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NEVADA FAMILY LAW REPORT

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Family Court & URESA

Child Support Practice in Clark County in the 90's

by Roberta J. O'Neal

URESA (Uniform Reciprocal Enforcement of Support Act), basically child support enforcement, was taken under the all-encompassing, encyclopedic wing of new Family Court under S.B. 395, as specifically stated in NRS 3.223(1). In Clark County, child support enforcement through URESA will be very much a part of the new Family Court, which will begin to operate in 1993, and be in its own physical plant by sometime in 1994. To have some idea of the impact that this will have on the Family Court, the District Attorney Family Support Division, and the families served, it is helpful to realize the sheer magnitude of this agency and the population it serves.

D.A. Family Support has a staff, including its four attorneys, of over 80 personnel. The active caseload of the office is in excess of 32,000, with another 700 plus new cases being filed each month. Average *monthly* collections are approximately $2 million! We have seven afternoon calendars per week (some days we use two courtrooms), from about 1 P.M. until usually 5 to 6 P.M., occasionally later. Calendars usually number 40 to 50 cases. Furthermore, we are a rapidly growing agency, as the need for and the knowledge of our services increases. Our staff will likely exceed 90 before the Family Court even comes into being.

One of the other significant changes we have seen over the last year or so, is the greatly increased presence of the private bar in URESA proceedings. Previously, one would see one or two of the largely *pro per* population of Respondents represented by private counsel on a calendar. Now it is common to see ten to twelve Respondents present with counsel on a single calendar. URESA court is still a relatively informal court, utilizing part-time Hearing Masters, who are members of the private bar. Matters are neither reported nor recorded. Evidentiary matters proceed under the more relaxed administrative hearing rules. NRS 130.205 - 130.210, 233B.123. If a party objects to the Master's Findings, then the Objection, which must be filed within 10 days, will be heard in District Court, before the

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From the Editor

by Marshal S. Willick

This issue continues the series of perspectives on the new Family Court that will shortly be operational in Washoe and Clark Counties. Of course, further opinions, in the form of letters to the editor, or articles as to substance or procedure in the new courts, are welcome.

Also in this issue is a summary of the results reached by the Child Support Statute Review Committee. Those with an interest in some specific area of procedural or substantive Family Law should contact Section Chair Ishi Kunin and make sure she knows about it; that way, if committees, studies, etc. come up in your area of interest, you can be in on the decision-making process. Especially at this exciting time in this field, with a new court system about to come into existence, meaningful input from a variety of knowledgeable practitioners is needed for the good of the litigants, and of the system itself.

Since last year, new and greatly expanded Affidavits of Financial Condition have been in place in Washoe and Clark counties. Those who created the forms hope to improve them to accommodate the realities of practice (are they too long or short? Is anything missing or redundant? Do they work to prevent fraud by omission and encourage full disclosure, or not? If they do, has this resulted in less NRCP 60(b) work than would otherwise have occurred?) Letters to the editor concerning them are welcome. Additionally, it is hoped that some time can be reserved at the next Tonopah Showcase, next Spring, to go over the Affidavits and perhaps clear the way for a single form to be used state wide.

Articles on topics in this field are welcome. If you have a new theory, commentary on a recent case, etc., please submit an article on that topic so that others can share in your thinking. Contact me if you need further information.

Special thanks are due to proofreaders Ishi Kunin, Mary Anne Decaria, and Gloria Sanchez, for their assistance in getting these articles ready for publication. Additional volunteers would be welcome; they should contact me for that purpose.

Board Minutes

Excerpts from January 11, 1992, Minutes of the Executive Committee of the Family Law Section.

1. It was decided to go forward with a psychology approach to this year's Spring Showcase.

2. Certification programs elsewhere were discussed; it was agreed that any Nevada program should be patterned after a state with similar demographics rather than California. A committee was formed to study the matter and report back.

3. The "Bounds of Advocacy" was discussed as an ethics standard for Family Law practitioners. The matter is to be presented to the section members present in Tonopah.

