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**Form For Filing
Administrative Regulations**

Agency: Department of Health &
Human Services, Division of Welfare
and Supportive Services

FOR EMERGENCY
REGULATIONS ONLY

Effective date _____

Expiration date _____

Governor's signature

Classification: PROPOSED ADOPTED BY AGENCY EMERGENCY

Brief description of action:

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. In 2017, the legislature created the Committee to Review Child Support Guidelines (the Committee) to support the Division of Welfare and Supportive Services (DWSS) in conducting this quadrennial review and updating the guidelines.

Based on feedback from previous reviews and updates to federal and state law, the Committee has recommended updates to the guidelines used to calculate child support in the following areas: 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 court procedures to be used in calculating support including addressing the federal requirement that the support amount must be the result of a calculation, 6) address incarcerated or involuntarily institutionalized obligors, 7) cover changes to or termination of child support, and 8) define emancipation.

Authority citation other than 233B:

AUTHORITY: §§1-23, NRS 425.620 Review of guidelines for support of children

Notice date: Workshops were held on Monday, September 24, 2018, and Thursday, April 11, 2019

Date of Adoption by Agency: Tuesday, August 20, 2019

Hearing date: Tuesday, August 20, 2019

**ADOPTED REGULATION OF THE
ADMINISTRATOR OF THE DIVISION OF
WELFARE AND SUPPORTIVE SERVICES OF THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

LCB File No. R183-18

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-23, NRS 425.620.

A REGULATION relating to child support; establishing the child support guidelines that will be used to calculate child support in this State upon the effective date of this regulation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing federal law and regulations require each state to establish child support guidelines and to review such guidelines at least once every 4 years to ensure that the application of such guidelines results in appropriate awards of child support. (42 U.S.C. § 667(a); 45 C.F.R. § 302.56(e)) Existing federal regulations also establish minimum standards for such guidelines. (45 C.F.R. § 302.56(c)) Existing Nevada law establishes the general formula used to calculate child support and sets forth several other related provisions. (NRS 125B.070-125B.085, 125B.095) Existing Nevada law also requires: (1) the Committee to Review Child Support Guidelines to review the existing child support guidelines established in this State and provide any recommendations for revisions to the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services; and (2) the Administrator, after reviewing and considering such recommendations, to adopt regulations establishing the child support guidelines in this State. (NRS 425.620) The regulations adopted by the Administrator will replace the guidelines currently set forth in existing law.

This regulation establishes the child support guidelines that will be used to calculate child support in this State upon the effective date of this regulation. **Section 4** of this regulation defines “gross income” for the purposes of calculating child support. **Section 5** of this regulation defines an “obligee” as a person who is entitled to receive child support, and **section 6** of this regulation defines an “obligor” as a person who incurs a legal obligation to provide child support. **Section 8** of this regulation requires any child support order to be based on an obligor’s earnings, income and other evidence of ability to pay.

Section 9 of this regulation authorizes the parties to a child support proceeding to stipulate to an amount of child support that does not comply with the child support guidelines established in this regulation and sets forth the requirements that such a stipulation must satisfy

in order to be binding. **Section 9** also provides that a court may reject such a stipulation if it is a product of coercion or the amount of child support does not meet the needs of the child.

Section 11 of this regulation requires the monthly gross income of each obligor to be determined by stipulation of the parties or the court. **Section 12** of this regulation authorizes the court to impute income to an obligor who is underemployed or unemployed without good cause and requires the court to take into consideration the specific circumstances of the obligor.

Section 13 of this regulation requires the court to make an equitable division of the reasonable costs of child care, and **section 14** of this regulation requires every child support order that is issued or modified in this State to include a provision specifying that medical support is required to be provided for the child and any details relating to such a requirement.

Section 15 of this regulation establishes the schedule for determining the base child support obligation of an obligor based on the number of children who will receive support and the monthly gross income of the obligor. **Section 16** of this regulation requires child support to be established using a low-income schedule based on the federal poverty guidelines if the court determines that the total economic circumstances of an obligor limit his or her ability to pay the base child support obligation determined pursuant to **section 15**. **Section 16** also authorizes the court to establish an appropriate child support obligation if the monthly gross income of an obligor is below the lowest level set forth in the low-income schedule. **Section 17** of this regulation authorizes the court to adjust any child support obligation in accordance with the specific needs of the child and the economic circumstances of the parties.

