

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

MARCH 21, 1977

The meeting was called to order at 8:10 a.m. Senator Close was in the Chair.

PRESENT: Senator Close
 Senator Bryan
 Senator Dodge
 Senator Foote
 Senator Sheerin
 Senator Gojack
 Senator Ashworth

ABSENT: .

SB 286 Provides for recovery of welfare payments made for dependent children.

Acel R. Martelle, State Welfare Division; Dale R. Landon, Chief Support Enforcement, State Welfare Division; and Robert H. Ulrich, Deputy Attorney General, State Welfare Division continued discussion of this measure with the Committee. For their further comments, see minutes of meeting for March 17, 1977.

SECTION 12 - See attached Exhibit A for proposed amendments.

Mr. Ulrich: Subsection 1 is being deleted because it is redundant when you consider subsection 2. Subsection 2 is amended to limit the support debt to make it very clear that it is limited to the amount of public assistance (the underlined language). The other amendments are cleaning up the language to conform with previous amendments.

Senator Bryan: Typically, the level of support is determined by the needs of the mother or the custodial parent and the ability of the father to pay. Those circumstances can be widely varied.

Mr. Landon: We take into consideration the mother's income, the father's income and also if there is another family. For an example of the child support payment guideline, see attached Exhibit B.

Mr. Martelle: This is a recommendation and guideline. What it boils down to is what court you are in an what judge you are before; the feelings of that particular court have a great deal to do with the actual amount paid. This is a combination of the procedures from several states.

Mr. Landon: The reason for the guideline and recommendations is that we have this information available prior to going to court. It expedites the procedure. It also helps to make the awards more consistent.

SECTION 13

Mr. Landon: Payment of public assistance creates a debt owed to the division by the responsible parent. This section allows the division to initiate an action independently of the recipient for purposes of obtaining reimbursement of assistance paid. Moreover, it specifies that a recipient may not be a debt obligor.

SECTION 14 - See attached Exhibits C and D for proposed amendments.

Mr. Landon: This sets forth the duties of the division and the prosecuting attorney to enforce support obligations owed to public assistance and non-public assistance dependent persons.

Mr. Ulrich: We would like to amend this section by the addition of a new subsection 3, which refers back to subsection 2. Once word gets out, the non-public assistance mothers would deluge the district attorney's office for child support services. This would be the fee schedule. Federal regulations mandate that we must provide these services to non-public assistance cases but they go on to say that we may charge a fee (see attached Exhibit E) In my opinion under existing state law, we may not. This is patterned after the Washington statute and the federal regulations.

Senator Dodge: Where does this money go?

Mr. Ulrich: If the Clark County District Attorney's office collected the money, then Clark County would get it. The bracketted material is to give you alternative language. I discussed this provision with the Clark County District Attorney's office and they decided that either way was acceptable to them. Basically what we are talking about is 1) a fee schedule developed by the prosecuting attorney and approved by the state or 2) a fee schedule developed and approved by both the prosecuting attorney and the state.

Senator Close: Line 1 of the proposed subsection 3 makes it permissive for the non-welfare mother. The prosecuting attorney should charge based upon the fee schedule worked up. Right now, even if the mother makes a great deal of money, a fee charge is still permissive. It should be mandatory and then they will have to fall within the guidelines which you have suggested. With the last sentence you can still waive it but it should be a mandatory charge. Delete the brackets and include "upon a showing of necessity."

Mr. Ulrich: We also prefer the language in brackets "approved by the prosecuting attorney and the Nevada state welfare administrator" and would like to delete "developed by the prosecuting attorney and approved by the Nevada state welfare administrator."

Mr. Martelle: I think we should work out the fee schedule with the district attorneys as a whole so that it would be uniform state-wide. We worked very closely with all the district attorneys when we developed this bill.

Senator Sheerin: We are doing two things here. First of all we are trying to get money back for welfare payments made but we are also going one step further and saying that anyone can come to the district attorney's office and get help in collecting support payments, although they will be expected to reimburse the office. That is a whole new philosophy. If our state plan doesn't make this provision, what are the federal sanctions?

Mr. Martelle: We would definitely have a conformity issue. The state plan would not be approved and if we operated that way we could have a potential conformity issue on both DDDD and AAAA programs wherein it could result in the withdrawal of federal funds. They have been very adamant about the servicing of non-public assistance cases. Based on the theory that if you take these non-assistance cases and service them, many of them which are on the brink of being welfare cases, that it precludes them from going into the welfare syndrome at all.

