

BRIAN SANDOVAL  
*Governor*



RICHARD WHITLEY, MS  
*Director*

STEVE H. FISHER  
*Administrator*

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
**DIVISION OF WELFARE AND SUPPORTIVE SERVICES**

1470 College Parkway  
Carson City, NV, 89706  
Telephone (775) 684-0500 • Fax (775) 684-0614  
<http://dwss.nv.gov>

**NOTICE OF PUBLIC WORKSHOP  
TO SOLICIT COMMENTS ON PROPOSED REGULATION  
AND WORKSHOP AGENDA**

The Division of Welfare and Supportive Services is proposing the adoption of regulations relating to child support. If adopted, the regulations will be in the newly created chapter 425 of the Nevada Administrative Code. A workshop has been set for **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**

Interested persons may also participate through a simultaneous videoconference conducted at:

**Division of Welfare and Supportive Services  
7701 North Rancho Drive, Training Room 5  
Las Vegas, Nevada 89106**

If unable to attend in person, teleconferencing will be available. Please call in with one of the following numbers:

(702) 486-8777 (South)  
(775) 684-8777 (North)  
Access Code: 7777

The purpose of the workshop is to solicit comments from interested persons on the following general topic(s) that may be addressed in the proposed regulation:

The proposed regulations establish child support guidelines for the calculation of child support and other matters properly relating thereto including: stipulation requirements, definition of Obligor and Obligee, definition and determination of gross income, imputation of income, consideration of medical support and child care, calculation of child support based on income, adjustments, incarceration, emancipation, penalties, and modifications.

The proposed regulations were the result of Assembly Bill 278, Chapter 371, 79th Session 2017 which created the Committee to Review Child Support Guidelines and required the Committee to review the child support guidelines established in the State of Nevada and submit recommendations to the Administrator of the Division of Welfare and Supportive Services and required the Administrator to consider the recommendations and adopt regulations establishing child support guidelines.

*"Working for the Welfare of ALL Nevadans"*

A copy of all materials relating to the proposal including the Notice of Public Workshop, Public Workshop Agenda, Small Business Impact, and draft regulations may be obtained at the workshop, downloaded from the Division of Welfare and Supportive Services' website <https://dwss.nv.gov/Home/Features/Public-Information/>, or by contacting Joy Tomlinson, Division of Welfare and Supportive Services, 1470 College Parkway, Carson City, Nevada, (775) 684-0698, [cseguideline@dwss.nv.gov](mailto:cseguideline@dwss.nv.gov). A reasonable fee for copying may be charged.

Persons with disabilities who require special accommodations or assistance at the meeting are requested to notify Joy Tomlinson at the Nevada Division of Welfare and Supportive Services, 1470 College Parkway, Carson City, Nevada 89706, [cseguideline@dwss.nv.gov](mailto:cseguideline@dwss.nv.gov) or calling (775)684-0698 no later than five (5) working days before the public meeting.

**MAILING DATE: SEPTEMBER 6, 2018**

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations, posted to the agency's website at <https://dwss.nv.gov/Home/Features/Public-Information/> and posted at the following locations:

Division of Public & Behavioral Health 4150 Technology Way Carson City, Nevada 89706	Division of Welfare & Supportive Services Henderson Office 520 S. Boulder Highway Henderson, Nevada 89015	Division of Welfare & Supportive Services Central Office 1470 College Parkway Carson City, Nevada 89706
Division of Welfare & Supportive Services- Elko Office 1020 Ruby Vista Drive, #101 Elko, Nevada 89801	Division of Welfare & Supportive Services Reno Office 4055 S. Virginia Street Reno, Nevada 89502	Division of Welfare & Supportive Services Las Vegas Flamingo Office 3330 E. Flamingo, Suite 55 Las Vegas, Nevada 89121
Division of Welfare & Supportive Services Las Vegas Belrose Office 700 Belrose Street Las Vegas, Nevada 89701	Legislative Building 401 S. Carson Street Carson City, Nevada 89701	Grant Sawyer Building 555 East Washington Avenue Las Vegas, Nevada 89101
Nevada State Library & Archives 100 North Stewart Street Carson City, Nevada 89701	Carson City Library 900 North Roop Street Carson City, Nevada 89702	Churchill County Library 553 South Main Street Fallon, Nevada 89406
Clark County District Library 833 Las Vegas Boulevard Las Vegas, Nevada 89101	Douglas County Public Library 1625 Library Lane Minden, Nevada 89423	Elko County Library 720 Court Street Elko, Nevada 89801
Esmeralda County Library Corner of Crook & 4 <sup>th</sup> Street Goldfield, Nevada 89316	Eureka County Library 10190 Monroe Street Eureka, Nevada 89316	Humboldt County Library 85 East 5 <sup>th</sup> Street Winnemucca, Nevada 89445
Battle Mountain Branch Library (Lander County) 625 South Broad Street Battle Mountain, Nevada 89820	Lincoln County Library 63 Main Street Pioche, Nevada 89403	Lyon County Library 20 Nevin Way Yerington, Nevada 89447
Mineral County Public Library First & A Street PO Box 1390 Hawthorne Nevada 89105	Pershing County Library 1125 Central Avenue Lovelock, Nevada 89419	Tonopah Public Library (Nye County) 167 Central Street Tonopah, Nevada 89409
Pahrump Library District (Nye County) 701 East Street Pahrump, Nevada 89048	Storey County Clerk's Office Drawer D Virginia City, Nevada 89440	Washoe County Library System 301 South Center Street Reno, Nevada 89501
White Pine County Library 950 Campton Street Ely, Nevada 89301	Nevada Public Notice Website <a href="http://notice.nv.gov/">http://notice.nv.gov/</a>	Nevada Legislature Website <a href="https://www.leg.state.nv.us/">https://www.leg.state.nv.us/</a>



DEPARTMENT OF HEALTH AND HUMAN SERVICES  
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STEVE H. FISHER  
Administrator

**NOTICE OF PUBLIC MEETING**

**PUBLIC WORKSHOP AGENDA**  
**September 24, 2018 at 1:30 pm**

NOTICE IS HEREBY GIVEN that the Division of Welfare and Supportive Services will conduct a Public Workshop to consider adoption of regulations relating to child support. If adopted, the regulations will be in the newly created to Nevada Administrative Code (NAC) Chapter 425.

The workshop will be conducted in person and via videoconference on September 24, 2018, at 1:30pm at the following locations:

**Division of Welfare and Supportive Services**  
**1470 College Parkway**  
**Room 149**  
**Carson City, NV 89706**

**Division of Welfare and Supportive Services**  
**701 North Rancho Drive**  
**Training Room 5**  
**Las Vegas, NV 89106**

If unable to attend in person, teleconferencing will be available. Please call in with one of the following numbers:

(702) 486-8777 (South)  
(775) 684-8777 (North)  
Access Code: 7777

**AGENDA**

1.	<b>Call to Order</b>
2.	<b>Public Comment</b>
3.	<b>Introduction of workshop process</b> (For possible action)
4.	<b>Presentation and Discussion of Proposed Regulations</b> The proposed regulations establish child support guidelines for the calculation of child support and other matters properly relating thereto including: stipulation requirements, definition of Obligor and Obligee, definition and determination of gross income, imputation of income, consideration of medical support and child care, calculation of child support based on income, adjustments, incarceration, emancipation, penalties, and modifications Public comment regarding the proposed regulations is welcome and will be accepted. (For possible action)

5.	<b>Public Comment</b>
6.	<b>Adjournment</b>

Any agenda item may be taken out of order, items may be combined for consideration, items may be pulled or removed from the agenda at any time.

