

Thank you for the opportunity to speak today. I would like to provide a little background on my experience in the matters at hand today. I am somewhat familiar with many sides of child support from both the custodial and non-custodial sides. First, I am a custodial parent whose non-custodial parent has only made minimal payments in the last several years due to voluntary unemployment and most recently incarceration. Second, my now ex-husband during the time we were married was required to pay child support and faithfully does until this day. This also includes several thousand of arrears he accumulated while he was incarcerated. During our marriage, half of our income tax return was provided to his son's mother (rightfully so) and we were able to retain the other half as I claimed an "injured spouse" since he accumulated the arrears before our marriage. He eventually settled with her paying many thousands of dollars to clear the arrears. During that time, the income he provided to support his child came from our household income which included my child and the two more we had together. We are now divorced and I am court ordered through our divorce to pay \$450 for the support of the two children we have together. This amount of support was determined despite the fact that we share equal time with the children and because my income is more than double his. I provide this information for you to see that I am not speaking out of turn, but out of experience from all sides of the conversation. I am an educated parent who came from poverty and was once on public assistance for a short time. I have held full-time employment since I was 5 months pregnant with my first child and would consider myself a good parent and a concerned middle-class citizen.

To begin, I am here today to represent custodial parents during your consideration of modifying child support guideline-specifically when it involves lowering support orders to below the current minimum of \$100 for incarcerated non-custodial parents. While I respect the intent of its design, this would only punish custodial parents both financially and emotionally. Especially, when incarceration should be considered "voluntary unemployment" as the individual knowingly and willfully chose to commit a crime that could result in incarceration. It is absolutely unfair to grant a waiver of financial

obligation to a person because of their choice to commit a crime. I have spent the last week reviewing several reports, including the "Review of the Nevada Child Support Guidelines", many which state statistics about the likelihood of repayment and hardship placed on a criminal upon their release. What about the hardship for custodial parents who must now assume the full responsibility with no retribution? What about the countless hours and second jobs custodial parents will have to take, all while knowing that the non-custodial parent is not being held responsible for any portion of their fair share? Why is it ok for them to be held responsible in criminal court but not family court? The answer is that is not fair and it's not right. What message will it send to criminals-*commit a crime and get off on your financial responsibility to care for your child?* What message does this send to custodial parents-***we don't respect you stepping up and taking on the full financial burden of raising a child enough to hold the non-custodial parent even the slightest responsible?***

Just last week, I was on the phone with my Case Manager who informed me that the judge would likely drop the non-custodial parent's payment to zero dollars while incarcerated. This was after he was sent a letter asking if he wanted his case reviewed since he is incarcerated. For the last two years, almost no efforts were made to enforce payments nor a penalty given for non-payment; and now those I trusted to enforce child support, sent a letter to him asking if he wanted a review hearing knowing that the intention was to reduce his financial responsibility. I was mind-blown when I heard this. My daughter is almost 12 years old and by the time her non-custodial parent is due to be released she will be 17 years old. This means that for five years, I will be required to take on the full burden of her care and financial support and he will be given a financial break. How is it fair that I do my part in raising a child I brought into this world and am penalized for it; while he commits a crime and is rewarded with having no financial responsibility-all while receiving free housing and meals while he is incarcerated which are also paid for with my tax dollars.

I reiterate that a zero financial responsibility is unfair to custodial parents and consideration of the intent of this discussion MUST include consideration for the hardship this will place on custodial parents. The Review of the Nevada Child Support Guideline suggests numerous times the average child rearing cost for one child is \$980/month. A zero financial responsibility for incarcerated non-custodial parents is completely unacceptable. In fact, I believe the minimum of \$100 is also unacceptable if you take into consideration the ability for non-custodial parents to participate in employment if they had not voluntarily been incarcerated. Take for instance, a full-time minimum wage job would produce an estimated monthly income of \$1,430, assuming they are no barriers to full time employment such as a disability or mental health issues. Under this theory and considering the current Nevada Revised Statute, 18% of this monthly income without deviations would result in a single child support order of \$257.40, more than double the current minimum allowable support order and only half of the average USDA child rearing cost once split between parents ( $\$980/2 \text{ parents} = \$490$ ). Lowering the current minimum support order any lower is a slap in the face to any and all custodial parents and tax payers who are likely absorbing the lack of financial responsibility from non-custodial parents. At the minimum, at \$100/month support order for one child does not sufficiently represent a respectable share of support and would only accrue \$1,200/annually in arrears. Furthermore, if a non-custodial parent were incarcerated for the entire 18 years of required financial responsibility, a \$100 minimum order would only produce arrears of \$21,600. This amount can be compared to any other large purchase which is paid off over time and worked into the average family's budget-such as a car payment or mortgage. Essentially, this point is to put into perspective the financial facts of the current minimum support orders and the actually low amount of arrears it could accumulate; which should be considered when assessing the true barriers arrears place on a criminal upon release.