4. Membership stands at 135. A new membership form was approved.

Excerpts from April 3, 1992, Minutes

1. Attorney members for the "Judges' Rules Committee" set up by the Nevada Council of Juvenile and Family Court Services (Mr. Jeff Kuhn) to establish uniform state family court rules were appointed to join Justice Springer, Judges

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Chief Judge.

The Family Court will change these procedures to a lesser decree than some members of the private bar may expect. Unlike the Domestic Referees, whose positions, in Clark County, will be eliminated by the inception of the Family Court (NRS 125.005), the Hearing Master system will not be affected by the Family Court Act. *See*, NRS 3.405, which makes it clear that the Master system is still alive and well in URESA. Which is not to say that there will be no changes. S.B. 75 also passed in 1991 and discussed *infra*, will greatly impact both the Family Court, the URESA Master(s), and D.A. Family Support.

As to similarities, under the Clark County Family Court, among the 6 Family Court Judges, there will be a "Presiding Judge". That judge, much as the Chief Judge does now, will oversee the URESA court and hear all objections to the Master's findings. At the present time there are 4 appointed part-time URESA Masters, as well as one part-time Paternity Master, and a number of alternates used to fill in. It is likely that in January 1993, that Clark County's Family Court will go to one full time URESA Master, with a part-time back-up Master.

S.B. 75, which became effective July 1, 1991, would affect this issue. NRS 425.3810 (which was section 5 of the Bill) states "A Master must be appointed to a full-time position or an equivalent position...." Subsection (3) however excepts the eighth judicial district. In fact Clark County is excepted from almost all the provisions of S.B. 75, with one very important exception to be discussed below. *See*, NRS 424.3805. In fact most of the provisions of S.B. 75 sunset July 1, 1993, with the same exception.

To understand S.B.75, it is necessary to give it some historical perspective. Most legislation related to child support enforcement and URESA is in response to Federal mandates, as the Federal Government largely underwrites child support enforcement programs in Nevada and most other jurisdictions. Two key areas emphasized in Federal legislation and regulations are "expedited process" and regular modification of child support orders, based on the statutory guidelines. This is all about getting monetary help to families quickly and in sufficient amounts. In 1989, the Legislature passed another package, which set up an administrative (vs. judicial) hearing system for URESA in Nevada. The purpose of this system, which has been highly successful in many other states, was to increase the number of cases handled in URESA, and the speed with which these cases were handled, as well as to make it an even more informal process. This system was to be tried in the smaller counties first, with implementation in Clark County to be delayed until the first half of 1991.

This system ran into some difficulties, especially with the Courts in Washoe County. S.B. 75 is the response to this, which is in essence a blending of the administrative hearing processes of the prior legislation, with the Master system, much as it is practiced here in Clark County. Again, only this time more specifically, Clark County was excepted out, and the system is/was to be tried in the smaller jurisdictions. Then if the program proved successful, Clark County could opt in, at any time before July 1, 1993, Acts 1991, ch. 393, §22 (see, Editor's note to NRS 425.3844). If allowed to sunset in July 1, 1993, the entire state will be back with the administrative hearing system legislated in 1989. It is likely with the inception of the Family Court in January of 1993, that Clark County will opt in, including the appointment of a full-time Hearing Master. It is the position of the Eighth Judicial District Court at this time that this issue should be resolved by the Family Court, and it is unlikely that any action will be taken prior to January of 1993.

Which puts Clark County and the Eighth Judicial District Court in a very interesting position, because the hearing system was not the only child support issue addressed by S.B. 75. The sneaker is the issue of the modification of Child Support Orders in URESA. This is an area which has generated quite a bit of case law (for Nevada). Nevada decisional law (*Vix v. Wisc.*, 100 Nev. 495 (1984); *Taylor v. Vilcheck*, 103 Nev. 462 (1987); and their progeny), unlike most states, has taken the position that child support orders in URESA may not be set at an amount different from an underlying court order (in particular, Divorce Decrees, and especially not to a higher amount.)

In order to comply with both Federal law, and the Nevada law based on it (NRS 125B.145), requiring 3 year review and modifications of child support orders according to the statutory guidelines, S.B.

