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BILL: SB 269 Provides that reduction of 25 percent or more in gross monthly income of person who is ordered to pay alimony or who is subject to order for support of child shall be deemed to constitute changed circumstances requiring modification of payments of alimony or order for support of child.

NEVADA STATE WELARE DIVISION

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Good morning Chairman Amodei and members of the Judiciary Committee. I am Leland Sullivan, Child Support Enforcement Program Chief, of the State Welfare Division. I am here today to explain federal requirements concerning modification of child support orders and to offer an amendment that we believe will make SB 269 more equitable.

Federal child support regulations (45 CFR 303.8) require that states must have procedures under which child support orders, upon the request of either parent, must be reviewed by the court at least every three years to determine whether the order should be modified or adjusted. A child support order may be reviewed at any time based on a change of circumstances.

Nevada Revised Statute 125B.070 complies with this federal mandate. However, "change of circumstance" is not defined in statute. Current Child Support Enforcement Program policy allows a review based on change of circumstances when there is at least a 20% increase or decrease in the child support obligation. Although program policy will need to be amended if SB 269 is adopted, we do not anticipate an impact to the program.

We believe criteria for determining a change of circumstances should apply equally to both increases and decreases in an obligor's income. Therefore, we recommend that Section 2, Subsection 4 of the bill be amended to provide that any change of 25 percent or more in the gross monthly income of a person shall be deemed to constitute changed circumstances. This will ensure that the statute is not construed to be limited to reductions in income but also includes increases in income.

Thank you for your attention. I would be pleased to answer any questions the committee may have.

PROPOSED AMENDMENT TO SB 269

It is suggested that Section 2 of the bill be amended to define a change in circumstances for child support purposes to be a change in income of 25% or more. The suggested language follows:

Sec. 2. NRS 125B.145 is hereby amended to read as follows:

125B.145 1. SAME AS IN BILL.

2. SAME AS IN BILL.

3. SAME AS IN BILL.

4. An order for the support of a child may be reviewed at any time on the basis of changed circumstances. *For the purposes of this subsection, a ~~[reduction]~~ change of 25 percent or more in the gross monthly income of a person who is subject to an order for the support of a child shall be deemed to constitute changed circumstances requiring the modification of the order for the support of a child.*

5. As used in this section [{"order"}]:

(a) *"Gross monthly income" has the meaning ascribed to it in NRS 125B.070.*

(b) *"Order for the support of a child" means such an order that was issued or is being enforced by a court of this state.*