

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT

A.B. 37

ASSEMBLY BILL NO. 37—COMMITTEE ON JUDICIARY

PREFILED JANUARY 25, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing maximum monthly amount that certain parents may be required to pay for support of their children. (BDR 11-1051)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

AN ACT relating to child support; increasing the maximum monthly amount that certain parents may be required to pay for support of a child; requiring the office of court administrator to adjust annually the amount of such payments based on the consumer price index; authorizing the court to order a parent to pay the maximum amount for an obligation for support of a child as adjusted annually by the office of court administrator; 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.070 is hereby amended to read as follows:
2 125B.070 1. As used in this section and NRS 125B.080, unless the
3 context otherwise requires:
4 (a) *“Gross annual income” means the total amount of income earned*
5 *each year from any source of a wage-earning employee or the gross*
6 *income from any source of a self-employed person, after deduction of all*
7 *legitimate business expenses, but without deduction for personal income*
8 *taxes, contributions for retirement benefits, contributions to a pension or*
9 *for any other personal expenses.*
10 (b) “Gross monthly income” means the total amount of income *earned*
11 *each month* from any source of a wage-earning employee or the gross
12 income from any source of a self-employed person, after deduction of all
13 legitimate business expenses, but without deduction for personal income
14 taxes, contributions for retirement benefits, contributions to a pension or
15 for any other personal expenses.
16 ~~(b)~~ (c) “Obligation for support” means the amount determined
17 according to the following schedule:
18 (1) For one child, 18 percent;
19 (2) For two children, 25 percent;



* A B 3 7 R 1 *

1 (3) For three children, 29 percent;
2 (4) For four children, 31 percent; and
3 (5) For each additional child, an additional 2 percent,
4 of a parent's gross monthly income, but not more than ~~the~~ ~~the~~ ~~maximum amount set forth for the parent in subsection 2~~ per month per
5 child for an obligation for support determined pursuant to subparagraphs
6 (1) to (4), inclusive, unless the court sets forth findings of fact as to the
7 basis for a different amount pursuant to subsection 6 of NRS 125B.080.

8
9 2. *For the purposes of paragraph (c) of subsection 1, the maximum*
10 *amount per month per child for an obligation for support, as adjusted*
11 *pursuant to subsection 3, is:*

			<i>MAXIMUM AMOUNT</i> <i>The Maximum Amount the</i> <i>Parent May Be Required</i> <i>to Pay Pursuant to</i> <i>Paragraph (c) of</i> <i>Subsection 1 Is</i>	
<i>INCOME RANGE</i> <i>If the Parent's Gross</i> <i>Annual Income is Over</i>		<i>But Not</i> <i>Over</i>		
<i>\$0</i>	<i>-</i>	<i>\$50,000</i>	<i>\$500</i>	
<i>50,000</i>	<i>-</i>	<i>75,000</i>	<i>550</i>	
<i>75,000</i>	<i>-</i>	<i>100,000</i>	<i>600</i>	
<i>100,000</i>	<i>-</i>	<i>125,000</i>	<i>650</i>	
<i>125,000</i>	<i>-</i>	<i>150,000</i>	<i>700</i>	
<i>150,000</i>	<i>-</i>	<i>175,000</i>	<i>750</i>	

26
27 *If a parent's gross annual income is more than \$175,000, the maximum*
28 *amount the parent may be required to pay pursuant to paragraph (c) of*
29 *subsection 1 is \$800.*

30 3. *The amounts set forth in subsection 2 for each income range and*
31 *the corresponding amount of the obligation for support must be adjusted*
32 *on January 1 for each calendar year in an amount corresponding to the*
33 *percentage of increase or decrease in the Consumer Price Index (All*
34 *Items) published by the United States Department of Labor for the*
35 *preceding calendar year. On or before December 15 of each year, the*
36 *office of court administrator shall determine the amount of the increase*
37 *or decrease required by this subsection, establish the adjusted amounts in*
38 *effect beginning on January 1 of the succeeding calendar year and notify*
39 *each district court of the adjusted amounts.*

