

SENATE BILL NO. 150—COMMITTEE ON JUDICIARY

FEBRUARY 10, 1999

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to calculation of child support. (BDR 11-184)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to family law; revising the provisions relating to the calculation of child support; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 125B.080 is hereby amended to read as follows:
2 125B.080 Except as otherwise provided in ***this section and*** NRS
3 425.450:
4 1. A court of this state shall apply the appropriate formula set forth in
5 paragraph (b) of subsection 1 of NRS 125B.070 to:
6 (a) Determine the required support in any case involving the support of
7 children.
8 (b) Any request filed after July 1, 1987, to change the amount of the
9 required support of children.
10 2. If the parties agree as to the amount of support required, the parties
11 shall certify that the amount of support is consistent with the appropriate
12 formula set forth in paragraph (b) of subsection 1 of NRS 125B.070. If the
13 amount of support deviates from the formula, the parties must stipulate
14 sufficient facts in accordance with subsection ~~9~~ 5 which justify the
15 deviation to the court, and the court shall make a written finding thereon.
16 Any inaccuracy or falsification of financial information which results in an
17 inappropriate award of support is grounds for a motion to modify or adjust
18 the award.

1 3. If the parties disagree as to the amount of the gross monthly income
2 of either party, the court shall determine the amount and may direct either
3 party to furnish financial information or other records, including income tax
4 returns for the preceding 3 years. Once a court has established an obligation
5 for support by reference to ~~the~~ **the appropriate** formula set forth in
6 paragraph (b) of subsection 1 of NRS 125B.070 ~~or by deviation from~~
7 **the appropriate formula in accordance with subsection 5**, any subsequent
8 modification or adjustment of that support, except for any modification or
9 adjustment made pursuant to NRS 425.450 or as a result of a review
10 conducted pursuant to subsection 1 of NRS 125B.145, must be based upon
11 changed circumstances.

12 4. Notwithstanding the formulas set forth in paragraph (b) of
13 subsection 1 of NRS 125B.070, the minimum amount of support that may
14 be awarded by a court in any case is \$100 per month per child, unless the
15 court makes a written finding that the obligor is unable to pay the minimum
16 amount. Willful underemployment or unemployment is not a sufficient
17 cause to deviate from the awarding of at least the minimum amount.

18 5. It is presumed that the basic needs of a child are met by the formulas
19 set forth in paragraph (b) of subsection 1 of NRS 125B.070. ~~This~~
20 ~~presumption may be rebutted by evidence proving that the~~ **The court may**
21 **deviate from the formulas set forth in paragraph (b) of subsection 1 of**
22 **NRS 125B.070 if, based upon the evidence in the record, the court**
23 **determines that:**

24 (a) **The** needs of a particular child are not met by the ~~applicable~~
25 ~~formula.~~ **appropriate formula;**

26 (b) **The obligor is responsible, pursuant to another order of support**
27 **entered in an unrelated proceeding, for the support of:**

28 (1) **Another child; or**

29 (2) **A former spouse who is not the parent of any child subject to the**
30 **current proceeding for support,**
31 **and an award of support in accordance with the appropriate formula**
32 **would adversely affect the ability of the obligor to pay any of those other**
33 **obligations; or**

34 (c) **Based upon one or more of the following factors, a deviation from**
35 **the appropriate formula is necessary to establish a just and equitable**
36 **award of support:**

37 (1) **The cost of health insurance.**

38 (2) **The cost of child care.**

39 (3) **Any special educational needs of the child.**

40 (4) **The age of the child.**

41 (5) **The responsibility of the parents for the support of others.**

42 (6) **The value of services contributed by either parent.**

43 (7) **Any public assistance paid to support the child.**

1 **(8) Any expenses reasonably related to the mother's pregnancy and**
2 **confinement.**

3 **(9) The cost of transportation of the child to and from visitation if**
4 **the custodial parent moved with the child from the jurisdiction of the**
5 **court which ordered the support and the noncustodial parent remained.**

6 **(10) The amount of time the child spends with each parent.**

7 **(11) Any other necessary expenses for the benefit of the child.**

8 **(12) The relative income of both parents.**

9 6. If the amount of the awarded support for a child is greater or less
10 than the amount which would be established under the ~~{applicable}~~
11 **appropriate** formula, the court shall:

12 (a) Set forth findings of fact as to the basis for the deviation from the
13 formula; and

14 (b) Provide in the findings of fact the amount of support that would have
15 been established under the ~~{applicable}~~ **appropriate** formula.

16 7. Expenses for health care which are not reimbursed, including
17 expenses for medical, surgical, dental, orthodontic and optical expenses,
18 must be borne equally by both parents in the absence of extraordinary
19 circumstances.

20 8. If a parent who has an obligation for support is willfully
21 underemployed or unemployed to avoid an obligation for support of a
22 child, that obligation must be based upon the parent's true potential earning
23 capacity.

24 ~~{9.—The court shall consider the following factors when adjusting the~~
25 ~~amount of support of a child upon specific findings of fact:~~

26 ~~—(a) The cost of health insurance;~~

27 ~~—(b) The cost of child care;~~

28 ~~—(c) Any special educational needs of the child;~~

29 ~~—(d) The age of the child;~~

30 ~~—(e) The responsibility of the parents for the support of others;~~

31 ~~—(f) The value of services contributed by either parent;~~

32 ~~—(g) Any public assistance paid to support the child;~~

33 ~~—(h) Any expenses reasonably related to the mother's pregnancy and~~
34 ~~confinement;~~

35 ~~—(i) The cost of transportation of the child to and from visitation if the~~
36 ~~custodial parent moved with the child from the jurisdiction of the court~~
37 ~~which ordered the support and the noncustodial parent remained;~~

38 ~~—(j) The amount of time the child spends with each parent;~~

39 ~~—(k) Any other necessary expenses for the benefit of the child; and~~

40 ~~—(l) The relative income of both parents.}~~

1 **Sec. 2.** The amendatory provisions of this act do not apply to any
2 order for support that became final before October 1, 1999, unless such an
3 order is subject to modification by the court based upon changed
4 circumstances other than the enactment of this act.

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