Section 18 of this regulation provides that the incarceration or involuntary institutionalization of an obligor for a period of 180 consecutive days or more, or the release from such incarceration or involuntary institutionalization, constitutes a substantial change in circumstances that warrants the review and, if appropriate, adjustment of a child support order. **Section 18** also prohibits incarceration or involuntary institutionalization from being treated as voluntary unemployment.

Section 19 of this regulation establishes provisions relating to the automatic termination of a child support obligation if a child support order pertains to: (1) only one child; or (2) more than one child but allocates a specific amount of the total child support obligation to each child. **Section 19** provides that if a child support order pertains to more than one child and does not allocate a specific amount of the total child support obligation to each child, a person who wishes to modify the order when a child reaches 18 years of age or, if the child is still in high school, graduates from high school or reaches 19 years of age, whichever comes first, the person must file a motion to modify the order or submit a stipulation between the parties to the court. **Section 20** of this regulation sets forth a notice that must be included in any child support order that pertains to more than one child and does not allocate a specific amount of the total child support obligation to each child.

Section 21 of this regulation requires any modification or adjustment of a child support order to be based upon a change in circumstances unless otherwise authorized by law or regulation.

Section 1. Chapter 425 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 21, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Child support obligation” means the amount of child support that is required to be paid by an obligor.*

Sec. 4. 1. *“Gross income” includes, without limitation:*

(a) Salary and wages, including, without limitation, money earned from overtime pay if such overtime pay is substantial, consistent and can be accurately determined.

(b) Interest and investment income, not including the principal.

(c) Social security disability benefits and old-age insurance benefits under federal law.

(d) Any periodic payment from a pension, retirement plan or annuity which is considered remuneration for employment.

(e) Net proceeds resulting from workers’ compensation or other personal injury awards intended to replace income.

(f) Unemployment insurance.

(g) Income continuation benefits.

(h) Voluntary contributions to a deferred compensation plan, employee contributions to an employee benefit or profit-sharing plan, and voluntary employee contributions to any pension or retirement account, regardless of whether the account provides for tax deferral or avoidance.

(i) Military allowances and veterans’ benefits.

(j) Compensation for lost wages.

(k) Undistributed income of a business entity in which a party has an ownership interest sufficient to individually exercise control over or access the earnings of the business, unless the income is included as an asset for the purposes of imputing income pursuant to section 12 of this regulation. As used in this paragraph:

(1) “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.

(2) “Undistributed income” means federal taxable income of a business entity plus depreciation claimed on the federal income tax return of the business less a reasonable allowance for economic depreciation.

(l) Child care subsidy payments if a party is a child care provider.

(m) Alimony.

(n) Except as otherwise provided in subsection 2, all other income of a party, regardless of whether such income is taxable.

2. The term does not include:

(a) Child support received.

(b) Foster care or kinship care payments.

(c) Benefits received under the federal Supplemental Nutrition Assistance Program.

(d) Cash benefits paid by a county.

(e) Supplemental security income benefits and state supplemental payments.

(f) Except as otherwise provided in paragraph (l) of subsection 1, payments made for social services or any other public assistance benefits.

(g) Compensation for losses, including, without limitation, both general and special damages, from personal injury awards not intended to replace income.

3. This section must not be construed to limit income withholding or the assignment of workers' compensation benefits for the collection of child support.

Sec. 5. "Obligee" means a person who is entitled to receive payments for the support of one or more children pursuant to an order.

Sec. 6. "Obligor" means a person who incurs a legal obligation to provide support for one or more children pursuant to an order. If the parties have joint physical custody of at least one child, each party is an obligor.

Sec. 7. "Order" has the meaning ascribed to "order for the support of a child" in NRS 125B.145.

Sec. 8. 1. Any order must be based on the obligor's earnings, income and other evidence of ability to pay.

2. It is presumed that the basic needs of a child are met by a child support obligation established pursuant to the guidelines set forth in sections 2 to 21, inclusive, of this regulation, however, this presumption may be rebutted by evidence proving that the needs of a particular child are not met or are exceeded by such a child support obligation.