In Nevada's current economy there are few excuses to not have employment and those not working without a valid involuntary reason, should be considered as voluntary unemployment and

assigned a support order accordingly-the current minimum of \$100. I understand, that while incarcerated a non-custodial parent is not able to make payments but that does not mean they should not still be held responsible. That's like saying if I lose my job I shouldn't be held responsible for paying my bills. As a custodial parent, I have done my part carrying the extra burden and I am asking you today to do your part and consider the potential penalties being placed on custodial parents while giving a free ride to criminals. While I can find a small understanding as to consider the "ability to pay" while incarcerated, dropping the minimum standard is clearly not the solution to the true problem and is completely unfair to custodial parents and tax payers bearing the hardship for parents who make poor choices resulting in incarceration.

Secondly, I would like to state concern in utilizing a percentage of income to calculate child support. I believe this model does not accurately account for the actual cost of child-rearing and can often penalize a parent for their financial success and reward parents for minimal efforts to financially provide. Child support should be determined on the average cost to raise a child and the current Review of the Nevada Child Support Guidelines provides data from the USDA regarding the estimated child-rearing cost of children based on seven categories (Food, transportation, housing, clothing, health care, education, and miscellaneous expenses). Consideration of this data should be given as it is an equitable measure to account for true expenses which should then be shared equally (assuming equal time with children, deviation should be consider when otherwise). It is not fair for a parent to be "less responsible" for their equal share of the cost of child rearing because they have lower income and it is not fair for a parent to be "more responsible" for a child financially because they have a higher income. If you wish to provide a similar living situation as the child had when the parents co-habited, then the lower income parents should take the same measures the higher income parent made to support their child(ren). In fact, standard of living is more of an alimony matter than a child support matter. Either

way, as a parent, custodial or non, you have a responsibility to provide support for your child and should be required to do so in a fair and equitable manner.

For instance, I spent many, many nights and long hours in college to earn my Bachelor Degree resulting in gainful employment to support my children. I am currently in my Master's program as I am now required to provide child support for children I share equal time with and take on the full responsibility for a child whose other parent will soon not be required to financially care for her because he is incarcerated and will likely have his support order lowered to \$0. As a responsible custodial parent and a victim of the percentage of income calculations, I must now increase my income in order to provide for my children because the Nevada Revised Statutes child support guidelines have imposed both restrictions and obligations on me because of my financial achievement. I am however thankful for the Presumptive Maximum Amounts as who knows where I would be then. On the other hand, both of my children's fathers only have a high school education. One has never maintained stable employment and the other will likely max out on his State employment at \$40,000 because of his lack of effort to get a higher education. Again, why must a custodial parent, doing my part, be penalized for stepping up and doing what it takes to raise the children I brought into this world? Seems to me the only thing being enforced is for custodial parents to have to pick up the financial slack.

Additionally, the percentage of incomes calculations can actually be a deterrent for both custodial and non-custodial parents to increase their income as it negatively affects their child support in some views. Make a little money, pay less child support and let the other parent pick up the slack. Make too much money and subsidize the parent who puts forth less effort to become financially secure. Having a set amount for the cost of child-rearing is a fair way to equally split the financial cost of raising a child.

Lastly, I would like to suggest a few additional things to consider that may be outside of your scope but still worth mentioning.

- If a non-custodial parent is incarcerated, a percentage of any money placed in an inmate account should be available for child support payments. Considering there would be no need for a support reserve as you are supported by the prison system. If you have the ability to secure income for commissary and phone cards, then you have the ability to support your child.
- An increased emphasis on enforcing job searching efforts should be considered-for both incarcerated and non-compliant parents. On the same hand, if a parent is not supporting a child(ren), then incarceration for non-payment does not impact the custodial parent as they were not receiving support anyways. Harsher punishments on non-compliant obligors should be considered. As it stands they know there are no true ramifications, I have seen this first hand.
- Consideration should be given to interest charged while incarcerated. This seems to be a non-productive penalty and one way to alleviate some of the intention of lowering support orders during incarceration.

Again, thank you for the opportunity to voice my thoughts on the matter.

DeAndrea