Public comments will be taken at the beginning and end of the meeting. Public comment may be limited to three minutes per person. No action may be taken upon a matter raised during public comment until the matter has been specifically included on an agenda as an item upon which action may be taken.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence may submit the material to Joy Tomlinson, at the following address: **Nevada State Division of Welfare and Supportive Services, Child Support Enforcement, 1470 College Parkway, Carson City, NV 89706** or [cseguideline@dwss.nv.gov](mailto:cseguideline@dwss.nv.gov)

Supporting materials including Notice of Public Workshop, Public Workshop Agenda, Small Business Impact, and draft regulations may be obtained at the workshop, downloaded from the Division of Welfare and Supportive Services' website at <https://dwss.nv.gov/Home/Features/Public-Information/>, or by contacting Joy Tomlinson, Division of Welfare and Supportive Services, 1470 College Parkway, Carson City, Nevada, (775) 684-0698, [cseguideline@dwss.nv.gov](mailto:cseguideline@dwss.nv.gov). A reasonable fee for copying may be charged.

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**MAILING DATE: SEPTEMBER 6, 2018**

This Workshop Agenda has been sent to all persons on the agency's mailing list for administrative regulations, posted on the Division of Welfare and Supportive Services official website: <https://dwss.nv.gov/Home/Features/Public-Information/> and posted at the following locations:

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**DRAFT OF PROPOSED REGULATION**

**NEVADA CHILD SUPPORT GUIDELINES**  
**LCB File No. R183-18**

**INTRODUCTION PROVISIONS:**

Any child support order must be based on the payor's earnings, income, and other evidence of ability to pay.

It is presumed that the basic needs of a child are met by the formulas set forth in these regulations. This presumption may be rebutted by evidence proving that the needs of a particular child are not met or are exceeded by the applicable formula.

If the amount of the awarded support for a child is greater or less than the amount which would be established under these guidelines, the court shall:

- (a) Set forth findings of fact as to the basis for the deviation from the formula; and
- (b) Provide in the findings of fact the amount of support that would have been established under the applicable formula.

**STIPULATIONS AND ORDERS:**

Parties have the right to stipulate to a child support obligation for their child(ren) that does not comply with the following guidelines. However, in order to be binding, a stipulation must be in writing and:

- a. Set forth the current gross monthly income of each parent;
- b. Specify what the child support obligation would be under these guidelines;
- c. Provide notice to both parents that, if either parent seeks a review of the child support obligation upon a material change in circumstances or for regular periodic review, a court will be bound by the child support guidelines in effect at the time of the review;
- d. Certify that the recipient parent is not receiving public assistance and has not applied for public assistance;
- e. Certify that the basic needs of this particular child are met or are exceeded by this child support award; and
- f. Be approved and adopted as an order of the court.

A court presented with a proposed stipulation of the parents for a child support obligation may reject the stipulation, even if it complies with the requirements set forth above, if the court believes that the stipulation is a product of coercion or does not meet the needs of the child. Additionally, the receipt of public assistance by the recipient or the parent entitled to receive child support under the guidelines will constitute a change of circumstances that will allow the review of the child support obligation and the modification of the child support obligation in accordance with the child support guidelines then in effect.

If the parties do not agree to the amount of support required, the Court shall determine the amount of support according to the following guidelines.

#### STEP ONE TO ASSESS CHILD SUPPORT: DETERMINE WHO IS THE OBLIGOR/OBLIGEE

“Obligor” means a person who incurs a legal obligation for child support as a result of a court order.

“Obligee” means a person who is entitled to receive child support as a result of a court order.

When an individual has primary physical custody of a minor child that individual is an obligee. The non-primary physical custodian is an obligor.

When individuals have joint physical custody of a minor child they are each an obligor. The child support formula set forth in these guidelines shall be applied to each joint physical custodian’s respective gross monthly income to obtain their respective obligations. Then, the respective obligations shall be offset so that the obligor with the higher obligation pays the other obligor the difference.

When potential obligors have two (2) or more children and they both have joint physical custody of at least one of the children but not all of the children, the obligors shall each calculate their child support obligation under the formula set forth below based on the number of children to whom each obligor owes a child support obligation. Then, the respective obligation shall be offset so that the obligor with the higher obligation pays the other obligor the difference.

