NEVADA CHILD SUPPORT GUIDELINES COMMITTEE PUBLIC MEETING TO REVIEW CHILD SUPPORT ENFORCEMENT GUIDELINES IN ACCORDANCE WITH ASSEMBLY BILL 278 OF THE 2017 LEGISLATIVE SESSION.

The public meeting to review child support enforcement guidelines was brought to order by committee chair Kim Surratt at 1:00 p.m. on Friday, March 9, 2018. This meeting was video-conferenced between the Legislative Counsel Bureau, 401 South Carson Street, Hearing Room 2135, Carson City, NV and the Grant Sawyer State Office Building, 555 East Washington Avenue, Hearing Room 4412, Las Vegas, NV. The meeting was also accessible via teleconference.

MEMBERS PRESENT:
Kathleen Baker, Washoe County District Attorney's Office
Karen Cliffe, Clark County District Attorney's Office
Charles Hoskin, Family Division of the Eighth Judicial District Court
Nova Murray, Deputy Administrator, Division of Welfare and Supportive Services
Assemblyman Keith Pickard
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
Dawn Throne, Family Law Section of the State Bar of Nevada

MEMBERS ABSENT:
Ellen Crecelius, Chief Financial Officer, Division of Health Care Financing and Policy
Senator Patricia Farley
Assemblyman Ozzie Fumo
Bridget E. Robb, Family Division of the Second Judicial District Court
Senator Michael Roberson
Lidia Stiglich, Justice, Nevada Supreme Court

STAFF PRESENT:
David Castagnola, Social Services Program Specialist III, Division of Welfare and Supportive Services (DWSS)
Cathy Kaplan, Operation Field Manager, DWSS
Joy Tomlinson, Administrative Assistant IV, DWSS
Rebecca Lindelow, Family Services Supervisor, DWSS
Kiersten Gallagher, Social Services Manager, DWSS
Amy Crowe, Senior Deputy Attorney General

GUESTS PRESENT – NORTH
None

GUESTS PRESENT – SOUTH
Stephanie McDonald

GUESTS PRESENT VIA TELEPHONE:

Michael McDonald
Alexander Falconi
Edward Johnson
Ron Paul
Roland Wortmann
Brian Arman
Cyrus Hojjaty

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 1:00 p.m. Roll call was taken, however, there was no quorum. Ms. Surratt decided to wait five minutes and see if other members appear.

The committee did not have a quorum and recessed until 1:06 pm. Meeting was brought to order again at 1:06 pm as Miss Cliffe and Mr. Sanford arrived to create a quorum. Assemblyman Pickard arrived during public comment.

Agenda Item #2 – Public Comment

Ms. Surratt called for public comment in the south: no public comment.

Ms. Surratt called for public comment in the north: no public comment.

Ms. Surratt called for public comment over the telephone. Public comment was heard from Edward Johnson. Mr. Johnson stated he had a child support issue where the mother of his child filed for DNA testing when Mr. Johnson was incarcerated. He asked why the obligee waited until his child was sixteen to get child support. Mr. Johnson did not understand why he could not get a clear answer from the Family Court judge regarding his question.

Public comment was heard from Michael McDonald. Mr. McDonald addressed the cost of raising a child. He encouraged the committee to watch *Divorce Court* and see the devastating affects child support has on an individual. He stated that parents that do not want anything to do with their children are the parents that should have to pay child support. Mr. McDonald encouraged the committee to look into the language for incarceration. He stated child Support should be eliminated when a person is incarcerated. In addition, he asked the committee to repeal Title 42 Section 666 (42 U.S. Code § 666), The Child Support Enforcement Act Statute.

Ms. Surratt clarified with Mr. McDonald the committee only has authority to deal with the child support calculations and nothing else.

Public comment was heard from Ron Hall. Mr. Hall stated he has a daughter with his former fiancé and she will not allow him to see his daughter. He went to court to get the visitation enforced and stated the judge reduced his visitation to one hour a week. Mr. Hall asked why this happened. He stated he is not incarcerated and does not have a record, but his visitation was reduced.

Ms. Surratt clarified with Mr. Paul the committee can only look at the child support calculations. She stated the committee cannot address anything to do with custody.

Roland Wortmann gave public comment. Mr. Wortmann asked why child support is not based on a set rate to raise a child instead of a person's income. He asked why the cost to raise a child is not a set rate.