3. If the court establishes a child support obligation that is greater or less than the child support obligation that would be established pursuant to the guidelines set forth in sections 2 to 21, inclusive, of this regulation, the court must:

- (a) Set forth findings of fact as to the basis for the deviation from the guidelines; and*
- (b) Provide in the findings of fact the child support obligation that would have been established pursuant to the guidelines.*

Sec. 9. 1. *In lieu of having a child support obligation determined pursuant to the guidelines set forth in sections 2 to 21, inclusive, of this regulation, the parties may stipulate to a child support obligation that does not comply with such guidelines. To be binding, such a stipulation must be in writing and:*

- (a) Set forth the current monthly gross income of each party;*
- (b) Specify what the child support obligation would be under the guidelines;*
- (c) Provide notice to both parties that, if either party seeks a review of the stipulated child support obligation for any authorized reason, the court will calculate the child support obligation in accordance with the child support guidelines in effect at the time of the review;*
- (d) Contain a certification by the obligee that he or she is not currently receiving public assistance and has not applied for public assistance;*
- (e) Certify that the basic needs of the child are met or exceeded by the stipulated child support obligation; and*
- (f) Be approved and adopted as an order of the court.*

2. Notwithstanding the provisions of subsection 1, a court may reject a stipulation if the court determines that the stipulation is a product of coercion or the child support obligation does not meet the needs of the child.

Sec. 10. 1. *If the parties do not stipulate to a child support obligation pursuant to section 9 of this regulation, the court must determine the child support obligation in accordance with the guidelines set forth in sections 2 to 21, inclusive, of this regulation.*

2. If a party has primary physical custody of a child, he or she is deemed to be the obligee and the other party is deemed to be the obligor, and the child support obligation of the obligor must be determined.

3. If the parties have joint physical custody of a child, the child support obligation of each party must be determined. After each party's respective child support obligation is determined, the child support obligations must be offset so that the party with the higher child support obligation pays the other party the difference.

4. If the parties have two or more children and each party has joint physical custody of at least one, but not all, of the children, the total child support obligation of each party must be determined based on the number of children to whom each party owes a child support obligation. After each party's respective child support obligation is determined, the child support obligations must be offset so that the party with the higher child support obligation pays the other party the difference.

Sec. 11. 1. *The monthly gross income of each obligor must be determined by:*

(a) Stipulation of the parties; or

(b) The court, after considering all financial or other information relevant to the earning capacity of the obligor.

2. In determining the monthly gross income of each obligor, the court may direct either party to furnish financial information or other records, including, without limitation, any income tax returns.

Sec. 12. 1. *If after taking evidence, the court determines that an obligor is underemployed or unemployed without good cause, the court may impute income to the obligor.*

2. If the court imputes income, the court must take into consideration, to the extent known, the specific circumstances of the obligor, including, without limitation:

(a) The obligor's:

- (1) Assets;*
 - (2) Residence;*
 - (3) Employment and earnings history;*
 - (4) Job skills;*
 - (5) Educational attainment;*
 - (6) Literacy;*
 - (7) Age;*
 - (8) Health;*
 - (9) Criminal record and other employment barriers; and*
 - (10) Record of seeking work;*
- (b) The local job market;*
 - (c) The availability of employers willing to hire the obligor;*
 - (d) The prevailing earnings level in the local community; and*
 - (e) Any other relevant background factors in the case.*

Sec. 13. *The court must consider the reasonable costs of child care paid by either or both parties and make an equitable division thereof.*

Sec. 14. 1. *Every order issued or modified in this State must include a provision specifying:*

- (a) That medical support is required to be provided for the child; and*
- (b) Any details relating to that requirement.*

2. *As used in this section, “medical support” includes, without limitation, the payment of a premium for accessible medical, vision or dental coverage under a plan of insurance, including, without limitation, a public plan such as Medicaid or a reduced-fee plan such as*

the Children’s Health Insurance Program, that is reasonable in cost. For the purpose of this subsection:

(a) Coverage under a plan of insurance is “accessible” if the plan:

(1) Is not limited to coverage within a geographical area; or

(2) Is limited to coverage within a geographical area and the child resides within that geographical area.