Senator Close: I would like to include 302.33(c) of the federal regulations. Why have you omitted that?

Mr. Ulrich: I chose the word "recompense" to cover not only the attorney's time but also his staff, administrative overhead and whatever other applicable costs.

Senator Bryan: I think "cost" has a definite connotation in the law as opposed to "fees." Fees and costs are two different things.

Senator Close: In the federal regulations they use a fee schedule showing the fee to be charged for the legal work and (c) deals specifically with the costs involved. The trouble with the word "recompense" is that you are going to set a fee schedule to recompense the agency. That does not take into consideration any variable costs incurred. This is a flat fee to be charged to everybody who comes in, dependent upon the income of the mother, the needs of the child and things like that. There is to be a variable fee also charged, provided by subsection (c) that can vary with each case.

Senator Bryan: With the terminology "recovery of any costs" does that mean against the defendant or recovery from the non-public assistance mother? The fee is presumably to be taken out of anything

that is recovered. Is recovery of cost something that is going to be added to the judgment entered against the non-supporting spouse as opposed to an additional charge which may be deducted from the amount recovered by the agency for the mother? There is a difference. Under Nevada statutes, recovery of costs in a court action is very limited.

Senator Close: The federal regulation anticipates that it is deducted from the mother's recovery. It specifies in here that it can be divided among several equal payments.

Senator Dodge: Why don't we say "out-of-pocket expenses."

Senator Close: Fees would include attorney's time, the office expense and costs would be depositions, travel time, filing fees, professional witness; things of that nature.

Senator Bryan: Under the regulations here, it indicates that if the state elects to impose a charge for costs and fees, etc. then the applicant shall be informed of that fact. That should be included in our statute.

SECTION 15

Mr. Landon: This allows the administrator to enter into a wage assignment agreement with the responsible parent. This augments the wage assignment amendments to Chapter 31 of NRS set forth in section 53 of the bill. This is voluntary.

Senator Close: What process do you have to go through to modify one of these wage assignments.

Mr. Ulrich: The wage assignment is completely voluntary between the division and the responsible parent. Subsection 2 provides that he may revoke it at any time.

Senator Dodge: The language in subsection 3 anticipates that if you have a changing situation you could either increase or decrease the payment.

Senator Close: To whom do you give the notification? The employer who has the wage assignment; the district attorney; state welfare?

Senator Bryan: Every agreement is presumably voluntary. However, once a person voluntarily enters into an agreement, ordinarily he is locked in. If the intention is to allow the assignor of the wage claim to revoke unilaterally, I think we should say so. The standards that we are talking about here, the change of circumstances, suggest that it is not a unilateral thing. It is something that he would have to make application on and showing of

necessity or a change of circumstance.

Mr. Ulrich: Subsection 3 refers to the situation where the responsible parent has just received a reduced income. He comes into the state welfare or district attorney, who is acting as the prosecuting attorney for purposes of this act, and asks for a wage modification. I think this subsection will allow for that.

Mr. Landon: It is the direction of the national DDDD to make everything a court obligation. I think this is just something in the interim.

Mr. Martelle: This section allows us to go in immediately. It is a requirement that all of these will, at sometime, be entered as a legal action through the district attorney. The voluntaries get us going as soon as possible so that we get revenues generated. Ultimately, all of these will be turned into court orders by the district attorney.

Senator Close: There are two problems on lines 12-13. "revoking the right." Who makes the revocation? The assignment is given to the employer. Do you give the employer the revocation; the welfare division and if so, how does the guy go about getting his money back from the employer if that employer still has an effective wage assignment. And too, the term "released." It isn't really a matter of release, its a matter of when the child becomes self-supporting or of age. It would then automatically be terminated.

Senator Bryan: I have no quarrel with the concept of bringing people in voluntarily. The question I have is, can you imagine an employer getting a notice from a guy, where there has been a wage assignment notice from the welfare division office, saying "I'm revoking the wage assignment notice." The employer is not going to know what to do.

Senator Dodge: Even if it is voluntary, it is actually a formal, legal assignment. Dick is correct about the dilemma that the employer might be in unless you spell out concretely, how he is discharged from any legal obligation if he disregards the assignment and pays the money to the guy.