40 4. *A court may provide in its order that a parent is required to pay*
41 *the maximum amount for an obligation for support as determined*
42 *pursuant to subsections 1 and 2 and increased each year pursuant to*
43 *subsection 3. If the court issues such an order, it shall provide in the*
44 *order the current amount that the parent is required to pay through the*
45 *end of the calendar year and require the parent to contact the court*
46 *before January 1 of each subsequent calendar year to determine the*
47 *amount of his obligation for support for each subsequent year.*

48 5. On or before January 18, 1993, and on or before the third Monday
49 in January every 4 years thereafter, the State Bar of Nevada shall review



1 the formulas set forth in this section to determine whether any
2 modifications are advisable and report to the legislature their findings and
3 any proposed amendments.

4 **Sec. 2.** NRS 125B.080 is hereby amended to read as follows:

5 125B.080 Except as otherwise provided in NRS 425.450:

6 1. A court of this state shall apply the appropriate formula set forth in
7 ~~paragraph (b) of subsection 1 of~~ NRS 125B.070 to:

8 (a) Determine the required support in any case involving the support of
9 children.

10 (b) Any request filed after July 1, 1987, to change the amount of the
11 required support of children.

12 2. If the parties agree as to the amount of support required, the parties
13 shall certify that the amount of support is consistent with the appropriate
14 formula set forth in ~~paragraph (b) of subsection 1 of~~ NRS 125B.070. If
15 the amount of support deviates from the formula, the parties must stipulate
16 sufficient facts in accordance with subsection 9 which justify the deviation
17 to the court, and the court shall make a written finding thereon. Any
18 inaccuracy or falsification of financial information which results in an
19 inappropriate award of support is grounds for a motion to modify or adjust
20 the award.

21 3. If the parties disagree as to the amount of the *gross annual income*
22 *or* gross monthly income of either party, the court shall determine the
23 amount and may direct either party to furnish financial information or other
24 records, including income tax returns for the preceding 3 years. Once a
25 court has established an obligation for support by reference to a formula set
26 forth in ~~paragraph (b) of subsection 1 of~~ NRS 125B.070, any subsequent
27 modification or adjustment of that support, except for any modification or
28 adjustment made pursuant to *subsections 3 and 4 of NRS 125B.070 or*
29 *NRS 425.450* or as a result of a review conducted pursuant to subsection 1
30 of NRS 125B.145, must be based upon changed circumstances.

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

38 5. It is presumed that the basic needs of a child are met by the formulas
39 set forth in ~~paragraph (b) of subsection 1 of~~ NRS 125B.070. This
40 presumption may be rebutted by evidence proving that the needs of a
41 particular child are not met by the applicable formula.

42 6. If the amount of the awarded support for a child is greater or less
43 than the amount which would be established under the applicable formula,
44 the court shall:

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

47 (b) Provide in the findings of fact the amount of support that would
48 have been established under the applicable formula.



* A B 3 7 R 1 *

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

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

9 9. The court shall consider the following factors when adjusting the
10 amount of support of a child upon specific findings of fact:

- 11 (a) The cost of health insurance;
- 12 (b) The cost of child care;
- 13 (c) Any special educational needs of the child;
- 14 (d) The age of the child;
- 15 (e) The responsibility of the parents for the support of others;
- 16 (f) The value of services contributed by either parent;
- 17 (g) Any public assistance paid to support the child;
- 18 (h) Any expenses reasonably related to the mother's pregnancy and
19 confinement;
- 20 (i) The cost of transportation of the child to and from visitation if the
21 custodial parent moved with the child from the jurisdiction of the court
22 which ordered the support and the noncustodial parent remained;
- 23 (j) The amount of time the child spends with each parent;
- 24 (k) Any other necessary expenses for the benefit of the child; and
- 25 (l) The relative income of both parents.

