

**DIVISION OF WELFARE AND SUPPORTIVE SERVICES PUBLIC HEARING TO ADOPT THE AMENDMENTS TO THE CHILD SUPPORT ANNUAL FEDERAL FEE REGULATION.**

The public hearing to adopt the amendments to the child support annual federal fee regulation was brought to order by Administrator, Steve Fisher, at 12:02 p.m. on Thursday, July 18, 2019. This meeting was video conferenced between the Division of Welfare and Supportive Services, 1470 College Parkway, Room 149, Carson City, NV and the Division of Welfare and Supportive Services, 701 North Rancho Drive, Training Room 5, Las Vegas, NV. The meeting was also accessible via teleconference.

**STAFF PRESENT:**

Nova Murray, Deputy Administrator, Division of Welfare and Supportive Services (DWSS)  
Cathy Kaplan, Chief of Child Support Enforcement, DWSS  
David Castagnola, Social Service Specialist III, DWSS  
Joy Tomlinson, Administrative Assistant IV, DWSS  
Rebecca Lindelow, Family Services Supervisor, DWSS  
Kelly O'Meara, Executive Assistant, DWSS

**GUESTS PRESENT – NORTH:**

None

**GUESTS PRESENT – SOUTH:**

None

**GUESTS PRESENT VIA TELEPHONE:**

None

**Agenda Item #1 – Public Comment on Child Support Enforcement Manual Amendment:**

The public hearing to adopt the amendments to the child support annual federal fee regulation was brought to order by Administrator, Steve Fisher, at 12:02 p.m.

Mr. Fisher introduced the amendment to Section 103 of the Child Support Enforcement Program regulation, which will increase the annual federally mandated fee for each non-assistance child support case and revise the amount that must be collected and disbursed to a family that is subject to the fee.

Mr. Fisher then introduced David Castagnola to present the Division of Welfare and Supportive Services' amended regulation. Mr. Castagnola stated the following:

“The Division of Welfare and Supportive Services proposes to amend the state regulation at Section 103 of the Support Enforcement Manual (SEM) *to increase the Annual Fee for Never Assistance Cases*. An amendment to the state regulation at Section 103(E) of the Support Enforcement Manual proposes increasing the annual federally mandated fee for each non-assistance child support case and revising the amount that must be collected and disbursed to a family to be subject to the fee.

Federal law requires states to impose an annual fee for each case that receives Title IV-D child support services and in which the individual receiving services has never received Title IV-A

assistance. The Bipartisan Budget Act of 2018 amended Section 454(6)(B)(iii) of the Social Security Act increasing the mandatory annual fee from \$25 to \$35. This law also revised the amount that the state must collect and disburse to the family before imposing the fee from \$500 to \$550 each federal fiscal year. Assembly Bill 527 of the 2019 Legislature amends NRS 425.3847 increasing the fee amount and threshold pursuant to the Social Security Act.

The existing regulation is further amended to update statutory references and clarify that, with respect to the annual federal fee, international cases include those initiated by countries that are signatories to the Hague Convention. These changes will take effect on October 1, 2019.”

Mr. Fisher called for public comment in Carson City: no public comment.

Ms. Fisher called for public comment in Las Vegas: no public comment.

Ms. Fisher called for public comment over the telephone: no public comment.

Mr. Fisher adopted the amended regulation as the Administrator of DWSS effective October 1, 2019.

Mr. Fisher then called for adjourning the meeting at 12:06pm.

# **Exhibit A**

## Proposed Regulation

(Matter in ~~red-strikethrough~~ is material to be deleted. Matter in *italics* is new.)

### Support Enforcement Manual (SEM) Section 103

#### (E) ANNUAL ~~\$25~~ *\$35* FEE FOR NEVER ASSISTANCE CASES

~~The Deficit Reduction Act of 2005, Public Law 109-171, and Chapter 425 of the Nevada Revised Statutes Section 454(6)(B)(iii) of the Social Security Act and NRS 425.3847~~ mandate an annual ~~\$25~~ *\$35* fee for IV-D cases in which at least ~~\$500~~ *\$550* in child support is collected and disbursed, but only if the child for whom the collection is made and the custodian of the child in the case are not and have never received assistance under Title IV-A of the Social Security Act.

The Chief shall impose a ~~\$25~~ *\$35* fee each federal fiscal year (FFY) in all “never assistance” Title IV-D cases in which Nevada is the initiating jurisdiction and more than ~~\$500~~ *\$550* in child support has been collected and disbursed to the family during the ~~FFY~~ *federal fiscal year*. The ~~FFY~~ *federal fiscal year* is defined as the period beginning October 1st and ending September 30th. For the purposes of the annual fee, a case is defined as an obligor, an obligee and the child(ren) in common.

The Chief shall retain ~~\$25~~ *\$35* from child support payments collected on behalf of the individual receiving Title IV-D services for each ~~FFY~~ *federal fiscal year* in which the case is subject to the annual federal fee.

With respect to international cases, pursuant to ~~federal law~~ *45 CFR 302.33*, the annual fee shall not be retained from child support collections. For purposes ~~for~~ *of* the annual fee, an international case is one in which a foreign reciprocating country *or a signatory to the Hague Convention* requests the assistance of the Nevada Child Support Enforcement Program, or a case in which a foreign obligee residing in a foreign country applies for services directly with the enforcing authority.

Obligors will receive credit for the full amount of any child support payment from which the annual fee, or a portion thereof, has been retained.

This regulation expires on the date on which the provisions of 42 U.S.C. § 654 requiring each state to impose an annual fee are repealed by the Congress of the United States.