Senator Sheerin: If you take the position that you want the guy to be able to unilaterally withdraw, which I feel he should be able to do, I think that subsection 3 should be put into subsection 2 and and the language cleaned up so that he can unilaterally withdraw if he wants. He does so by giving notification to the administrator and the administrator gives notification to the employer. We should also put in a one week time period so that 2 or 3 pay period don't go by.

SECTION 16

Mr. Landon: This provides that an employer shall honor a wage assignment and holds him harmless for so doing.

Senator Close: This section will also have to be amended to conform with what was done in section 15.

Mr. Landon: On line 27 there was an inadvertent deletion. In addition to the administrator, because the state of Nevada has waived its sovereign immunity, we also wanted to hold the division harmless. So subsection 3 should be amended to read "the administrator and the division are released from liability ..."

Senator Close: That is a very narrow release of liability. I think if you put that in there, you are going to presume then that he is not released from other improper acts. We should put a catch-all in at the end of the bill and not just limit it to one section.

Senator Sheerin: "Court-ordered assignments" is a whole new thing that you are allowing the courts to do. The court remedy now is garnishment.

Mr. Ulrich: It is a cumbersome remedy to use in child support because you have to garnish the employer between paychecks. Section 53 has to be considered in conjunction with this.

SECTION 53

Mr. Ulrich: This is a new remedy and is patterned after existing California law. Under current Nevada law we cannot get a wage assignment. We have to get a garnishment. There are basically two different types of wage assignment: 1) subsection 1 is a discretionary wage assignment with the court; and 2) subsection 3 is a mandatory wage assignment with the court if the person misses 2 months of child support.

In discussion of this, it was decided that this priority should be limited to reimbursement for wage assignments that pertain to public assistance cases.

Senator Bryan: This is new ground for Nevada. Prior to this, wage assignments have been contrary to public policy.

Mr. Ulrich: In this Child Support Act, Congress has amended federal law to allow garnishment and wage assignments against federal employees.

Senator Dodge: As a matter of policy, even though we are plowing new ground, I would support this.

Senator Close: Why, in lines 7-8, do you want to give a copy of this to a probation office or an officer of the court. An attorney is an officer of the court and a probation officer implies criminal sanctions. You want to find someone, like a sheriff, who would execute the wage assignment.

Senator Bryan: On these new court-ordered wage assignments, I would hope that when you develop one, that you might have some explanatory note to the employer who doesn't understand what a wage assignment is or what his responsibility is.

Mr. Martelle: We will handle that administratively. We can attach a cover letter along with the order from the court.

Senator Close: Line 27, where the "district attorney may appear on behalf of the welfare recipient" that should be on behalf of the welfare division because that is who the action is for.

Senator Bryan: In subsection 3, if you are two months behind the court "shall" mandate a wage assignment. Shouldn't that be discretionary, as with the case of a construction worker whose employment is not always steady?

Mr. Martelle: We will come back with a recommended wording on that.

Senator Close: Would you please inform the Committee what provisions are required by federal regulation and what is going beyond that.

SECTION 17

Mr. Landon: This gives the division the authority to enforce and/or modify divorce and other support decrees in the court which initially issues the same. Hence it obviates the need for the division to initiate independent support actions where a Nevada court already has jurisdiction over a responsible parent. It also gives the division the authority to appear as a friend of the court in divorce and separate maintenance actions where either party is receiving public assistance and advise the court of the financial interest of the state. This is not a federal requirement.

Senator Bryan: In the first instance, under present law the child is not a party. The support order does not run to the child; it runs to the parent who has the custody for the benefit of the child.

Mr. Ulrich: The reason it is here is to allow us to expedite the ordering process by appearing where an action has already begun instead of having to initiate our own.

Senator Close: I don't see anything wrong with initiating that action. With this bill, you would have to monitor every divorce action. This goes far beyond what is presently in the law.

Senator Sheerin: If you are going to get involved there, you are going to have to be appointed as guardian ad litem in order to represent the child.

Delete Section 17.

SECTION 18

Mr. Landon: This sets forth what must be alleged in a complaint ad initiated to collect a support debt.

Senator Close: On lines 15-17, why do you want to have that as a jurisdictional requirement?

Mr. Ulrich: When I read through this, anything that looked to the future I envisioned as notice to the defendant. That's all I looked at it as. If it is going to be a problem, I would rather delete it and insert standard pleading language.

