

Public Comment submitted 09-25-2018 for 09-24-2018 Meeting of Child Support Guideline Committee Workshop, held at The Division of Welfare and Supportive Services at 1:30 pm on September 24, 2018, at the following location:

Division of Welfare and Supportive Services
1470 East College Parkway, Room 149
Carson City, Nevada 89706

Dear Committee/Administrator:

I would like to add the following public comment to the Public Workshop to Solicit Comments on Proposed Regulation held on 09-24-2018:

I am extremely concerned that the language in 'STEP FIVE: DETERMINE IF AN ADJUSTMENT IS NEEDED' currently reads, "(g) The relative income of both households." It appears this paragraph underwent a significant change between 06-12-2018 and 06-24-2018. In the Committee's meeting Minutes dated 06-12-2018 the language read, "(g) The relative income of the obligee's household." My specific concerns are presented below. I recommend and urge that the language be reverted back to the 06-12-2018 language.

There appears to be very little documented discussion in the meeting minutes from both 06-12-2018 and 06-24-2018 to explain why such a significant change was made. In the 06-12-2018 meeting minutes, the following are the only comments found on this topic, as noted on page 5:

Ms. Surratt moved to adjustments on page seven, 1st paragraph.

- *Judge Hoskin suggested editing (g) to say "obligee's household.*
- *Assemblyman Pickard suggested using broader language to allow the courts more lenience.*

Additionally, I have been unable to find any specific discussion during the 06-24-2018 meeting minutes about this topic.

I strongly urge you to return to the language of paragraph (g) to read, "The relative income of the obligee's household." The current language allows the court to consider deviations based upon the relative **household income** of both parents. This is a massive difference from the current NRS 125B.080 paragraph 9 (l), which considers the relative income of both **parents**. The current language is also a massive difference from the 06-12-18 language, considering the relative household income of the obligee.

Adding a consideration for the relative income of the obligor's household would enable courts to make an upward deviation, in theory, of an amount up to the total income of any spouse or co-habitor(s) of the obligor. The income of a spouse, family member, or other

household co-habiter of the obligor should have bearing on neither the support calculation nor any deviation.

The implications of allowing courts to consider the household income of the obligor would be disastrous to comparatively wealthy step-parents married to obligors, and to family members supporting obligors statewide. The incomes of generous supporters of parents already financially obligated to pay child support, could be used to further increase the amount of support that parent owes. In addition, obligor household incomes could be used to offset other legitimate downward deviations of support otherwise provided for under "STEP FIVE". For example, an obligor providing for special educational needs of the child (a downward deviation of support owed) could have that deviation eliminated because they have a spouse who is an average wage earner and an ex-spouse who lives alone and is unemployed. As another example, a household consisting of a step-parent with no children of their own, married to an obligor, as compared of a household of an unemployed, single obligee, living alone could result in an upward deviation of the support obligation.

In addition, there is no definition of the term "household" provided in the language proposed by the committee. I also didn't see one in NRS 125B. The current language could extend to parents, friends, siblings, and maybe even roommates of obligors.

I believe the committee, or at least Judge Hoskin, recognized that there is a problem with the existing law where an obligee whose household living situation provides adequate support for the obligee and subject child(ren) can have reduced or no income, which increases the other parent's obligation for support - even when that parent could be living in much less favorable conditions. This situation can be remedied by a reversion to the language which considers, "The relative income of the obligee's household."

If it is the Committee and/or Administrator's intent to include **household** income of the obligor in calculations of or deviations from support, I believe this must be clearly communicated to all participants of this process to date, and a new Workshop held to afford all affected parties the opportunity to comment. As a participant in the 09-24-2018 Workshop, the inclusion of obligor household income was neither highlighted nor discussed, and no clear, complete history of the various changes to this, or any other clauses was presented. The impact of the current language and potential court interpretation on Nevada families would be vast, and affected parties (including unaware obligors and their step-parents, brothers, sisters, friends, partners and parents) must be afforded proper notice and opportunity to provide input.

Thank you for your consideration of this important matter.

(submitted via email)

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