Ms. Surratt directed Mr. Wortmann to the DWSS website to review the past meeting materials and minutes and see what the committee is discussing.

Public comment was heard from Cyrus Hojjaty. Mr. Hojjaty stated he believes the child support system is rigged against men. He went on to say men do not have enough time to spend with their children; men are falsely accused and placed in jail; men have to sell half of their assets and give them to their wives; and men have to give half of their paychecks to the women. Mr. Hojjaty also stated women have affirmative action when it come to the workplace. He also stated there are welfare programs in place for women. Mr. Hojjaty stated it is time to stop this double standard against men and the political correction. He stated family values need to be restored.

Alexander Falconi gave public comment. Mr. Falconi had a few comments regarding stipulated orders. He reminded the committee about an existing case law prohibiting stipulating to modify case law. Mr. Falconi suggested codifying the mandatory retroactive modification to the data filing of motion of modifying child support. He stated mandating this would help the parties stipulate instead of running the data clock down.

Brian Arman gave public comment. He stated child support should be enforced for the parents who do not do anything with their children. He went on to say parents are fighting for child support. He stated the parents go to court, and the judge decides if a parent should or should not receive child support. Mr. Arman stated child support should be enforced for parents who do not want anything to do with their kids not the parents who are trying to spend time with their children.

Ms. Surratt summarized public comment from Marshal Willick for the record. See Exhibit A.

Agenda Item #3 – Approval of Meeting Minutes (February 9, 2018)

Judge Shirley motioned to approve the meeting minutes. Assemblyman Pickard seconded motion. Motion passed unanimously.

Agenda Item #4 – Discussion and recommendations on the proposed child support language for a formula using the economic data about the cost of raising children.

Ms. Surratt opened the floor for the committee to discuss what they found when using the new calculations in different scenarios. The committee made some suggestions regarding the calculations as many discovered issues with the new calculations when calculating child support in different scenarios.

- Pull child care expenses off of gross income and change the definition of gross income.
- Move to a tabular form.
- Include a "not to exceed" amount when dealing with child care.
- Use a formula as an add-on for the high-income earners.
- Take the average cost of living for the high-income bracket and add 2% or 3% of the obligor's income.

- Give the judges instructions on how to deal with child care and medical support as part of the calculations.
- Populate the table at a linear approach from one corner of the table to the next and incorporate the low-income and medium-income charts.
- Change the base percentage number to simplify calculating child care and medical support at different income levels.
- Leave child care as a deviation for the courts to consider.
- Deal with child care and health insurance separately just as the courts would with extracurricular activities.
- Have a parallel chart that places a cap on child care and medical support to create a right size order.
- Leave some discretion up to the courts to deal with extraordinary circumstances where the obligor caps out and the obligee cannot afford to pay the bills.

Mr. Sanford volunteered to create a couple scenarios of low-income, medium-income, and high-income to see how the calculations reflect across those earners. Ms. Surratt stated she would get in contact with Ms. Crecelius to see if she could create a linear model.

Ms. Surratt summarized the committee discussion on this agenda item. One, move child care and health insurance costs to the front of the child support calculation where there is an offset of gross monthly income. Two, Mr. Sanford's proposal of treating high-income levels at certain percentages. Three, drop the percentages down as they are too high.

Judge Hoskin volunteered to draft a gross income definition that deals with child care and health insurance for the committee to consider. Ms. Surratt stated she would ask Mr. Sanford to draft his percentages for high-income levels. Then, Ms. Surratt stated she would work on running different scenarios with different percentages for the committee to decide where they want the percentages to land with the economic data. Judge Hoskin also volunteered research how Alaska deals with child care and health insurance in different cases.

Ms. Surratt suggested this agenda item be included on the next meeting's agenda for further discussion and possible action.

Agenda Item #5 – Review and approve the final language on how to calculate child support from incarcerated parent(s), or parent(s) recently release from incarceration.

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

Agenda Item #6 – Review and approve the final language on the definition of child support for purposes of calculating child support.

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

Agenda Item #7 – Discussion and recommendations on proposed guidelines on income imputation when calculating child support.

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

Agenda Item #8 – Discussion and recommendations on calculating an adjustment for additional dependents without support obligations.

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

Agenda Item #9 – Discussion and recommendations on proposed language for a child support calculation for shared parenting time.