(b) The payment of a premium for coverage under a plan of insurance is “reasonable in cost” if:

(1) The cost:

(I) To each party who is responsible for providing medical support is not more than 5 percent of the monthly gross income of the party; or

(II) 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 monthly gross income of the party; and

(2) The court assesses the plan of insurance, including the copayments, deductible and maximum out-of-pocket costs, and determines that the plan is reasonable in cost.

Sec. 15. *Except as otherwise provided in section 16 of this regulation, the base child support obligation of an obligor must be determined according to the following schedule:*

1. For one child, the sum of:

(a) For the first \$6,000 of an obligor’s monthly gross income, 16 percent of such income;

(b) For any portion of an obligor’s monthly gross income that is greater than \$6,000 and equal to or less than \$10,000, 8 percent of such a portion; and

(c) For any portion of an obligor's monthly gross income that is greater than \$10,000, 4 percent of such a portion.

2. For two children, the sum of:

(a) For the first \$6,000 of an obligor's monthly gross income, 22 percent of such income;

(b) For any portion of an obligor's monthly gross income that is greater than \$6,000 and equal to or less than \$10,000, 11 percent of such a portion; and

(c) For any portion of an obligor's monthly gross income that is greater than \$10,000, 6 percent of such a portion.

3. For three children, the sum of:

(a) For the first \$6,000 of an obligor's monthly gross income, 26 percent of such income;

(b) For any portion of an obligor's monthly gross income that is greater than \$6,000 and equal to or less than \$10,000, 13 percent of such a portion; and

(c) For any portion of an obligor's monthly gross income that is greater than \$10,000, 6 percent of such a portion.

4. For four children, the sum of:

(a) For the first \$6,000 of an obligor's monthly gross income, 28 percent of such income;

(b) For any portion of an obligor's monthly gross income that is greater than \$6,000 and equal to or less than \$10,000, 14 percent of such a portion; and

(c) For any portion of an obligor's monthly gross income that is greater than \$10,000, 7 percent of such a portion.

5. For each additional child, the sum of:

(a) For the first \$6,000 of an obligor's monthly gross income, an additional 2 percent of such income;

(b) For any portion of an obligor's monthly gross income that is greater than \$6,000 and equal to or less than \$10,000, an additional 1 percent of such a portion; and

(c) For any portion of an obligor's monthly gross income that is greater than \$10,000, an additional 0.5 percent of such a portion.

Sec. 16. *1. If the court determines that the total economic circumstances of an obligor limit his or her ability to pay a child support obligation in the amount determined pursuant to section 15 of this regulation, the child support obligation must be established by using a low-income schedule which is based on the current federal poverty guidelines, as determined by the Secretary of Health and Human Services, and which is published annually in the Federal Register.*

2. If the monthly gross income of an obligor is below the lowest level set forth in the low-income schedule, the court may establish an appropriate child support obligation based on the total economic circumstances of the obligor, balancing his or her need for self-support with the obligation to support his or her child.

3. The low-income schedule must be published by the Administrative Office of the Courts on or before March 31 of each year.

Sec. 17. *1. Any child support obligation may be adjusted by the court in accordance with the specific needs of the child and the economic circumstances of the parties based upon the following factors and specific findings of fact:*

(a) Any special educational needs of the child;

(b) The legal responsibility of the parties for the support of others;

(c) The value of services contributed by either party;

(d) Any public assistance paid to support the child;

(e) The cost of transportation of the child to and from visitation;

(f) The relative income of both households, so long as the adjustment does not exceed the total obligation of the other party;

(g) Any other necessary expenses for the benefit of the child; and

(h) The obligor's ability to pay.

2. The court may include benefits received by a child pursuant to 42 U.S.C. § 402(d) based on a parent's entitlement to federal disability or old-age insurance benefits pursuant to 42 U.S.C. §§ 401 to 433, inclusive, in the parent's gross income and adjust an obligor's child support obligation by subtracting the amount of the child's benefit. In no case may this adjustment require an obligee to reimburse an obligor for any portion of the child's benefit.

