

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R139-23

1. A clear and concise explanation of the need for the adopted regulation.

Federal law, 42 USC § 667, requires for states to review child support guidelines once every four years to ensure appropriate child support orders are based on the obligated parent's earnings, income and other evidence of ability to pay. Recommendations from a review of the prior guidelines provided data and identified areas of weakness that should be analyzed and updated in Nevada. The Committee to Review Child Support Guidelines (the Committee), established in the 2017 legislative session, was formed to support the Division of Welfare and Supportive Services (DWSS) in conducting this quadrennial review and updating the guidelines as appropriate. The Committee has recommended the following updates to the guidelines used to calculate child support: 1) requires a child support obligation determined by combining the base child support obligation with child care costs, medical support, and certain other adjustments, 2) change of language/wording to distinguish between a total child support obligation and a base child support obligation, 3) requires a court to make certain findings when making an equitable division of the costs of child care, 4) requires a court to make an equitable division of the medical support, 5) clarifying/specifying income that qualifies as part of the gross income of a party, 6) requires the obligee to confirm whether he/she is or is not receiving TANF, 7) requires the court to calculate child support where each party has primary custody of at least one child, 8) upon emancipation, termination of child support shall be on the first day of the month immediately following the month of change.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

A public workshop to solicit public comments on the proposed regulation and a public hearing for the adoption of the regulations were conducted. The workshop was held on Monday, June 10th, 2024. The hearing for the adoption of the regulations was held Friday, September 20th, 2024. The workshop was held in person at the Legislative Counsel Bureau, Grant Sawyer Building, 555 E Washington Ave, Las Vegas, NV 89101. The hearing was held at the Legislative Counsel Bureau, 7230 Amigo Street, Hearing Room 165, Las Vegas, NV 89119. The meetings were also available by teleconference. A copy of the notice and the proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Division of Welfare and Supportive Services
1470 College Parkway
Carson City, NV

Division of Welfare and Supportive Services
1900 East Flamingo Road
Las Vegas, NV

Nevada State Library and Archives
100 Stewart Street
Carson City, NV

Copies of the transcripts of the proceedings are available for review at the offices of the Committee, 1150 East William Street, Carson City, Nevada 89701 and 9075 West Diablo Drive, Suite 250, Las Vegas, Nevada 89148.

<https://dwss.nv.gov/Home/Features/Public-Information/>

3. The number of persons who attended, testified, and/or submitted written comments to the agency:

- Public Workshop held on June 10th, 2024: Eight people were in attendance. One person testified, and no persons submitted written comments.
- Public hearing held on September 20th, 2024: Six people were in attendance. No persons testified, and no persons submitted written comments.

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

(a) Name; (b) Telephone number; (c) Business address; (d) Business telephone number; (e) Electronic mail address; and (f) Name of entity or organization represented.

The following information was collected at the following workshop:

Public Workshop on June 10th, 2024; one person testified.

(a) Kimberly Surratt, (b) 775-636-8200, (c) 3705 Lakeside Dr, Reno, NV 89506, (d) kim@surrattlaw.com, (e) Chair of the Child Support Guideline Committee.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

DWSS reviewed the proposed regulations and compared the regulations to the Nevada Revised Statutes (NRS). The Division also reviewed all forms currently sent to businesses regarding child support. The proposed regulations do not place 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 and do not alter any other law or regulation specific to gathering income or serving wage withholding documents on businesses acting as employers. The proposed regulations do not impose a direct and significant burden on small businesses nor will they directly restrict the formation, operation, or expansion of small business. Therefore, small business impact statements were not solicited.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The committee proposed a change of the wording listed in NAC 425.115 (3)(4) from, “offset so that the party with the higher child support obligation pays the other party *the difference*” to “offset so that the party with the higher child support obligation pays the other party *half of the*

difference.” Ultimately, DWSS did not accept this proposed change as it would likely lead to higher earners paying less of an obligation percentage of his/her income than the lower earning parent. This would risk the lower income parents needing to come on to, or stay on, the Temporary Assistance for Needy Families (TANF) roles, shifting the burden to the public. As a Public Agency, one of the goals of DWSS is to divert people from the TANF roles, and to help families on those roles become self-sufficient so that they no longer need that assistance. As such, this proposed regulation change was not accepted.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

A) Both adverse and beneficial effects

B) Both immediate and long-term effects.

The proposed regulations do not place any new requirement on Nevada businesses. The duty to support a child is owed by a private individual, not a business. No adverse or beneficial, immediate or long-term effects on any business are anticipated.

The proposed regulations do not place any adverse or beneficial, immediate or long-term effects on the public.

8. The estimated cost to the agency for enforcement of the proposed regulation:

The proposed regulations address how the child support obligation is calculated. No additional costs are associated with enforcement of the proposed regulation.

9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

Once adopted the proposed regulations do not overlap or duplicate any other Nevada state regulations.

The proposed regulations comply with existing federal regulations that establish minimum standards for child support guidelines. (45 C.F.R. § 302.56(c)) The regulating federal agency is the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services.

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

N/A.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

N/A.