#### STEP TWO TO ASSESS CHILD SUPPORT: DETERMINE GROSS INCOME

First, the amount of gross income of each obligor must be determined by stipulation of the parties or by the Court upon consideration of all relevant financial information or other information relevant to the obligor’s earning capacity. The Court may direct either party to furnish financial information or other records, including income tax returns for prior years.

#### GROSS INCOME DEFINITION:

- (a) “Gross income” for purposes of calculating child support means all of the following:
1. Salary and wages, including money earned from overtime pay if that overtime pay is substantial, consistent and can be accurately determined.
  2. Interest and investment income not including the principle.
  3. Social Security disability and old-age insurance benefits under Federal Law.
  4. Income from a pension, annuity or retirement plan.
  5. Net proceeds resulting from worker's compensation or other personal injury awards intended to replace income.
  6. Unemployment insurance.
  7. Income continuation benefits.
  8. Voluntary deferred compensation, employee contributions to any employee benefit plan or profit-sharing, and voluntary employee contributions to any pension or retirement account whether or not the account provides for tax deferral or avoidance.
  9. Military allowances and veterans benefits.
  10. Any and all compensation for lost wages.

11. Undistributed income of a corporation, including a closely-held corporation, or any partnership, including a limited or limited liability partnership, in which the parent has an ownership interest sufficient to individually exercise control or to access the earnings of the business, unless the income included is an asset under [section regarding imputed income] In this paragraph:

- a. "Undistributed income" means federal taxable income of the closely held corporation, partnership, or other entity plus depreciation claimed on the entity's federal income tax return less a reasonable allowance for economic depreciation.
- b. A "reasonable allowance for economic depreciation" means the amount of depreciation on assets computed using the straight-line method and useful lives as determined under federal income tax laws and regulations.

Income considered under this subsection is subject to the adjustments under [section regarding adjustments].

12. All other income of the obligor, whether taxable or not, except that gross income does not include any of the following:

- a. Child support received.
- b. Foster care payments under Federal Law.
- c. Kinship care payments under Federal Law.
- d. Public assistance benefits under Federal Law, except that child care subsidy payments under Federal Law, shall be considered income to a child care provider.
- e. Supplemental Nutrition Assistance Program (SNAP) under Federal Law.
- f. Cash benefits paid by counties under Federal Law.
- g. Supplemental Security Income and state supplemental payments under Federal Law.
- h. Payments made for social services or any other public assistance benefits.

This subsection defines gross income used in establishing a child support order under this chapter and may not be used to limit income withholding, or the assignment of worker's compensation benefits for child support.

This paragraph clarifies that although the portion of worker's compensation awards not intended to replace income is excluded from gross income in *establishing* a child support order, the full worker's compensation benefit is assignable for the *collection* of child support.

### **IMPUTATION OF INCOME:**

If the Court determines, after taking evidence, that the obligor is underemployed or unemployed without good cause, the Court may impute income to that obligor.

If income is imputed, the Court must take into consideration the specific circumstances of the noncustodial parent to the extent known, including such factors as the noncustodial parent's assets, residence, employment and earnings history, job skills, education attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers will to hire the noncustodial parent, prevailing earnings level in the local community and other relevant backgrounds factors in the case.



### STEP THREE: CONSIDERATION OF MEDICAL SUPPORT AND CHILD CARE:

The Court shall consider the reasonable costs of reasonable child care expenses paid by either or both parents and shall make an equitable division thereof.

Every court order for the support of a child issued or modified in this State, must include a provision specifying that individuals responsible for a child are required to provide medical support for the child and any details relating to that requirement.

As used in this section, “medical support” includes, without limitation, the cost of coverage for medical, vision and dental under a plan of insurance for the child that is reasonable in cost and accessible, meaning the payment of any premium.