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

Agenda Item #10 – Discussion and recommendations on proposed language for a child support calculation for serial parenting.

Ms. Surratt referenced Mr. Willick's public comment which addresses how to deal with serial parenting. She asked Assemblyman Pickard to turn the public comment into proposed language for the committee to consider. Assemblyman Pickard stated he would ask Mr. Willick to draft some the proposed language and present it at the next meeting.

Ms. Surratt suggested this agenda item be included on the next meeting's agenda for further discussion and possible action.

Agenda Item #11 – Discussion and recommendations on proposed language for a child support calculation for split parenting.

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

Agenda Item #12 – Discussion and recommendations regarding additional child care costs data received from Nova Murray and the corresponding proposed language.

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

Agenda Item #13 – Review and approve the final language for calculation of child support plus medical support coverage.

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

Agenda Item #14 – Discussion and recommendations regarding whether to include a definition of "low income payer" similar to Wisconsin.

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

Agenda Item #15 – Discussion and recommendations regarding emancipation of children and self-adjusting orders.

Ms. Surratt stated a private attorney reached out to her regarding this agenda item. She read the attorney's question: Would it be possible to have orders to say something along the lines of, "At such time as the older child emancipates the support is automatically adjusted based on current income and formula, but if parties are unable to stipulate and have to litigate the prevailing party should be awarded his or her fees."? Right now, it is a trap for the unwary which should not be the goals of the law.

The committee then proposed different ideas on how to deal with self-adjusting orders.

- The new child support program is not slotted to accommodate self-adjusting orders.
- Provide the courts with the ability upon presentation to make those adjustments upon emancipation.
- Provide an adjustment based on the retroactive prohibition.
- Mandatorily noticing the obligor that it is the obligor's responsibility to come back to court to modify the order upon a child emancipating.
- Adjust the monthly obligation.
- Check with the federal government as they have a guideline that does not allow retroactive modifications of orders.
- Add language that states the order is self-adjusting and the obligor is on notice to modify the order.
- Leave it up to the parties to come to court and address the change.
- Notify the parties the child support obligation ends upon emancipation and leave some discretion for the courts in cases where the parties want to address the adjustment.

Ms. Surratt asked Ms. Baker to draft some language consistent with the discussion. Ms. Baker stated she would attempt to draft the language but may have a family emergency that could prevent her from having the language ready for the next meeting. Judge Hoskin volunteered to work with Ms. Baker on the language and have it ready to present at the next meeting.

Agenda Item #16 – Review and approve the final language defining split, serial, and shared parenting times.

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

Agenda Item #17 – Discussion and recommendation regarding self-determination and stipulated orders.

Ms. Surratt asked Ms. Baker to present this agenda item as she requested it be placed on the agenda for consideration with the committee. Ms. Baker stated as long as there is no duress and the needs of the child are met, there is no reason the parties cannot agree to a lower amount than the 18% or 25%.

Assemblyman Pickard asked how to address changing the stipulated order and how to figure out when there is an imbalance of bargaining power. Ms. Baker suggested giving some flexibility to provide evidence when there is a change in circumstance and the parties could then modify the stipulation.

Judge Hoskin stated he did not want to make a decision on this item when the committee is removing some of the deviations. Ms. Surratt clarified that the committee is keeping some of the deviations. She also stated that Ms. Baker's policy with the current system is that parties are not allowed to stipulate to a $0 order. Ms. Surratt did not want to overlook the duress part.

Judge Hoskin asked for clarification on this agenda item. Ms. Baker clarified that the issue is how materialist the courts will be by not allowing parties to stipulate to a lower order based on

the needs of the parties. Ms. Surratt stated that without the deviation factors, the judge should be able to look at the scenario and see that it makes sense.

Ms. Throne suggested the committee allow parties to stipulate and order but require the parties to include their current gross monthly income. The judge would then know what the starting point was when it comes back into the courts for a modification. Ms. Cliffe suggested having some draft language for the committee to consider.

Ms. Surratt asked Ms. Throne to draft some language regarding stipulated orders. Ms. Throne agreed to draft the language and present it at the next meeting.

Agenda Item #18 – Discussion and recommendations regarding consideration of community property income when calculating child support.

