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April 2, 2007

Assembly Judiciary Committee

RE: Position of the Elko County District Attorney's Office concerning AB 536

The Elko County District Attorney's Office supports the transfer of Child Support Enforcement from the County District Attorney's Office to the State of Nevada. The use of federal money for the program administered through the State has essentially removed any discretion from the District Attorney to administer the program. The rules and policies imposed on the District Attorney to administer the program are many times not in accord with the view of the Elko County District Attorney regarding proper enforcement. Moreover, child support enforcement has become essentially an administrative law function as opposed to a legal function. Whatever justification there originally was for putting child support enforcement obligations on the county District Attorney's offices has long since passed.

Child support enforcement is not necessarily directly tied to county residents. Elko County can and does have enforcement obligations for cases which did not arise in Elko County and for which the persons involved have only a temporary and tenuous connection with Elko County in any event. I understand there to be periodic efforts to transfer difficult cases to Elko County in order to keep statistical records for other counties in such a condition as will ensure continued incentive funding for the other county. The use of the integrated nationwide computer system to track and sanction obligors far exceeds the capacity of many small counties to work within the system.

My point is that child support decrees being enforced in Elko County are many times not the product of the local courts, Elko County residents may or may not be benefiting from child support enforcement programs, and non-custodial parents who owe child support obligations may or may not be living in Elko County. It is therefore probably impossible to fairly attribute to Elko County an accurate proportion of the cost of running a child support program based on a county connection to the case.

When child support was a legal function, an errant parent was saddled with the costs of enforcement by court order. When child support enforcement was created and placed in the District Attorney's Office to administrate, it was limited to persons who had trouble receiving their child support. The decrees to be enforced were local and at least the custodial parent or the non-custodial parent lived in Elko County. The determination of the state legislature and the federal government to offer enforcement to virtually every custodial parent, whether or not they need assistance in receiving their support, is

ASSEMBLY JUDICIARY

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SUBMITTED BY: _____ RECEIVED BY: _____

Gary Woodbury

Assembly Judiciary Committee

Re: AB 536


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a state and federal decision, not a county decision. If the State or the Feds mandate it, they should pay for it or devise a program to make the parties pay for it.

I will not likely be District Attorney in 2011 but, if I were, I would not voluntarily contract with the State to provide management of the State's child support enforcement efforts for the reasons set out above.

Very truly yours,


GARY D. WOODBURY
Elko County District Attorney

GDW/kc

DA# 03287