For the purpose of this subsection:

- (A) The term “plan of insurance” includes the child being provided coverage under a public plan of insurance such as Medicaid or a reduced fee plan such as Nevada Check Up.
- (B) Payments of cash for medical support under a plan of insurance are “reasonable in cost” if:
  - (i) The cost to each parent who is responsible for providing medical support is not more than 5 percent of the gross monthly income of the parent or the cost of adding a dependent child to any existing coverage for health care or the difference between individual and family coverage, whichever is less, is not more than 5 percent of the gross monthly income of each parent.
  - (ii) The plan policy, including the copayment, deductible and maximum out of pockets costs, shall also be assessed to determine if it is reasonable in cost.
- (C) Coverage for health care under a plan of insurance is “accessible” if the plan:
  - (i) Is not limited to coverage within a geographic area; or
  - (ii) Is limited to coverage within a geographic area and the child resides within that geographic area.

### STEP FOUR: DETERMINE CHILD SUPPORT BASED ON GROSS INCOME LOW INCOME PAYERS:

“Low-income payer” means a payer for whom the Court has determined that the payer’s total economic circumstances limit his or her ability to pay support at the level set forth in the schedule. Once low-income payer status is determined, the child support obligation shall be established by use of a yearly schedule based on the current federal poverty guidelines as determined by the Secretary of Health and Human Services and published annually in the Federal Register. This schedule shall be published by the Administrative Office of the Courts no later than the last day of March of each year.

If a payer’s monthly income is below the lowest level set on the schedule, the Court may set a child support obligation that is appropriate based upon the payer’s total economic circumstances, balancing the payer’s need for self-support and the payer’s obligation to support the child.

**[INSERT LOW INCOME SCHEDULE IN COMMISSION EXHIBITS]**

## **CHILD SUPPORT CALCUATIONS OTHER THAN LOW INCOME:**

Except as set forth in (low-income section), a parent's "Base support obligation" means the dollar amount determined according to the following schedule:

- (1) For one child, the sum of
  - a. 16 percent of the first \$6,000 of a parent's gross monthly income, plus
  - b. 8 percent of the portion of the parent's gross monthly income for any gross monthly income from \$6,001 to \$10,000, plus
  - c. 4 percent of the portion of the parent's gross monthly income for any gross monthly income in excess of \$10,000.
- (2) For two children, the sum of
  - a. 22 percent of the first \$6,000 of a parent's gross monthly income, plus
  - b. 11 percent of the portion of the parent's gross monthly income for any gross monthly income from \$6,001 to \$10,000, plus
  - c. 6 percent of the portion of the parent's gross monthly income for any gross monthly income in excess of \$10,000.
- (3) For three children, the sum of
  - a. 26 percent of the first \$6,000 of a parent's gross monthly income, plus
  - b. 13 percent of the portion of the parent's gross monthly income for any gross monthly income from \$6,001 to \$10,000, plus
  - c. 6 percent of the portion of the parent's gross monthly income for any gross monthly income in excess of \$10,000.
- (4) For four children, the sum of
  - a. 28 percent of the first \$6,000 of a parent's gross monthly income, plus
  - b. 14 percent of the portion of the parent's gross monthly income for any gross monthly income from \$6,001 to \$10,000, plus
  - c. 7 percent of the portion of the parent's gross monthly income for any gross monthly income in excess of \$10,000.
- (5) For each child in excess of 4 children, the sum of
  - a. An additional 2 percent of the first \$6,000 of a parent's gross monthly income, plus
  - b. An additional 1 percent of the portion of the parent's gross monthly income for any gross monthly income from \$6,001 to \$10,000, plus
  - c. An additional 0.5 percent of the portion of the parent's gross monthly income for any gross monthly income in excess of \$10,000.

## **STEP FIVE: DETERMINE IF AN ADJUSTMENT IS NEEDED:**

The child support obligation may be further adjusted by the Court pursuant to the specific needs of the child and the economic circumstances of the parents based upon the following factors and specific findings of fact:

- (a) Any special educational needs of the child;
- (b) The legal responsibility of the parents for the support of others;
- (c) The value of services contributed by either parent;
- (d) Any public assistance paid to support the child;
- (e) The court may include benefits received by a child under 42 USC 402(d) based on a parent's entitlement of federal disability or old-age insurance benefits under 42 USC 401 to 433 in the parent's gross income and adjust a parent's child support obligation by subtracting the amount of the child's social security benefit. In no case may this adjustment require the obligee to reimburse the obligor for any portion of the child's benefit;

- (f) The cost of transportation of the child to and from visitation;
- (g) The relative income of both households; and
- (h) Any other necessary expenses for the benefit of the child
- (i) The party's ability to pay.