Ms. Surratt asked if the committee had any discussion on this agenda item. Assemblyman Pickard stated he thought this was addressed in Judge Hoskin's gross monthly income. Judge Hoskin agreed this item has already has been addressed.

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

Agenda Item #19 – Discuss and approve ideas for future agenda items.

Ms. Surratt stated she would keep child care, medical insurance, and gross monthly income on the next agenda as well as adding new items for the new language that was discussed today.

Ms. Cliffe asked if agenda item #12 could be removed from the agenda since this was already discussed and presented to the committee. Ms. Surratt agreed and stated she would remove item #12 from the next agenda.

Agenda Item #20 – Discuss and approve future meeting date(s).

Ms. Surratt informed committee of the next meeting date, March 23, 2018 at the Legislative Buildings in Carson City and Las Vegas.

Agenda Item #21 – Public Comment

Ms. Surratt called for public comment in the south. Public comment was heard from Stephanie McDonald. Ms. McDonald stated there are many self-representing litigants in Family Court. She asked the committee to keep everything as simple as possible. She liked the idea of standardizing guides that people can follow with as little math as possible.

Ms. Surratt asked Ms. McDonald about ideas for standard times for modifications. Ms. McDonald suggested making modifications more applicable to milestones of a child.

Ms. Surratt called for public comment over the telephone: no public comment.

Ms. Surratt called for public comment in the north: no public comment.

Agenda Item #22 – Adjournment

Ms. Surratt called for a motion of adjournment. Judge Shirley motioned for adjournment. Assemblyman Pickard seconded the motion. Meeting adjourned at 3:38 pm.

Exhibit A

Vol. 32 — How to Calculate Child Support with Multiple Families

by Marshal S. Willick | Dec 28, 2010 | Newsletter | 0 comments

Vol. 32 — How to Calculate Child Support with Multiple Families

A legal note from Marshal Willick about how child support is figured when there are multiple children in different custodial households.

This note is a continued reply to responses to legal note No. 29 ("Child Support but not Custody Jurisdiction," posted at https://willicklawgroup.com/newsletters) regarding remaining questions about how to calculate child support in Nevada. The law is pretty uncertain as to what to do when a non-custodial parent is paying support for children located in more than one custodial household.

I. THE QUESTION ASKED

A lawyer wrote in, asking how to correctly calculate child support in a case in which a non-custodian had two children from one previous marriage and one child from another. The lawyer queried whether the total support to be paid should be 29% of gross income (the three-child guideline percentage) divided between the two custodial parents 2/3 to 1/3, or 25% (the two-child percentage) to the one, plus 18% to the other.

II. ANALYSIS AND OPTIONS

There is no perfectly clear answer (no statute or specific case that answers this question), but it has been considered, by the Child Support Statute Review Committees of 1992 and 1996, which came up with two different approaches – neither of which has been adopted to date by the Nevada Supreme Court.

A. SIGNS AND PORTENTS IN THE CASE LAW

The Nevada Supreme Court has repeatedly reconfirmed that all adjustments to child support awards, even those made for reasons of "equity," must be based on the statutory list of factors set out in NRS 125B.080(9). Rivero v. Rivero, 125 Nev. ___, 216 P.3d 213 (Adv. Opn. No. 34, Aug. 27, 2009); Khaldy v. Khaldy, 111 Nev. 374, 376-77, 892 P.2d 584, 585 (1995).

Applications of the statute to the situation of minor children in more than one other household, however, have been few. In Hoover v. Hoover, 106 Nev. 388, 793 P.2d 1329 (1990), the court faced a situation in which the non-custodial parent had two more children with a second spouse, and asked for a downward modification from support of the earlier kids on that basis. The trial court rejected his proposal to use the four-child rate and give the former spouse half of that sum.

Affirming, the Supreme Court stated that it was not "blind" to the public policy issues that could be created by several additional children, and that a trial court could, but was not required to, deviate from guideline support under the statutory factor referencing the "responsibility of the parents for the support of others." But the Court also stated that there was "no power in the courts to devise a new formula based on the number of children who happen to have been born to the paying parent."

The Court punted the issue to the Nevada Legislature, which fumbled (has been silent on thequestion for the ensuing 20 years). The next year, the Court decided Scott v. Scott, 107 Nev. 837, 822 P.2d 654 (1991), where, again, the non-custodian had two children in a second marriage after divorce from the custodial parent. This time, the district court granted a downward deviation from guideline support (without explaining the basis for the amount of the deviation).