SECTION 19

Mr. Landon: This sets forth the procedure whereby the defendant must answer the complaint or have a default entered against him. This section is expect to expedite the collection of support by providing the plaintiff with a speedy remedy.

Mr. Ulrich: Let's take a case where the father has left, there is no divorce or if there was, she got an ex parte divorce because he was a resident of another state. We would file a complaint based on the amount of public assistance provided his dependent children and allege that that amount is due to the state welfare division. The complaint would contain the allegation set forth in section 18 as notice to the defendant that this is what may happen. This is all existing law now.

Robert Holland, Deputy Attorney General: Section 19 is analogous to an order to show cause where you either do what you are ordered to or come into court and show cause why you won't. The option is to the defendant in this case. The whole idea is to get the father paying as soon as possible to expedite proceedings. If you go in under an ordinary complaint he has 20 days to answer and, at least in Washoe County, it would be set under calendar 6 months hence.

Senator Close: But you have restricted the persons response to your complaint to two things: pay or contest. I can't think of anything right now but there may be some other things that I could raise as an attorney that would obviate my obligations of support. Why don't you delete lines 3-7 and just require the person to answer the complaint. We want to stay as close to existing law as possible. Also we should more clearly define "recipient caretaker" and "custodian of the child."

SECTION 20

Mr. Landon: We would like to delete this. It is presently covered under NRS 31.017 and is much broader with the notification of pre-judgment.

SECTION 21

Mr. Landon: This would give us the right to foreclose on property.

Senator Close: A lien attached on all property without filing with the clerk? You can't do that. This says when the order becomes final, not when it is perfected. This is an entirely new procedure. When you get a judgment you have to treat it like anyother judgment You have to follow certain rules of procedure; you have to do what is contained in the code already.

Delete Section 21.

SECTIONS 22, 23, 24

Mr. Landon: These set forth the procedures for perfecting and satisfying a lien.

Mr. Ulrich: Since section 21 is being deleted, we should probably do the same with these.

Senator Close: If it varies from existing law, then we want to delete it.

SECTIONS 25, 26, 28

Mr. Landon: These set forth additional procedures for satisfying a support debt lien. They clarify where support payments, obtained from the responsible parent, are to be paid; how unidentified money should be handled and how the support money received is to be dispersed.

Mr. Ulrich: In section 28, when we originally submitted the bill, we had it in such a way that the money would be dispersed pursuant to federal regulations. The federal law in this area is constantly changing and we don't want to tie ourselves down. The bill drafter put in the existing language and we would like to go back to what we originally had.

Senator Close: We will talk to Mr. Daykin and find out why he changed it. Also, why did you want the district attorney to collect the money?

Mr. Martelle: They do it now. It varies from county to county but we should amend it to say "the district attorney or the clerk of the court."

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Mr. Ulrich: Section 25 gives the appropriate agency the necessary authority to collect the money.

SECTION 26 - See attached Exhibit F for proposed amendments.

Mr. Landon: This allows for the administrator to make the disbursements. We would much rather have that transferred by the administrator or his designee to the general fund of the state of Nevada. These will be on public assistance cases where we receive that money.

SECTION 27 - Delete.

SECTION 29 - Delete.

Mr. Ulrich: The remaining sections are fitting the bill into existing NRS chapters. There is very little substance.

SECTION 30

Mr. Landon: This sets forth the duties of the Attorney General and his office. This is a federal requirement.

SECTION 31

Mr. Landon: This is a federal requirement that provides that the division shall establish a scale for suggested minimum amounts that a responsible parent would pay for support. See attached Exhibit C. The absent parent submits his gross income plus his mandatory deductions.

Senator Bryan: You are going to have some of these people, who are not going to be fighting you tooth and nail, at a substantial disadvantage if you whip out a chart and say that this is what our regulations say that you are supposed to pay. It seems to me that the criteria ought to include the income of the custodial parent. There is a mutual responsibility here.

Mr. Martelle: We will include that.

Senator Bryan: Historically, the courts have looked at the needs of the child. That is what we are talking about, and then weight that against the other competing factor and that is, the ability of the responsible parent to pay. I would suggest that you come back with some amendatory language toward that fundamental objective.

SECTION 32

Mr. Landon: This is a federal regulation that establishes a state parent locator service. This has to be centrally located, organizationally.

