to open meeting law you either do public comment at the beginning and end or after each agenda item. He stated he was concerned with only doing public comment after certain agenda items but not all of them.

Judge Hoskin suggested finding a way to collect which agenda items the public would like to comment on instead of having public comment after each agenda item. He asked if the committee is required to take public comment after each agenda item.

Ms. Silwa stated the committee has the option to have public comment at the beginning and end or after each agenda item. She stated in her experience she thinks it works better to ask for public comment after each agenda item.

Ms. Surratt stated she can ask for only public comment related to that agenda item and stop people if they give comment on another agenda item. Ms. Silwa verified that Ms. Surratt can do that or the Deputy Attorney General (DAG) can interrupt people off.

Ms. Chappel stated Ms. Surratt could put a time limit on each public comment. Ms. Silwa stated public comment can be limited.

Ms. Surratt asked Ms. Silwa if she had discretion as Chair to allow someone to give a longer public comment if they are providing valuable input. Ms. Silwa stated it is very hard to cut off public comment if one person is allowed to speak longer than another person. She stated Ms. Surratt could put that topic on the agenda for further discussion. Ms. Surratt asked if she could put the person on the agenda as a guest speaker. Ms. Silwa verified Ms. Surratt can do that.

Judge Hoskin stated he would like to hear from DWSS regarding what happens when the committee suggests new changes and how that process works.

Ms. Surratt stated the committee's job is to make recommendations to DWSS on changes that should be made. She stated last time the committee revamped all of the statutes and it took the committee a while to provide the report to DWSS. As soon as the committee has recommendations, they provide them to DWSS, and DWSS has to follow their own administrative rules to make the changes. Once DWSS passes the changes, it goes to the Legislative Commission within the Legislative Counsel Bureau (LCB), who reviews the changes and has an open meeting to allow public comment. Once the changes are passed by the Legislative Commission, they are enacted into the NAC.

Ms. Chappel stated that statute changes require acts of legislation and changes to regulations can only be done in even fiscal years. Ms. Silwa agreed with Ms. Chappel's statement.

Ms. Surratt tentatively set the next committee meeting for October 8, 2021, unless the committee is unable to have a quorum that day.

Agenda Item #25 – Public Comment

Ms. Surratt called for public comment. Public comment was heard by Marshal Willick. Mr. Willick stated the members of the bar are looking for something site able from the previous meetings, such as, minutes or an analog of legislative record. He stated the issues with good cause and marry a rich person is whether the regulations will include some mechanism on how to deal with that question if it is raised. He stated some courts are looking at the income of the rich spouse and substituting it for the income of the other parent causing prenups and postnups to shield that income from consideration. Other courts are considering imputing income to the non-working spouse in accordance with what they could be earning if they were working. Mr. Willick asked what is the court to look at when it runs into this situation. He also stated the private bar could propose language if it is desired. Mr. Willick stated the NAC 425.125(f) issue is regarding the closing words of the existing regulations, “exceeding the obligation.” He stated some courts don’t know what the language means. He stated it would be useful to have some clarification for the courts. Mr. Willick stated he would like comments after each agenda item instead of at the beginning and end.

Ms. Surratt suggested Mr. Willick reach out to her with suggested changes she could place on the agenda and the committee could utilize it. She stated she would add public comment after each agenda item for the next meeting.

Agenda Item #25 – Adjournment

Ms. Surratt called for a motion to adjourn. Mr. Sanford motioned to adjourn the meeting. Judge Hoskin seconded the motion. Meeting adjourned at 11:22am.