The Supreme Court affirmed that decision too, and distinguished Hoover on the explicit basis that the lower court did not explain how the deviation was arrived at, other than to recite the facts of the case before announcing the deviation.

The following year, in Lewis v. Hicks, 108 Nev. 1107, 843 P.2d 828 (1992), the Court reversed a trial court downward deviation in which the obligor had remarried and had another child. The lower court had explained the basis of its deviation as having added the surplus income of the noncustodial parent over his expenses to the sum ordered in the prior support order.

Again the Supreme Court rejected the deviation as a "significant departure from the statutory scheme." Somewhat schizophrenically, the Court simultaneously cited with approval studies finding that child support awards should "be easily determined for maximum predictability and judicial economy," and found that it had "consistently found error where the trial court invented its own formula for calculating support awards."

Along the way, the Court noted the existence of the 1992 State Bar Child Support Statute Review Committee Report, but only insofar as that Report had noted the lack of legislative action to resolve the multi-family support situation. Noting that deviation could be based on "prior or subsequent family obligations," the Court urged trial courts to apply the factor "cautiously" so as not to lower child support payable in "most cases," stating that such deviation "should be the exception rather than the rule."

B. ARE "FORMULAS," PER SE, A BAD THING?

The Court has been pretty critical of lower courts attempting to divine a formulaic approach to modifying child support in any way not explicitly called for by the child support statutes. See, e.g., Lewis v. Hicks, 108 Nev. 1107, 843 P.2d 828 (1992) (rejecting lower court's "formula" of adding surplus over expenses to prior support order as a "significant departure from the statutory scheme").

Somewhat ironically, however, that Court has seen fit to create extra-statutory child support application formulas several times. See Wright v. Osburn, 114 Nev. 1367, 970 P.2d 1071 (1998) (creating offset formula for joint custody cases); Rivero v. Rivero, 125 Nev. ___, 216 P.3d 213

(Adv. Opn. No. 34, Aug. 27, 2009) (overruling prior year's complex time-share deviation formula in favor of adoption of Wright offset formula in all joint custody cases).

The Court's thinking in this area seems to have evolved – for the better. As explained in Rivero, the purpose of the decision was to bring consistency and predictability to child custody and support proceedings. As the Court put it:
District courts can use their discretion to make fair determinations in individual child custody cases. However, this becomes unfair when different parties similarly situated obtain different results. Such unreliable outcomes also make it difficult for attorneys to advise their clients and for parties to settle their disputes. Therefore, the timeshare requirement that this opinion establishes is both necessary to ensure consistent and fair application of the law and proper under this court's precedent.

But the Court's prior case law addressing the multiple family situation runs directly contrary to the goals expressed in Rivero, reversing any court that explained how and why it was deciding as it did (and thus making the process susceptible to being "consistent and predictable") and affirming any result that remain unexplained. This is illogical, but it is the message of the prior cases.

So it is hard to predict whether any formulaic approach to child support deviation in a multiple family situation would be affirmed on appeal – it might come down to whether the appellate court considered the formula an acceptable "application" of existing law, or a prohibited "departure" from the child support statutes. The Court's more recent recognition of the importance of predictability and certainty in child support matters as important policy goals would certainly be far better served by creation of a multi-family formulaic approach than by telling judges that they can "consider" the matter but not reveal how they are doing so.

C. PROPOSED FORMULAIC RESOLUTIONS

The sheer number of such cases indicates the importance of guidance for addressing them. As early as 1991, citing even earlier studies, one commentator observed:

Multiple family situations are no longer the exception, but the rule. About half of marriages – and an even greater proportion of divorces – involve at least one partner who has been married before. A substantial portion, as well, involve at least one partner with a child or children from that former marriage or another former union.

Marianne Takas, The Treatment of Multiple Family Cases Under State Child Support Guidelines (U.S. Dep't of Health and Human Services 1991) at 2. Since 1991, that trend has only increased, so that the majority of child support cases involve some consideration of prior or subsequent family obligations. In this context, there is a clear need for predictability and consistency in such cases.

The 1992 State Bar Child Support Statute Review Committee Report proposed and discussed two possible ways in which the multi-family situation could be approached. Both approaches

have good pedigrees, and in the two decades since then, no one has apparently suggested any improvements.

