

What Other States Should Know About NEVADA'S Child Support Program

September, 2014

Nevada Child Support Enforcement Program (Organization)

- Nevada's IV-D Program is state administered and county operated, with the exception of 2 state-operated offices in Washoe County (Reno) and Elko County (Elko) who handle the cash-TANF cases in those counties, and a centralized interstate unit co-located with the Clark County, NV office. The Nevada Child Support Enforcement Program is part of the Division of Welfare and Social Services and is located in Carson City, Nevada.
- There are 10 local county child support agencies in NV in addition to the 3 state-operated agencies listed above. The county child support agencies are still run through the local county District Attorney's Offices in NV.
- The NV Central Registry, within DWSS, receives all new interstate requests and upon review forwards them to the appropriate county.
- Nevada is a judicial state. All of Nevada's orders are set judicially and must be signed by a hearing master or judge.
- The Nevada NOMADS System maintains the official financial records all IV-D cases. There are very few non IV-D cases in the system and those that are located there are only for the purpose to run a wage assignment through the statewide disbursement unit (SCaDU). By law, all payments on NV IV-D cases are required to be made through SCaDU .
- The NV IV-D caseload is 99,020 cases as of the end of August 2014, of which 56,297 cases (56.9%) belong to Clark County DAFS (DA-Family Support Division), the largest county child support program in Nevada.
- Clark County received the 2011 NCSEA Award for Program Awareness for its Outreach/partnership efforts with its customers and other community program partners.
- Clark County DAFS in August 2013 received NCSEA's "Most Improved Child Support Program" Award and in October 2013 received WICSEC's "Most Improved Child Support Program Award" in recognition of its statistical improvements in the federal performance measures over the previous 3 years.

Website

- NV has on its DWSS website a child support section at <https://dwss.nv.gov/> , mostly containing general information and some forms. The child support website is due for a major upgrade which may occur in 2015 in an effort to make it more interactive with customers and be case specific (ie, with password and pin).
- Clark County DAFS has its website within the District Attorney's website at www.clarkcountynv.gov . It consistently undergoes renovation so that it can become more interactive and customer-friendly.

TANF/Medicaid Referrals

- NV receives a referral from IV-A when TANF is being received for a child when one parent is not in the household.
- Since the ACA took effect on October 1, 2013, economic support agencies in NV are **NOT** required to refer most Medical Assistance cases (several types in NV) to the IV-D program.

Applying for IV-D Services/Collection of Fees

- There is no application fee for an applicant applying for IV-D services in NV (whether participants are on aid or not); non-aid applicants must complete an application for services.
- There is no R & D (receipt and disbursement) fee charged on cases in NV, although NV collects \$2 on every income withholding per NCP sent in by employers, which results in the counties gaining some extra money in their budgets each year to use on child support related projects/expenses after the fed share is paid.

- There is an annual \$25 fee (receipt shared by the State and Feds) for Custodial Parents (CP's) in IV-D cases, except for current or former AFDC/TANF recipients. The fee is collected from spousal support, child or family support or arrearage payments after the first \$500 in support is collected in one year.

Guideline Used to Calculate Child Support Orders

- Percentage of Income Standard. Percentage of payer's gross income to be set at fixed dollar amt.
- Provisions for presumptive minimum (\$100/month) and maximum (\$1,074/month) orders, per child, based on the respondent's income. The presumptive maximum is adjusted annually based on any changes to the CPI (Consumer Price Index).
- Provisions for deviation where facts/basis stated in the child support order – no specific formulas, large amount of discretion with court.

Interest

- NV charges interest at the prime rate (currently 5.25% as of July 1, 2014), annually, in addition to an arrearage penalty of 10% per year on all monthly current support payment installments not made.

Emancipation

- The emancipation age in Nevada is 18, unless the child is still in high school or pursuing a course of education designed to lead to a high school diploma or its equivalent, in which case support continues until age 19.

Unemployment Insurance Withholding

- Currently the automated UIB withholding in NV between the IV-D program and UIB is only partially fixed. During the interim, this has become a manual process involving faxing a cover sheet with the NCP's information/arrearages and how much to intercept to UIB. At present, NV cannot accept direct requests for Unemployment Insurance benefit withholding from other states.

State Tax Intercept

- Nevada collects no state income taxes, and therefore does not benefit from this kind of seizure, unfortunately. The Federal tax intercept process remains an effective tool, however.

SCaDU (State Collections and Disbursement Unit)

- NV statutes require that all child support payments be made through SCaDU on IV-D cases and on any case where income withholding is in effect.
- Cash payments are accepted at one of the one remaining SCaDU office, specifically the office co-located in Las Vegas at the Clark County DAFS office. The remaining SCaDU office in Carson City was merged into the Southern office this past year.
- SCaDU accepts cash, money order, cashier's check or business check. Personal checks are not accepted for payment. The SCaDU office in Clark County accepts debit cards and credit cards in person and now over the telephone during business hours for payment as well.
- In March, 2013, under contract with a private vendor, NV began taking debit and credit card payments via the internet (online) and by telephone. Visa, MasterCard and Discover are accepted. Each payment currently has a NCP-paid convenience fee of \$7.95 per payments up to \$750.00. The phone number for phone payments is 1-855-288-2352.
- The address for NV SCaDU for mailing payments is: SCaDU , PO Box 98950, Las Vegas, NV 89193-8950.
- NV statute requires employers with 50+ employees to make electronic (EFT) payments of child support to the State, rather than by business check or other method. The state is working on a Fall implementation of E-IWO.