Senator Close: This limits you to 2-36. If you do not fall within those categories, you will not be able to get at them.

Amend to "may request information and assistance from state, county and local agencies."

Senator Bryan: I have a concern over federal law, which balances the competing interests of the right of privacy. How will this be affected?

Mr. Ulrich: The federal government operates a parent locator service as well and they are totally and absolutely exempt from every privacy act at the federal level.

SECTION 33

Mr. Landon: This allows the division to disclose, upon approval of HEW, the fact that a responsible parent is not supporting his dependents to the Internal Revenue Service. The absent parent who is claiming his children as dependent must provide support for those children.

Senator Close: You should develop rules and regulations as to how long in arrears; how much support is involved, etc. Develop some administrative procedures for this rather than statutorily; something pursuant to the Administrative Procedures Act.

Mr. Ulrich: That would be a better answer because the language "upon approval of Health, Education and Welfare" and they don't approve anything without strings on it. There are also federal regulations on this.

Mr. Martelle: We can delete this section because we have the authority to go after them now.

SECTION 34

Mr. Landon: This outlines the procedure for writing off uncollectible support debts. This is where the person may be incapacitated. It is just so that we don't keep them on our roles.

Senator Close: Why are you limiting the statute of limitations here? Why isn't it like any other judgment, which is for 6 years.

Senator Sheerin: This also makes reference to the support lien which was deleted earlier. Subsection 2 is another area where you are writing in new procedures already covered in the law.

Delete subsection 2 and conform the remaining language to previous actions.

SECTION 35

Mr. Landon: This requires a responsible parent to complete a statement of financial resources and would be employed in the place of interrogatories. This would be upon application. As soon as we contact the absent parent we send him a financial assessment.

Senator Dodge: Are you going to mandate him?

Mr. Ulrich: This has a criminal sanction attached.

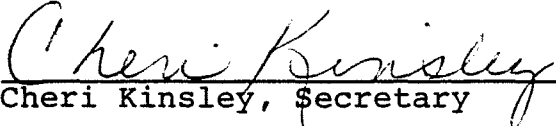
Senator Bryan: But this is before a determination has been made that he is the responsible parent. This is before paternity has been established.

Amend to include "where paternity has been established" and refer to welfare parents only.

Ron Bloxum, Clark County Deputy District Attorney: As far as differentiating between the public assistance and non-public assistance cases, we are going to have to differentiate as far as money, where it goes and everything else. It really bothers me, however that we are also differentiating between them as far as moving papers and as far as the section we just looked at. As I read that section, we are not going to distinguish between public assistance and non-public assistance. In other words, we are going to ask the same information of both. The only area of my concern is the additional moving papers on the one section. I would hate to think that if a lady comes into our office, that we are going to treat her differently because she is non-welfare; that her case is going to get into court later or something like that. We like to think that people in our office get the same high quality treatment no matter what.

The meeting was adjourned at 11:00 a.m.

Respectfully submitted,


Cheri Kinsley, Secretary

APPROVED:

SENATOR MELVIN D. CLOSE, JR., CHAIRMAN

Amend S.B. 286 as follows:

Amend Sec. 12 by deleting subsection 1 thereof.

Amend Sec. 12, subsection 2, to read as follows:

2. By accepting assistance in his own behalf or in behalf of any other person, the applicant or recipient shall be deemed to have made an assignment to the division of any and all rights to [such] support [up to the amount of public assistance paid for such term of time as the public assistance is paid.] such applicant or recipient may have in his own behalf or in behalf of any other person for whom assistance is applied for or received from any responsible parent. Rights to support include, but are not limited to, accrued but unpaid support payments and support payments to accrue during the period for which assistance is provided. However the amount of the assigned support rights shall not exceed the amount of public assistance provided or to be provided.

Amend Sect. 12 by deleting the following words from subsection 2 and incorporating them into a subsection 2A:

2A. The recipient shall also be deemed without the necessity of signing any document, to have appointed the administrator as his true and lawful attorney in fact with power of substitution to act in his name, place and stead to perform the specific act of endorsing any and all drafts, checks, money orders or other negotiable instruments representing support payments which are received as reimbursement for the public assistance money previously paid to or on behalf of each recipient.

Amend Sec. 12, subsection 3, to read as follows:

3. The support rights assigned under subsection[s] [1 and] 2 constitute a support debt owed to the division by the responsible parent. This support debt is enforceable under all processes provided by law.