## **INCARCERATION**

"Incarcerated or involuntarily institutionalized" includes, but is not limited to, involuntary confinement for any period exceeding 180 consecutive days to the state prison, a county jail, state or Federal prison, a juvenile detention facility, or a mental health facility.

Incarceration or involuntarily institutionalization, or release therefrom, shall be considered a substantial change of circumstances to warrant a child support order to be reviewed and, if appropriate, adjusted based on the noncustodial parent's ability to pay. A review hearing may be conducted upon request of a local child support agency or a party. Incarceration or involuntary institutionalization shall not be treated as voluntary unemployment and income shall not be imputed to the person who is incarcerated or involuntarily institutionalized. The Court may verify that the person owing support does have the means to pay more or less while incarcerated or involuntarily institutionalized.

If child support is either suspended or reduced during incarceration or involuntary institutionalization, the money judgment or child support obligation shall be set to the lowest child support by the low income schedule or if a higher child support order was ordered during incarceration, to the higher of the two. This section does not preclude a person owing support from seeking a modification of the child support order based on a change in circumstances or other appropriate reason.

This section does not prohibit the local child support agency or a party from petitioning a court for a determination of child support or arrears amounts.

This section applies to every money judgment or child support order issued or modified on or after the enactment of this section.

## **EMANCIPATION**

A. If a child support order is for one child only, the ongoing child support obligation shall terminate when the child turns 18, or, if the child is still in high school, until graduation or age 19, whichever comes first, unless there exists a statutory basis to terminate the obligation to provide ongoing support sooner or to extend the obligation to provide ongoing support.

B. If the most recent child support order is for more than one child, and allocates a specific amount of the total support obligation to each child, the ongoing child support amount allocated for the subject child shall terminate the month following the date that child turns 18, or, if the child is still in high school, the month after the child graduates or turns 19, whichever comes first, unless there exists a statutory basis to terminate the obligation to provide ongoing support sooner or to extend the obligation to provide ongoing support.

C. If the most recent child support order is for more than one child, and does not allocate a specific amount of the total child support obligation to each child, if one child emancipates, in order to adjust the existing ongoing child support obligation, a stipulation must be submitted to the court or a motion must be filed with the court for modification of the existing child support order. Any modification of the ongoing child support obligation must be in compliance with the child support guidelines for the remaining non-emancipated child(ren). Regardless of the date of emancipation, any change to the existing child support obligation will only be effective as of the date the motion requesting modification was filed, unless the parties agree otherwise in a stipulation.

The following notice MUST be included in any unallocated child support order when more than one child is the subject of the order.

**NOTICE:** If you want to adjust the amount of the child support obligation set out in this order, you MUST file a motion for review and modification or submit a stipulation to the court. If a motion to modify is not filed or a stipulation is not submitted, the obligation to pay the amount of ongoing child support set out in this order will continue until all of the children that are the subject of this order have emancipated. Any modification made pursuant to a motion for modification shall only take effect as of the date the motion was filed, unless otherwise agreed to by the parties in a stipulation.

**PENALTIES:**

- Do not adopt language in NRS 125B.095 – NO penalties

**Modification:**

Once a court has established an obligation for support, any subsequent modification or adjustment of that support, except for any modification or adjustment made pursuant to NRS 425.450 or as a result of a review conducted pursuant to subsection 1 or NRS 125B.145, must be based upon changed circumstances. The adoption of these regulations and/or a modification of these regulations shall not in and of itself be considered a substantial change in circumstances sufficient to justify a revision of a judgment or order of child support.