Articles, Case Summaries Wanted for NFLR

The Nevada Family Law Report seeks to provide interesting and substantive family law material to educate both the bench and the bar. NFLR needs articles for upcoming issues. If you are interested in writing critiques of pertinent cases, reports/opinions of family law legislation or discussions of family law trends and issues, please request authors guidelines from Editor Marshal Willick, 330 S. Third St., #960, Las Vegas, NV 89101. Telephone, 384-3440.

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The Section's publication needs your input and contributions. Please contact an editor to discuss any article topic, critique or book review.

75 amended NRS 130.220, overriding *Vix* and its progeny, such that not only is the URESA Court permitted to set the support obligation in URESA at the amount of the statutory guidelines, such a setting is *mandated*. To make it quite clear that this in essence overrules *Vix*, et al. legislatively, the new version of NRS 130.220(1) states: "Support orders made pursuant to this chapter may impose a greater or lesser amount of support than any previous order of another court obligating the same person for support of the same child." This statutory change applies to the entire state, *including* Clark County, and does not sunset in July of 1993.

But here is the quirk! S.B. 75 goes on to describe the methods by which such modifications are to proceed. Underlying obligations issued by another state than Nevada must be modified through the Registration of Foreign Support Order process pursuant to NRS 130.330 to 130.370. *See* NRS 425.3815. If the underlying support obligation was issued by any court in the state of Nevada (i.e., a divorce decree or other domestic relations order), the *issuing* Nevada district court must review the recommendation and approve or reject the recommendation issued by the master. NRS 425.3844(3). The order, then approved by both the local district court where the URESA court is sitting, as well as the issuing district court, is filed in the office of the clerk of the district court pursuing the URESA action *and* the district court issuing the previous underlying court ordered child support obligation. NRS 425.3844(4). However, until the district judges of the eighth judicial district adopt the *entire* program for enforcement of child support as set forth in S.B. 75, including the full-time master, these procedures for modification do *not* apply in Clark County.

In plain language, the URESA court of Clark County at this point in time can modify underlying child support obligation orders without the procedural constraints set out above, which are in effect throughout the rest of the state. It is likely that this may not have exactly been the intent of the legislature or the district court judges involved in the drafting of this bill. It is likely that Clark County, the jurisdiction with by far the majority of the URESA cases in the state of Nevada, will follow, at least to some extent, on an ad hoc informal basis, the procedures set out for the rest of the state in S.B. 75 until the Family Court is in place. The Family Court will then probably make the decision whether to adopt the entire program as set out in S.B. 75 (just a few months before the legislature decides whether to keep the program on an ongoing basis, modify it, or return to the administrative hearing package of 1989, which was never implemented in Clark County.)

The above technicalities aside, the integration (both physical and legal) of the URESA court with all the other child and family areas of the court can only be beneficial to all those involved in the court system. D.A. Family support will in fact be physically located at the site of the Family Court, when construction is completed in 1994. There are many crossover issues, such as support modification, custody and visitation problems, neglect and abuse, that can be handled more expeditiously and in a more coordinated manner. Also in a more convenient manner for the families served, truly "one-stop shopping". This also allows the court to specialize and develop true expertise in what is sometimes rather arcane areas of the law. It is truly the direction of the future, and a good direction for child support enforcement.■

Roberta J. O'Neale is Chief Deputy District Attorney, Clark County District Attorney Family Support Division.

Alimony Revisited

by Mary Anne Decaria, Silverman & Decaria, Chtd., Reno

In 1988, the Nevada Supreme Court changed the practice of family law when it rendered its decision in *Heim v. Heim*.[1] In *Heim*, principles of justice and equity as required by NRS 125.150(1)[2] were applied to the determination of a wife's right to alimony. No longer may one look merely to the *Buchanan v. Buchanan*[3] guidelines in advising a client as to the feasibility of an alimony claim or defense. Heim requires an analysis of the equities, "having regard to the respective merits of the parties and to the condition in which they will be left by the divorce."[4]

Heim also opened the door for those in the legal community who believe that fault should be considered by the court when awarding alimony and dividing property. "When examining the "merits" of the parties the courts might look at the parties' good actions or good behavior or lack thereof in determining what either husband or wife justly deserves."[5] Unfortunately, the role of fault in divorce proceedings remains unanswered, as the question was not raised at trial and was not before the *Heim* court.[6] Subsequent decisions have avoided the issue.[7]

The Nevada Supreme Court confounded the law of alimony in its application of the *Heim* analysis in two subsequent decisions. In *Fondi v. Fondi*[8] equity for Mrs. Fondi meant only one $3,000.00 lump sum payment of alimony. In *Rutar v. Rutar*,[9] on facts similar to *Fondi*, the Supreme Court found an award of rehabilitative alimony inadequate.