Amend Sec 12, subsection 5, to read as follows:

EXHIBIT A

5. The assignment[s] provided for in subsection[s] [1 and] 2 [are] is binding upon the obligor upon service of notice thereof in the manner provided by law for service of civil process or upon actual notice thereof.

CHILD SUPPORT PAYMENT GUIDELINE FOR CASES WITHOUT A COURT OBLIGATION

The attachment is a support payment guideline for cases without Court-ordered support obligations. The guideline must be approved by the Secretary of HEW and is utilized by the prosecuting attorney to present to the Court for consideration. It is at the discretion of the Court to utilize the suggested guideline amounts to determine the amount of the support obligation.

The guideline comports with CFR 302.53.

EXAMPLE 1 2 children

Absent Parent Gross Income		\$800.00 per month
	-	200.00 withholding and FICA
		<u>\$600.00 NET</u>

Table indicates 581-600 NET (2 children) = \$168.00 obligation per month

EXAMPLE 2

The law requires if an absent parent has a current family to support, that family's needs must be considered. However, the children for whom support is sought must benefit from the income and resources of the absent parent on an equitable basis in comparison with any other minor children of the absent parent.

The following is the support determination formula to be used when the absent parent has a current family:

Absent Parent Gross Income		\$800.00 per month
	-	200.00 withholding and FICA
		<u>\$600.00 NET</u>
		50% deducted for current family needs
		<u>\$300.00 NET available income</u>

The scale shows \$281-\$300 (2 children) = \$84.00 per month recommended support obligation.

NRS 130.160 is hereby amended to read as follows:

NRS 130.160. 1. An initiating court shall not require payment of [either] a filing fee [or other cost] from the obligee but may request the responding court to collect [fees and costs] the fee from the obligor. A prosecuting attorney who represents an obligee in an initiating jurisdiction may charge the obligee a fee to recompense his agency for services rendered pursuant to this chapter. The fee shall be deducted from support monies collected from the responsible parent. The amount of each deduction shall not be more than 10% of each collection. The fee shall be in accordance with a fee schedule developed by the prosecuting attorney and approved by the Nevada state welfare administrator [approved by the prosecuting attorney and the Nevada state welfare administrator]. The fee schedule shall take into account the applicant's income and shall be designed so as not to discourage the application for services by those most in need of them. The prosecuting attorney may waive, lower or defer any fee [upon a showing of necessity].

2. A responding court shall not require the posting of any bond, written undertaking, or security by the obligee, including bonds for the seizure or attachment of property or require payment of a filing fee [or other costs] from the obligee, but it may direct that all fees [and costs] requested by the initiating court [and such fees and costs as are incurred in this state when acting as a responding state, including fees for filing of pleadings, service of process, seizure of property, stenographic or duplication service or other service supplied to the obligor,] be paid in whole or in part by the obligor [or by the state or political subdivision thereof]. These [costs or] fees do not have priority over amounts due to the obligee. A prosecuting attorney who represents an obligee in a responding jurisdiction may charge the obligee a fee to recompense his agency for services rendered pursuant to this chapter. The fee shall be deducted from support monies collected from the responsible parent.

The amount of each deduction shall not be more than 10% of each collection. The fee shall be in accordance with a fee schedule developed by the prosecuting attorney and approved by the Nevada state welfare administrator [approved by the prosecuting attorney and the Nevada state welfare administrator]. The fee schedule shall take into account the applicant's income and shall be designed so as not to discourage the application for services by those most in need of them. The prosecuting attorney may waive, lower or defer any fee [upon a showing of necessity].

Amend S.B. 286 by adding to Sec. 14 thereof a new subsection, as follows:

(3) The prosecuting attorney may charge a fee to recompense his agency for services rendered pursuant to subsection (2). The fee shall be deducted from support monies collected from the responsible parent. The amount of each deduction shall not be more than 10% of each collection. The fee shall be in accordance with a fee schedule developed by the prosecuting attorney and approved by the Nevada state welfare administrator [approved by the prosecuting attorney and the Nevada state welfare administrator]. The fee schedule shall take into account the applicant's income and shall be designed so as not to discourage the application for services by those most in need of them. The prosecuting attorney may waive, lower or defer any fee [upon a showing of necessity].

cases pursuant to § 205.10 of this title in which a family is nevertheless entitled to an assistance payment pending the result of a hearing. With such payment the IV-D agency will notify the family if it will continue to collect and distribute current support payments pursuant to § 302.51(e)(1) of this part.