**Child Support Obligation of Low-Income Payers  
at 75% to 150% of the 2018 Federal Poverty Guidelines**

Monthly Income Up To	One Child		Two Children		Three Children		Four Children		Five Children	
	Percent	Child Support Amount	Percent	Child Support Amount	Percent	Child Support Amount	Percent	Child Support Amount	Percent	Child Support Amount
\$759	10.56%	\$80	14.52%	\$110	17.16%	\$130	18.48%	\$140	19.80%	\$150
\$786	10.75%	\$85	14.79%	\$116	17.48%	\$137	18.82%	\$148	20.16%	\$158
\$813	10.95%	\$89	15.05%	\$122	17.79%	\$145	19.16%	\$156	20.53%	\$167
\$840	11.14%	\$94	15.32%	\$129	18.11%	\$152	19.50%	\$164	20.89%	\$176
\$867	11.34%	\$98	15.59%	\$135	18.42%	\$160	19.84%	\$172	21.26%	\$184
\$894	11.53%	\$103	15.86%	\$142	18.74%	\$168	20.18%	\$180	21.62%	\$193
\$921	11.73%	\$108	16.12%	\$149	19.05%	\$176	20.52%	\$189	21.99%	\$203
\$948	11.92%	\$113	16.39%	\$155	19.37%	\$184	20.86%	\$198	22.35%	\$212
\$976	12.11%	\$118	16.66%	\$162	19.69%	\$192	21.20%	\$207	22.71%	\$222
\$1,003	12.31%	\$123	16.92%	\$170	20.00%	\$201	21.54%	\$216	23.08%	\$231
\$1,030	12.50%	\$129	17.19%	\$177	20.32%	\$209	21.88%	\$225	23.44%	\$241
\$1,057	12.70%	\$134	17.46%	\$185	20.63%	\$218	22.22%	\$235	23.81%	\$252
\$1,084	12.89%	\$140	17.73%	\$192	20.95%	\$227	22.56%	\$245	24.17%	\$262
\$1,111	13.09%	\$145	17.99%	\$200	21.26%	\$236	22.90%	\$254	24.54%	\$273
\$1,138	13.28%	\$151	18.26%	\$208	21.58%	\$246	23.24%	\$265	24.90%	\$283
\$1,165	13.47%	\$157	18.53%	\$216	21.90%	\$255	23.58%	\$275	25.26%	\$294
\$1,192	13.67%	\$163	18.79%	\$224	22.21%	\$265	23.92%	\$285	25.63%	\$306
\$1,219	13.86%	\$169	19.06%	\$232	22.53%	\$275	24.26%	\$296	25.99%	\$317
\$1,247	14.06%	\$175	19.33%	\$241	22.84%	\$285	24.60%	\$307	26.36%	\$329
\$1,274	14.25%	\$182	19.60%	\$250	23.16%	\$295	24.94%	\$318	26.72%	\$340
\$1,301	14.45%	\$188	19.86%	\$258	23.47%	\$305	25.28%	\$329	27.09%	\$352
\$1,328	14.64%	\$194	20.13%	\$267	23.79%	\$316	25.62%	\$340	27.45%	\$364
\$1,355	14.83%	\$201	20.40%	\$276	24.11%	\$327	25.96%	\$352	27.81%	\$377
\$1,382	15.03%	\$208	20.66%	\$286	24.42%	\$338	26.30%	\$363	28.18%	\$389
\$1,409	15.22%	\$215	20.93%	\$295	24.74%	\$349	26.64%	\$375	28.54%	\$402
\$1,436	15.42%	\$221	21.20%	\$304	25.05%	\$360	26.98%	\$387	28.91%	\$415
\$1,463	15.61%	\$228	21.47%	\$314	25.37%	\$371	27.32%	\$400	29.27%	\$428
\$1,490	15.81%	\$236	21.73%	\$324	25.68%	\$383	27.66%	\$412	29.64%	\$442
\$1,518	16.00%	\$243	22.00%	\$334	26.00%	\$395	28.00%	\$425	30.00%	\$455

**Calculations:**

The income in the first row is 75% of the monthly poverty level income for a one person household.

Child support amount in the first row is 66% of the amount calculated by applying the Nevada rate to the monthly income.

The income amount for the last row is 150% of the monthly poverty level income for a one person household.