1. THE FIRST MORTGAGE APPROACH

The 1985 Governor's Commission that proposed what became the Nevada child support statutes included in its "Preliminary Statement of Intent" the principle that since later families are a voluntary act, "prior support obligations take precedence over the needs of a new family, and . . . it may be appropriate to give priority to children from an earlier marriage or relationship in assessing the extent to which children born subsequently may reduce pre-existing child support obligations."

To do so, the Commission suggested subtracting pre-existing child support obligations from income before establishing any new order, which it felt would communicate "a sense of responsibility . . . for initial obligations" so as to discourage "irresponsible treatment of children who are the product(s) of multiple marriages."

For similar reason, a majority of the 1992 Committee advocated adoption of this approach, projecting that it would decrease modification motions, since noncustodial parents would not be able to unilaterally affect the support payable under an earlier obligation by entering into later obligations or relationships.

One big question is whether the first mortgage approach should work in reverse – whether an earlier obligation can be reduced in consideration of support paid for a later obligation. The Nevada Supreme Court's language in Lewis said without much analysis that support may be reduced for "prior or subsequent family obligations," based on the current wording of the statute, but the 1992 Committee believed it should apply only to protect the earlier family.

Other States are divided. Wisconsin explicitly makes its formula work in either direction, so that not only is a later obligation lowered by the support payable under the earlier obligation, but the reverse also occurs – support under the earlier obligation is lowered by imputed support payable to the children of a later relationship, whether supported in the obligor's home, or by payments to another custodian.

The majority of States apparently take into consideration earlier support orders at the time a later support obligation is determined. A majority of States also deny modification to earlier support obligations on the basis ofthe existence of children later acquired as dependents of an obligor. Some States are quite blunt in explaining why, usually along the lines of the explanation in the 1985 Nevada Governor's Commission Report. The Montana guidelines, for example, refuse any adjustment to an existing child support order based upon subsequent children:

Creation of the new family is a voluntary act and that parent should decide whether or not he or she can meet existing support responsibilities and provide for new ones before taking that step.

2. THE EQUAL PROTECTION APPROACH

On the other hand, some guidelines focus on the children, rather than the choices of the parents who produce them, leading to very different results. The Advisory Panel to the U.S. Department of Health and Human Services, in authoring the Development of Guidelines for Child Support Orders, included in the preface to its final report eight guiding principles. Number four of those was:Each child of a given parent has an equal right to share in that parent's income, subject to factors such as age of the child, income of each parent, income of current spouses, and the presence of other dependents.

Development of Guidelines for Child Support Orders (HHS 1987) at I-4. Some commentators have taken the position that such an approach is a constitutional necessity.

III. CONCLUSIONS

Mechanically, in the absence of special finding, an obligor with two children in the custody of one former spouse, and another child in the custody of another, will pay 25% of gross income to the former, and 18% to the latter (limited by the presumptive maximums). Under our current law, the obligor could and should request deviation under NRS 125B.080(9) for the "legal obligation for the support of others" in both cases.

But this hardly seems adequate. With so much left to discretion, similarly situated people will undoubtedly be treated very differently from one case to another, and from one court to another. Given the number of multiple-family cases, some guidance is called for in the interest of consistency and predictability, since "unreliable outcomes . . . make it difficult for attorneys to advise their clients and for parties to settle their disputes."

Of the various potential resolutions, subtracting the sum of child support paid for an earlier obligation from the "income" that can be used for the basis of a later child support obligation seems to be the optimal means of weighing rights and responsibilities in each dimension. District courts should consider adopting that approach, as the mechanism for applying the statutory deviation factor of NRS 125B.080(9). And, hopefully, when the Nevada Supreme Court next reviews such a case, it will encourage, rather than strike down, a court decision explaining not just the "what" but the "how and why" of its results.

IV. QUOTES OF THE ISSUE

"There are three things which I consider excellent advice. First, don't smoke to excess. Second, don't drink to excess. Third, don't marry to excess."
– Mark Twain

"I found criminal clients easy and matrimonial clients hard. Matrimonial clients hate each other so much and use their children to hurt each other in beastly ways. Murderers have usually killed the one person in the world that was bugging them and they're usually quite peaceful and agreeable."
– John Mortimer (1923-2009)

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