(c) If the IV-A agency determines that the amount of the collection which represents payment on the required support obligation for the month does not make the family ineligible for an assistance payment, or if a hearing is requested pursuant to § 205.10 of this title, the IV-A agency will notify the IV-D agency of such fact and the IV-D agency will distribute such amount pursuant to § 302.51 of this part.

(d) To the extent any amount collected in a month includes payment on required support obligations for past months, that portion of such amount will be distributed by the IV-D agency pursuant to § 302.51(b)(4) and (5) of this part.

(e) Child support collected in a month after any month in which the child support collected makes the family ineligible for an assistance payment (pursuant to § 232.20 of this title) but prior to or in the month in which the family receives its last assistance payment, shall be used to reimburse the State for any assistance paid in such months with any excess being paid to the family. This provision will not apply when a hearing is requested pursuant to § 205.10 of this title. In these cases, when the hearing results in a determination that the family was ineligible for an assistance payment, the IV-D agency will determine the amount by which the entire child support collection for a month that the family would have received pursuant to paragraph (b) above exceeds the amount the family actually received for a month as an assistance payment and pursuant to § 302.51. Such excess shall be paid to the family. If the family is determined to be eligible, distribution will continue to be made pursuant to § 302.51.

§ 302.33 Individuals not otherwise eligible for paternity and child support services.

(a) The State plan shall provide that the child support collection or paternity determination services established under the plan shall be made available to any individual not otherwise eligible for such services upon application filed by such individual with the IV-D agency.

(b) The State plan may provide for an application fee to be charged each individual who applies for services under this section. If the State elects to charge a fee, the State plan shall specify either:

- (1) A flat dollar amount not to exceed \$20 to be charged each applicant; or,
- (2) A fee schedule to be used to determine the fee to be charged each applicant. Such fee schedule will be based on each applicant's income and will be designed so as not to discourage the application for such services by those most in need of them.

(c) The State plan may provide for recovery of any costs incurred in excess

of the application fee in collection of child support. If the State elects to recover such costs they shall be deducted from the amount of such recovery. In a particular case, large initial costs of establishing paternity or collecting child support may be prorated over a period of months for purposes of recovering such costs. If the State elects to recover costs under this paragraph, the individual for whom child support services are provided shall be informed of such fact.

(d) The IV-D agency may take an assignment of support rights from an individual applying for paternity or child support services under this section. However, such assignment shall not constitute an assignment for purposes of § 232.11 of this title and may not be a condition of receipt of such services.

§ 302.34 Cooperative arrangements.

The State plan shall provide that the State will enter into written agreements for cooperative arrangements with appropriate courts and law-enforcement officials. Such agreements may be entered into with a single official covering more than one court, official, or agency, if such single official has the legal authority to enter into agreements on behalf of such courts, officials, or agencies. Such agreements shall contain provisions for providing courts and law-enforcement officials with pertinent information needed in locating absent parents, establishing paternity and securing support, including the immediate transfer of the information obtained under § 235.70 of this title to the court or law-enforcement official, to the extent that such information is relevant to the duties to be performed pursuant to the agreement. They shall also provide for assistance to the IV-D agency in carrying out the program, and may relate to any other matters of common concern. Under this requirement such agreements may include provisions:

- (a) For the investigation and prosecution of fraud directly related to paternity and child support;
- (b) To reimburse courts and law-enforcement officials for their assistance.

§ 302.35 State parent locator service.

The State plan shall provide that:

(a) The IV-D agency will establish a parent locator service utilizing:

(1) All sources of information and records available in the State, and in other States as appropriate; and

(2) The Federal PLS of the Department of Health, Education, and Welfare.

(b) The State PLS will have a central State office and may also establish or designate offices at the local level.

(c) The IV-D agency will accept applications to utilize the Federal PLS from:

(1) Any State or local agency or official seeking to collect child support obligations pursuant to the State plan;

(2) A court which has authority to issue an order against an absent parent for the support and maintenance of a child, or any agency of such court; or

(3) The resident parent, legal guardian, attorney, or agent of a child who is not receiving aid under title IV-A of the Act.

