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SECOND REPRINT

A.B. 37

ASSEMBLY BILL NO. 37—COMMITTEE ON JUDICIARY

PREFILED JANUARY 25, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing presumptive 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.

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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 child support; increasing the presumptive 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; 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 monthly income” means the total amount of income *received*
5 *each month* from any source of a ~~wage-earning employee~~ *person who is*
6 *not self-employed* or the gross income from any source of a self-employed
7 person, after deduction of all legitimate business expenses, but without
8 deduction for personal income taxes, contributions for retirement benefits,
9 contributions to a pension or for any other personal expenses.
10 (b) “Obligation for support” means the *sum certain dollar* amount
11 determined according to the following schedule:
12 (1) For one child, 18 percent;
13 (2) For two children, 25 percent;
14 (3) For three children, 29 percent;
15 (4) For four children, 31 percent; and
16 (5) For each additional child, an additional 2 percent,
17 of a parent’s gross monthly income, but not more than ~~\$500~~ *the*
18 *presumptive maximum amount* per month per child *set forth for the*
19 *parent in subsection 2* for an obligation for support determined pursuant to
20 subparagraphs (1) to (4), inclusive, unless the court sets forth findings of



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fact as to the basis for a different amount pursuant to subsection 6 of NRS 125B.080.

2. ~~{On or before January 18, 1993, and on or before the third Monday in January every 4 years thereafter, the State Bar of Nevada shall review the formulas set forth in this section to determine whether any modifications are advisable and report to the legislature their findings and any proposed amendments.}~~ For the purposes of paragraph (b) of subsection 1, the presumptive maximum amount per month per child for an obligation for support, as adjusted pursuant to subsection 3, is:

PRESUMPTIVE MAXIMUM AMOUNT			
The Presumptive Maximum Amount the			
Parent May Be Required To Pay			
Per Month Per Child Pursuant to			
Paragraph (b) of Subsection 1 Is			
INCOME RANGE			
If the Parent's Gross	But Not		
Monthly Income is At Least	Greater Than		
\$0	-	\$4,167	\$500
4,168	-	6,250	550
6,251	-	8,333	600
8,334	-	10,417	650
10,418	-	12,500	700
12,501	-	14,583	750

If a parent's gross monthly income is greater than \$14,583, the presumptive maximum amount the parent may be required to pay pursuant to paragraph (b) of subsection 1 is \$800.

3. The amounts set forth in subsection 2 for each income range and the corresponding amount of the obligation for support must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On April 1 of each year, the office of court administrator shall determine the amount of the increase or decrease required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each district court of the adjusted amounts.

4. As used in this section, "office of court administrator" means the office of court administrator created pursuant to NRS 1.320.

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

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

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

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

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

2. If the parties agree as to the amount of support required, the parties shall certify that the amount of support is consistent with the appropriate formula set forth in ~~{paragraph (b) of subsection 1 of}~~ NRS 125B.070. If



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1 the amount of support deviates from the formula, the parties must stipulate
2 sufficient facts in accordance with subsection 9 which justify the deviation
3 to the court, and the court shall make a written finding thereon. Any
4 inaccuracy or falsification of financial information which results in an
5 inappropriate award of support is grounds for a motion to modify or adjust
6 the award.

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

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

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

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

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

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

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

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

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

45 (a) The cost of health insurance;

46 (b) The cost of child care;

47 (c) Any special educational needs of the child;

48 (d) The age of the child;

49 (e) The *legal* responsibility of the parents for the support of others;



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- 1 (f) The value of services contributed by either parent;
 - 2 (g) Any public assistance paid to support the child;
 - 3 (h) Any expenses reasonably related to the mother's pregnancy and
 - 4 confinement;
 - 5 (i) The cost of transportation of the child to and from visitation if the
 - 6 custodial parent moved with the child from the jurisdiction of the court
 - 7 which ordered the support and the noncustodial parent remained;
 - 8 (j) The amount of time the child spends with each parent;
 - 9 (k) Any other necessary expenses for the benefit of the child; and
 - 10 (l) The relative income of both parents.
- 11 **Sec. 3.** This act becomes effective on April 1, 2002, for the purpose of
- 12 allowing the office of court administrator to adjust the presumptive
- 13 maximum amount per month per child for an obligation for support
- 14 pursuant to subsection 3 of NRS 125B.070, as amended by this act, and on
- 15 July 1, 2002, for all other purposes.

