IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

SEP 01 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

IN THE MATTER OF THE CREATION OF A COMMISSION TO STUDY CHILD SUPPORT GUIDELINE REVIEW AND REFORM.

ADKT 0515

REPORT OF THE COMMISSION TO STUDY CHILD SUPPORT GUIDELINE REVIEW AND REFORM

On July 7, 2016, this Court established the Commission to Study Child Support Guideline Review and Reform and appointed Justice James W. Hardesty to serve as Chair of the Commission. The Court appointed Nova Murray, Jenelle Gimlin, Kimberly Surratt, Esq., Jessica Anderson, Esq., District Court Judges Charles J. Hoskin and Bridget E. Robb, Senators Becky Harris and Kelvin Atkinson, Assemblymen James Oscarson and Elliott Anderson, Esq., Court Masters Greg Shannon, Rita Fowler and Jane Femiano, Susan Hallahan, Esq., Jeffrey Witthun, Esq., and Gabrielle Carr, Esq. to serve on the Commission.

The Commission conducted meetings on July 22, August 9, August 23, and August 30, 2016.[1] The July 22 meeting included a review of NRS Chapter 125B, AB 98 from the 2015 Legislative Session, a State by State comparison of the Method of Implementation of child support guidelines using statutes, court rules and administrative regulations, and Nevada's child support guidelines. The August 9 meeting included reports from various Commissioners of work assignments made at the July 22

[1]Copies of Commission minutes and meeting materials are available through the Administrative Office of the Courts.

meeting; review of Jane Venohr's draft report recommendations concerning Nevada's Child Support Guidelines, review of Wisconsin's Child Support Statutes and Administrative Guidelines Regulations, a review of approaches taken by other states, and a discussion of the goals and objectives of the Commissioners. The Chair appointed a subcommittee consisting of Commissioners Rita Fowler, Susan Hallahan, and Nova Murray to study Minnesota and North Dakota's statutes concerning those state's approaches to commissions or committees to conduct child support review and guidelines.

At the August 23 meeting, the Commission reviewed research and recommendations from the subcommittee, the North Dakota and Montana model, and draft statutory changes. Between the August 23 and August 30 meeting, Kimberly Surratt made changes to the draft recommendations, which, in short, provide for the adoption of child support guidelines review by administrative regulations guided by a newly created Child Support Guideline Support Committee. By a unanimous vote of the Commission members present with Chair Hardesty and Judges Hoskin and Robb abstaining, the Commission recommends the adoption by the Legislature of amendments as appropriate to NRS Chapter 125B and NRS Chapter 425 consistent with the draft changes to NRS Chapter 425.365 attached hereto as Exhibit "A".

Respectfully submitted,

/s/ Mark Hardesty, J.
Hardesty

EXHIBIT A

COMMITTEE FOR CHILD SUPPORT GUIDELINE REVIEW

Intent for LCB: The intent is that conforming changes will be made to NRS 125B to facilitate changes in child support by the following child support commission process:

NRS 425.365 Authority of Administrator to adopt regulations and carry out chapter.

1. The Administrator or the designee of the Administrator is responsible for and shall supervise the Program, subject to administrative supervision by the Director of the Department of Health and Human Services.

2. The Administrator may adopt such regulations and take such actions as are necessary to carry out the provisions of this chapter.

3. The Administrator shall review the child support guidelines beginning no later than July 1, 2018, and every four (4) years thereafter, in order to determine whether application of such guidelines results in the determination of appropriate child support award amounts.

4. The review required under this section shall comply with the requirements of 45 C.F.R. 302.56.

5. For each review, the Administrator shall establish a child support guidelines committee pursuant to NRS Chapter 125B to assist in the completion of the review.

6. The Committee shall include at least the following members:

(a) One member who is the Second Judicial District Court Presiding Judge of the Family Division or their designee;

(b) One member who is the Eighth Judicial District Court Presiding Judge of the Family Division or their designee;

(c) One member who is a District Court Judge or Master from a county other than Clark County and Washoe County appointed by the Chief Justice of the Supreme Court of Nevada.

(d) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;

(e) One member who is a district attorney or their designee from a rural county, appointed by the governing body of the Nevada District Attorneys Association;

(f) One member who is a district attorney or their designee from Washoe County, appointed by the governing body of the Nevada District Attorneys Association;

(g) One member who is a district attorney or their designee from Clark County, appointed by the governing body of the Nevada District Attorneys Association;

(h) Two members appointed by the Family Law Executive Counsel of the Family Law Section of the Nevada Bar Association;

(i) One member from the Division of Welfare and Supportive Services, appointed by the Administrator;

(j) One member chosen by the Administrator for his/her expertise in economics and child support;

(k) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

(l) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association's successor in interest or, if there is no successor in interest, by the Governor.

7. Duties of the Committee:

(a) Pursuant to 42 U.S.C. Sec. 667(a), the Committee shall review Nevada child support guidelines a minimum of every 4 years in order to maintain effective and efficient child support guidelines that will best serve the children of Nevada and take into account the changing dynamics of families. The review required under this section shall meet the requirements federal law.

(b) The Committee shall reconvene every 4 years to review the state child support laws to recommend to the Administrator of the Division appropriate revisions. The Committee recommendations shall be published and adopted by the Administrator pursuant to the requirements of chapter 422A.

(c) Any recommendations for revisions to the guidelines shall be made to ensure that the guidelines result in appropriate child support orders, to limit deviations from the guidelines, or otherwise to help ensure that the guideline is in compliance with federal requirements.

(d) The Committee shall be disbanded upon completion of the guideline review and recommendations to the Administrator, to reconvene every 4 years thereafter subject to the appointment process.

8. The Administrator shall forward regulations, after consideration of the recommendations of the Child Support Guidelines Committee, to the Legislative Commission pursuant to NRS 233B.115.

9. Upon completion of the review, the Administrator shall adopt regulations modifying the guidelines to be published by the Office of Court Administrator to each district court.