**2018 Federal Poverty Guidelines**

Household Size	Annual Income	Monthly Income
1	\$12,140	\$1,012
2	\$16,460	\$1,372
3	\$20,780	\$1,732
4	\$25,100	\$2,092
5	\$29,420	\$2,452
6	\$33,740	\$2,812
7	\$38,060	\$3,172
8	\$42,380	\$3,532

**Nevada Rates**

One Child	16%
Two Children	22%
Three Children	26%
Four Children	28%
Five Children	30%

For families/households with more than 8 persons, add \$4,320 for each additional person.

<https://www.federalregister.gov/documents/2018/01/18/2018-00814/annual-update-of-the-hhs-poverty-guidelines>

**SMALL BUSINESS IMPACT STATEMENT**  
**LCB File No. R183-18**  
**PROPOSED ADDITION OF NAC CHAPTER 425**

Pursuant to NRS 233B.0608(1), the Division of Welfare and Supportive Services (DWSS) must determine whether the proposed regulations developed in accordance with Assembly Bill 278, Chapter 371, 79<sup>th</sup> Session 2017 to establish child support guidelines are likely to: (a) impose a direct and significant economic burden on small business; or (b) directly restrict the formation, operation, or expansion of a small business. NRS 233B.0382 defines a small business to be any business that employs 150 or fewer employees.

**Background**

The proposed regulations establish child support guidelines for the calculation of child support and other matters properly relating thereto. The proposed regulations were the result of Assembly Bill 278, Chapter 371, 79<sup>th</sup> Session 2017 which created the Committee to Review Child Support Guidelines and required the Committee to review the child support guidelines established in the State of Nevada and submit recommendations to the Administrator of the Division of Welfare and Supportive Services and required the Administrator to consider the recommendations and adopt regulations establishing child support guidelines. The child support guidelines set forth in NRS 125B.070, 125B.080, 125B.085 and 125B.095 will be repealed upon adoption of the regulations in to the newly created chapter 425 of the Nevada Administrative Code.

**Method**

Division of Welfare and Supportive Services reviewed the proposed regulations and compared the regulations to the sections of NRS 125B which will be repealed upon adoption of the regulations. Division of Welfare and Supportive Services staff also reviewed all forms currently sent to businesses regarding child support.

**Analysis**

The proposed regulations do not implement any new requirement on Nevada businesses. The duty to support a child is owed by a private individual, not a business. The proposed regulations address how the child support obligation is calculated. The proposed regulations do not alter any other law or regulation specific to gathering income or serving wage withholding documents on businesses acting as employers. The regulations do not alter the information all employers are mandated to provide under federal law to establish, modify and enforce child support obligations. Nor do the regulations alter the Federal wage withholding requirements. Additionally, forms specific to wage withholding are Federal and will not change based on the proposed regulations.

Section 466 of the Social Security Act (Act) (42 U.S.C. 666) contains the list of specific child support enforcement procedures that each State is required to have in place in order to satisfy the State Plan requirements of section 454 of the Act. (*See* 42 U.S.C. 666(a)(1) and (b).) Additionally, subsection 454A(g) of the Social Security Act requires the transmission of an income withholding order to the employer within two business days from the date a State IV-D agency receives notice of the source of income. In addition, this subsection requires the State IV-D agencies to issue an income withholding order using the "uniform formats prescribed by the Secretary." (*See* 42 U.S.C. 654A(g)(1)(A) and 666 (b)(6)(A)(ii).) The proposed regulations do not alter these provisions of the Act. The Nevada Revised Statutes specific to wage verification and withholding found in NRS31A and NRS 425 remain unchanged.

### **Determination**

The proposed regulations do not implement any new requirement on Nevada businesses, and therefore, the proposed regulation will not impose a direct and significant economic burden upon small business and will not directly restrict the formation, operation, or expansion of small business.

### **Certification by Person Responsible for the Agency**

I, Steve H. Fisher, Administrator of the Division of Welfare and Supportive Services certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in this statement was prepared properly and is accurate.

Signature: *Steve H. Fisher* Date: September 6, 2018