However, prior to the submission of any request to the Federal PLS, the State PLS must first make diligent and reasonable efforts to exhaust the State and local parent locator resources:

(d) Any requests to the Federal PLS under section 453 of the Act will be submitted only by the central State office in accordance with the manner and form prescribed by the Secretary.

(e) The IV-D agency will collect or pay the fee which is required by section 453(e)(2) of the Act to be charged the individuals described in paragraph (c)(3) of this section.

§ 302.36 Cooperation with other States.

The State plan shall provide that the State will cooperate with any other State:

(a) In establishing paternity, if necessary;

(b) In locating an absent parent who is present in the State and against whom any action is being taken under a IV-D program in any other State;

(c) In securing compliance by an absent parent who is present in the State with an order issued by a court of competent jurisdiction against such parent for the support and maintenance of a child or children of such parent with respect to whom aid is being provided under the plan approved under title IV-A of the Social Security Act in any other State; and,

(d) In carrying out any other function required under a plan approved under title IV-D.

§ 302.37 Distribution of child support payments.

The State plan shall provide that, pursuant to the requirements of § 302.32 of this Part, amounts collected as child support will be distributed as provided in § 302.51 of this Part.

§ 302.38 Payments to the family.

The State plan shall provide that any payment required to be made under §§ 302.32 and 302.51 of this Part to a family will be made to the resident parent, legal guardian, or caretaker relative having custody of or responsibility for the child or children.

§ 302.39 Standards for an effective program.

The State plan shall provide that the IV-D agency will comply with the standards for an effective program and the organizational and staffing requirements prescribed by Part 303 of this Chapter.

§ 302.50 Support obligations.

The State plan shall provide as follows:

(a) The support rights assigned to the IV-D agency pursuant to § 232.11 of this title constitute an obligation owed to the State by the individual responsible for providing such support. Such obligation shall be established by:

years

Amend S.B. 286 by amending Sec. 26 to read as follows:

Sec. 26. All money collected in fees, costs, attorney's fees, interest payments, incentive payments or other payments received by the administrator which cannot be identified as to the support account to which it should be credited, shall [be held in a special account from which the administrator may make disbursement for any costs or expenses incurred in the administration or enforcement of the provisions of sections 2 to 36, inclusive, of this act.] be transferred by the administrator or his designee to the general fund of the State of Nevada.

EXHIBIT F

NUMBER OF DEPENDENTS TO BE SUPPORTED

Responsible Parents

Monthly

Net Income	1 (15%)	2 (28%)	3 (35%)	4 (40%)	5 (45%)	6 (47%)	7 (49%)	8 (51%)	9 (53%)
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Cents raised to next higher dollar; percentage applied to top of bracket.

120- 140	21	40	49	56	63
141- 160	24	45	56	64	72
161- 180	27	51	63	72	81
181- 200	30	56	70	80	90
201- 220	33	62	77	88	99
221- 240	36	68	84	96	108
241- 260	39	73	91	104	117
261- 280	42	79	98	112	126
281- 300	45	84	105	120	135
301- 320	48	90	112	128	144
321- 340	51	96	119	136	153
341- 360	54	101	126	144	162
361- 380	57	107	133	152	171
381- 400	60	112	140	160	180
401- 420	63	118	147	168	189
421- 440	66	124	154	176	198
441- 460	69	129	161	184	207
461- 480	72	135	168	192	216
481- 500	75	140	175	200	225
501- 520	78	146	182	208	234
521- 540	81	152	189	216	243
541- 560	84	157	196	224	252
561- 580	87	163	203	232	261
581- 600	90	168	210	240	270
601- 620	93	174	217	248	279
621- 640	96	180	224	256	288
641- 660	99	185	231	264	297
661- 680	102	191	238	272	306
681- 700	105	196	245	280	315
701- 720	108	202	252	288	324
721- 740	111	208	259	296	333
741- 760	114	213	266	304	342
761- 780	117	219	273	312	351
781- 800	120	224	280	320	360
801- 820	124	230	287	328	369
821- 840	126	235	294	336	378
841- 860	128	241	301	344	387
861- 880	132	247	308	352	396
881- 900	136	252	315	360	405
901- 950	143	266	333	380	428
951-1000	150	280	350	400	450
1001-1050	158	294	368	420	473
1051-1100	165	308	385	440	495
1101-1150	173	322	403	460	518
1150-1200	180	336	420	480	540