



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

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**Legislative Review of Adopted Regulations as Required by NRS 233B.066
Nevada Regulation Amendment R183-18**

The following statement is submitted for adopted amendments to Nevada Regulation Amendment R183-18 as required by NRS 233B.066:

1. Statement concerning the regulation:

(a) A clear concise explanation of the need for the adopted regulation.

Existing federal law requires 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) define "gross income," 2) define an "obligee," 3) define an "obligor," 4) require a child support order to be based on an obligor's earnings and income and evidence of ability to pay, 5) set out the formula for calculating support obligations, 6) address incarcerated or involuntarily institutionalized obligors, 7) cover changes to or termination of child support, and 8) define emancipation.

(b) A description of how public comment was solicited, a summary of the public response, and an explanation of how other interested persons may obtain a copy of the summary.

Two public workshops to solicit public comments on the proposed regulation and a public hearing for the adoption of the regulations were conducted. The workshops were held on Monday, September 24, 2018, and Thursday, April 11, 2019. The hearing for the adoption of the regulations was held Tuesday, August 20, 2019. The workshops were video-conferenced between the Division of Welfare and Supportive Services, 1470 College Parkway, Room 149, Carson City, NV and the Division of Welfare and Supportive Services, 701 North Rancho Drive, Training Room 5, Las Vegas, NV. The hearing was held at the Legislative Building, 401 S. Carson St., Carson City, NV. 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
Services
1470 College Parkway
Carson City, NV

Division of Welfare and Supportive
1900 E. Flamingo Road
Las Vegas, NV

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

A copy of the regulations, meeting minutes, public comment and the agency determination specific to the small business impact statement can be found online by going to:

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

[See also: https://dwss.nv.gov/Support/cs_guidelines/](https://dwss.nv.gov/Support/cs_guidelines/)

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

- At the workshop on September 24, 2018, there were 13 people in attendance; one person testified; and three people submitted written comments.
- At the workshop on April 11, 2019, there were 13 people in attendance; two people testified; no one submitted written comments.
- At the hearing on August 20, 2019, there were 24 people in attendance; 9 people testified; no one submitted written comments.

(d) For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing:

(1) Name; (2) Telephone number; (3) Business address; (4) Business telephone number; (5) Electronic mail address; and (6) Name of entity or organization represented.

The following information was collected at the workshops.

Workshop on September 24, 2018, one person testified:

Jenni Cartwright, 775-450-8488, jennicartwright@gmail.com, representing self

Workshop on April 11, 2019, two people testified:

Jenni Cartwright, 775-450-8488, jennicartwright@gmail.com, representing self

Glen Baker, 775-455-5971, gbaker1a@gmail.com, representing self

Hearing on August 20, 2019, nine people testified:

Jenni Cartwright, 775-450-8488, jennicartwright@gmail.com, representing self

Glen Baker, 775-455-5971, gbaker1a@gmail.com, representing self

Kristopher Daniel, 775-304-6334, kris49ers@live.com, representing self

Kim Surratt, 775-813-7819, kim@surrattlaw.com, representing Nevada State Bar

Keith Pickard, 702-910-4300, keithp@nevadafamilylaw.com, representing Nevada Senate

Sonya Toma, stoma@lacs.org, representing Legal Aid Center of Southern Nevada

Joshua Cowart, josh.cowart@actus-nv.com

Carol Strom, carolstrom@gmail.com

Workshop on September 24, 2018, had three people submitted written comments

Keith Pickard, 702-910-4300, keithp@nevadafamilylaw.com, representing self as State Assemblyman

Glen Baker, 775-455-5971, gbaker1a@gmail.com, representing self

Jenni Cartwright, 775-450-8488, jennicartwright@gmail.com, representing self

Workshops on April 11, 2019, and August 20, 2019, no one submitted written comments.

(e) 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.

(f) 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 regulations adopted at the public hearing on August 20, 2019 included changes made in response to public comments received during the drafting and workshop process. There were public comments that did not result in a change to the regulation in the following two areas:

- If there is no other change in the obligor's circumstances, Section 21 (3) prohibits the adoption of this regulation alone to be used to justify a modification to an existing order or money judgment.

Many of those providing public comment wanted to be able to apply the new guidelines immediately. However, DWSS and the Committee recognized that these changes have the potential to have an impact on all existing child support cases. The child support program as well as the court system do not have the capacity to handle the influx of modifications that could result from opening the process to all existing cases. The recommendation is to keep the limitation of 21 (3) in place and apply the new guidelines uniformly on a go forward basis.

- The effective date of the regulations as set out in Section 23 is on the "first day of the first month following 90 days after the date on which this regulation is filed by the Legislative Counsel with the Secretary of State. Many of the public comments supported an effective date upon adoption. The program staff, private attorneys, judges and hearing masters will all need to be trained on the policy changes. The training is currently being developed but cannot be finalized until the regulation is adopted. The recommendation is to keep the effective date set out in Section 23 in place. This is needed in order for the training to be finalized and implemented which will allow the new guidelines to be applied uniformly on a go forward basis.

(g) 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:

- (1) Both adverse and beneficial effects; and**
- (2) 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.

(h) 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.

(i) A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or

overlapping 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.

(j) If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

N/A

(k) 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

<http://dwss.nv.gov>