Debit Card

- A debit card where child support is issued directly to the CP unless the CP requests direct deposit is automatically issued after a payment is received for the first time by SCaDU.
- Chase Customer Service is at 1-866-747-1973 and the website where CP's can check their account balance and transaction history, change their PIN, or speak to Customer Service is www.myaccount.chase.com.

Obtaining Financial Documents

- The local Child Support Agency is the official keeper of payment histories. A certified payment history can be obtained from the local child support agency handling the case. The local family court/IV-D child support courts can provide certified court orders where needed.

UIFSA TRANSMITTALS/CSENETs

- NV uses the current federal forms.
- NV is a full CSENet state.
- NV is on QUICK.

Interstate Notification of Tax Collection

- In interstate cases, the **initiating** state (the state in which the public assistance assignment or non-assistance application for IV-D services has been filed) must submit the past-due support for tax offset.
- If there is a CSENET agreement with the responding state, NOMADS will automatically send a notice of tax intercept to that state. If not, the process to notify the responding state is a manual one by the Initiating Interstate State Team's caseworker.

FIDM

- Nevada is a direct levy state. Liens can be sent directly to the financial institution.
- Nevada will accept an interstate referral from other states for FIDM as well.
- NCP must have at least \$250 in the bank account in order to seize.

Change of Payee

- If the child receives TANF benefits through a non-parent relative, a referral is sent to the IVD Agency. The support order may be forwarded to the IVD Agency based on the type of benefits received. NV usually follows the principle of "The order follows the child". NV takes the existing order and opens a new case with the non-parent relative with that order, assuming that he/she completes and signs the required paperwork. If not, a new case is opened and a new order is set in court.
- If a caretaker relative is not receiving TANF benefits, NV would need some sort of guardianship/custody order in order to open a case with the caretaker relative.
- Substitute care includes placement in foster care (IV-E case). The current support obligation for a child placed in substitute care is assigned to the appropriate agency while the child is in placement.

New Caretaker for children

- If no order exists in NV for the child/children and a new caretaker has official custody, a petition for child support must be filed to establish support for the new caretaker.

Obligation Frequency

- Support orders are charged on a monthly basis pursuant to the Nevada CS guidelines.

Distribution of Support

- NV follows federal distribution rules.

Enforcement Tools

- Administrative enforcement is based on court orders.
- If the order is foreign (jurisdictions outside of Nevada), the order does have to go through Central Registry in Nevada before the Nevada local office can take any of the administrative enforcement functions like liens, credit bureau reporting, license suspension, passport denial, and account seizure can be invoked. The order is then forwarded by Central Registry to the county where NCP resides for enforcement. The NCP is notified by letter that the local agency is now enforcing the order. Also, for court enforcement (eg, contempt), the NCP must be personally served with a Notice and Finding and OTSC for Contempt.
- As a judicial state, contempt actions are used regularly. Nevada may require the payor to pay a lump sum towards arrears in addition to a continuing monthly court-ordered arrearage payment. Administrative orders on arrears may also be set, usually in the amount of 10% of the current support monthly obligation.
- Driver's License Suspension and Passport Denial are frequently used enforcement tools in NV.
- Professional license suspension is also used in NV, and the hope is to increase such use in the near future, along with Gaming and Cosmetology licensing suspensions.
- UIB (Unemployment Insurance Benefits) intercepts are also commonly used in NV, along with Federal Tax Intercepts.

Credit Bureau Reporting

- Case qualifies for credit bureau reporting if the arrearage debt equals or is greater than \$1,000.
- At present, there is no Child Support Lien Docket in NV. Liens attach to the NCP via the use of filed and recorded judgments.

Review and Adjustment/Modifications

- To meet federal requirements, CSAs must review TANF cases and non-aid cases (if non-aid: upon request of a CP or NCP) if at least 33 months have passed since the support order was established or adjusted. NV is now working on developing automation for this process. However, all local NV CSA's have a R & A process in place.
- If a request for review is received outside of the 33 month cycle, the local agency must review and, if the requesting party demonstrates substantial change in circumstances (NV state policy threshold is 20% or greater change in gross monthly income), seek a modification to adjust the order according to the state's guidelines.
- All modifications are judicial. If parties agree to the modification, parties can do a stipulation and order, which must be approved/signed by a judge. If no agreement between the parties a hearing will be set.
- For an Intergovernmental case, submit a Uniform Support Petition with General Testimony and Transmittal #1.

Retroactivity

- Modifications are retroactive to the date the petition to modify is filed with the court in most cases.
- An initial support order may be made retroactive up to 4 years prior to the filing of a petition to establish a child support order.
- NV relies heavily on TANF recoupment through child support to fund its child support program (state share of child support collections assigned to state by TANF recipient). Arrears routinely set on TANF cases at beginning of order to recoup money for the State.

NV Voluntary Acknowledgement of Paternity

- Full faith and credit is given to paternity determinations made by another jurisdiction regardless of whether it was made through voluntary acknowledgment, judicial, or administrative process. When sending to NV after paternity only was established in another state, a petition to establish support is filed in NV.

- Requests for certified copies of Nevada's Voluntary Paternity Acknowledgment must be made to: The Nevada Office of Vital Records, 4150 Technology Way, Ste 104, Carson City, NV 89706. There is a \$40 charge to amend a birth certificate already on file with a VPA and any additional certified copies of VPA's are charged at \$20.00.

Case Closure

- Nevada applies federal case closure criteria.
- The local child support program must notify the initiating agency when it closes an interstate case.