Sec. 18. *1. If an obligor is incarcerated or involuntarily institutionalized for a period of 180 consecutive days or more, or is released from such incarceration or involuntary institutionalization, such an occurrence is considered to be a substantial change in circumstances that warrants the review and, if appropriate, the adjustment of an order based on the obligor's ability to pay. A party or the enforcing authority may petition the court to request a hearing for review.*

2. Incarceration or involuntary institutionalization must not be treated as voluntary unemployment and income must not be imputed to an obligor who is incarcerated or involuntarily institutionalized.

3. The court may verify that an obligor has the means to pay more or less than the child support obligation established in the order during the period that he or she is incarcerated or involuntarily institutionalized.

4. If a child support obligation is reduced during the period that an obligor is incarcerated or involuntarily institutionalized, beginning on the first day of the month following the release of the obligor, the child support obligation must be set by using the lowest monthly income in the low-income schedule established pursuant to section 16 of this regulation or, if a higher child support obligation was ordered by the court during the period of incarceration or involuntary institutionalization, to the higher of the two. This subsection must not be construed to preclude an obligor from seeking a modification of an order based on a change in circumstances or another authorized reason.

5. This section must not be construed to prohibit a party or the enforcing authority from petitioning the court for a determination of a child support obligation or any arrearage.

6. As used in this section, “incarcerated or involuntarily institutionalized” includes, without limitation:

(a) Imprisonment in a federal or state prison or a county jail; and

(b) Involuntary commitment to a facility for the detention of children or a mental health facility.

Sec. 19. *1. Except as otherwise provided by law, if an order pertains to only one child, the child support obligation terminates when the child reaches 18 years of age or, if the child is still in high school, when the child graduates from high school or reaches 19 years of age, whichever comes first.*

2. Except as otherwise provided by law, if an order pertains to more than one child and allocates a specific amount of the total child support obligation to each child, the child support obligation for a particular child is terminated beginning on the first day of the month following the date on which the child reaches 18 years of age or, if the child is still in high

school, the first day of the month following the date on which the child graduates from high school or reaches 19 years of age, whichever comes first.

3. If an order pertains to more than one child and does not allocate a specific amount of the total child support obligation to each child:

(a) If a party wishes to modify the order when a child reaches 18 years of age or, if the child is still in high school, graduates from high school or reaches 19 years of age, whichever comes first, the party must file a motion to modify the order with the court or submit a stipulation between the parties to the court.

(b) If a motion to modify the order is filed with the court, any modification of the child support obligation:

(1) Must be in compliance with the child support guidelines in existence at the time of the modification for the remaining children to whom the order pertains; and

(2) Unless the parties agree otherwise in a stipulation, will be effective as of the date the motion to modify the order was filed with the court.

Sec. 20. *Any order that pertains to more than one child and does not allocate a specific amount of the total child support obligation to each child must include the following notice:*

NOTICE: If you want to adjust the amount of child support established in this order, you MUST file a motion to modify the order with or submit a stipulation to the court. If a motion to modify the order is not filed or a stipulation is not submitted, the child support obligation established in this order will continue until such time as all children who are the subject of this order reach 18 years of age or, if the youngest child who is subject to this order is still in high school when he or she reaches 18 years of age, when the child graduates from high

school or reaches 19 years of age, whichever comes first. Unless the parties agree otherwise in a stipulation, any modification made pursuant to a motion to modify the order will be effective as of the date the motion was filed.

Sec. 21. *1. Except as otherwise authorized by law or sections 2 to 21, inclusive, of this regulation, after a court has established a child support obligation, any subsequent modification or adjustment of the child support obligation must be based upon a change in circumstances.*

2. The receipt of public assistance by a child or an obligee constitutes a change in circumstances that will allow the review and, if appropriate, modification of the child support obligation in accordance with the child support guidelines in effect at the time of the review.

3. The adoption of or any revision to sections 2 to 21, inclusive, of this regulation must not, in and of itself, be considered a change in circumstances sufficient to justify the modification of any existing order or money judgment.

Sec. 22. *1. The provisions of section 18 of this regulation apply to any order for the support of a child that is issued or modified in this State on or after the effective date of this regulation.*

2. As used in this section, “order for the support of a child” has the meaning ascribed to it in NRS 125B.145.

Sec. 23. This regulation becomes effective 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.



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/

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

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