What facts convinced the Supreme Court that Mrs. Heim and Mrs. Rutar were deserving of alimony while Mrs. Fondi was not?

Heim

In *Heim*, the Supreme Court focused on the three statutory elements required by NRS 125.150(1): The condition in which the parties will be left by the divorce; the respective merits of the parties and overall justice and equity.

The Condition in which the Parties will be Left

The *Heim* court defined the condition in which the divorce will leave the parties as meaning the parties' "relative financial worth and earning capacities."[10] The facts of *Heim* were:

(1) Dr. Heim was a college professor earning $5,600,00 per month. (2) The trial court's alimony award of $500.00 per month in favor of his wife of thirty-five years constituted less than nine percent of Dr. Heim's monthly income. (3) Mrs. Heim was 57 years old, unemployed, and had no professional skills, having stayed home to rear the parties' six children. Even if she could work, her anticipated income would be no more than the $600.00 per month she had earned in the past. (4) The combined monthly alimony and employment income of $1,100.00 potentially available to Mrs. Heim left her near the poverty level and amounted to only one-fifth of her husband's monthly income. (5) While Dr. Heim received tax benefits from the payment of alimony, Mrs. Heim suffered tax consequences. (6) Mrs. Heim's property distribution consisted of a car, a home with $10,000.00 in equity and a mortgage payment and a future interest in her husband's retirement.

(7) Contrarily, Dr. Heim's post divorce financial condition was excellent. He would enjoy net income of $3,000.00 per month after all his expenses were paid (not including the tax benefits derived from the payment of alimony). (8) On the other hand, the divorce left Mrs. Heim in deplorable financial condition which was "almost certain to result in deprivation, poverty and social degradation."[11]

The *Heim* court defined the condition in which the divorce will leave the parties as meaning the parties' "relative financial worth and earning capacities."

The Respective Merits of the Parties

Although no facts pertaining to the behavior of the Heims were before the Supreme Court, the court discussed the meaning of the term "merits" of the parties as referenced in NRS 125.150(1). The court stated: "Merits may refer to the good marital behavior or to the fault of the parties."[12]

> When examining the "merits" of the parties the courts might look at the parties' good actions or good behavior or lack thereof in determining what either husband or wife justly deserves[13]

> Since this issue has not been raised at the trial court level, we do not consider its application here; still, we note, without deciding the point, that the past relations and conduct of the parties might be legitimately considered under the legislative direction that the courts pay regard to the "respective merits of the parties.[14]

Overall justice and equity

As stated by the *Heim* court: "what is just and equitable as an alimony award, broadly speaking, can be translated into terms of what is fair and what Loretta *deserves* under the circumstances of the case."[15] This requires a court to look at all circumstances of the marriage, including "its duration, the age and health of the parties, the special agreements and understandings of the parties and the past relations, conduct and status of the parties."[16]

The court found it significant that Dr. Heim left the marriage holding a prestigous position and high income as a college professor. His PhD. was earned during the marriage through the efforts of both parties. Mrs. Heim deserved a fair return for her 35 year contribution to the marriage. "She is entitled after this long marriage to live as nearly as fairly possible to the station in life that she enjoyed before the divorce."[17]

Fondi

The Fondis were married seventeen years. Judge Fondi earned his law degree and standing in the community before marriage. Mrs. Fondi left the marriage with the same skills with which she entered it, that is, she could support herself as a legal secretary. She also left with $91,000.00 cash as well as a future interest in her husband's retirement. The Fondis did not have children and although Judge Fondi's twelve year old son lived with them, Mrs. Fondi was not required to stay home to care for him.

The Supreme Court upheld the trial court's one time lump sum alimony payment to Mrs. Fondi in the sum of $3,000.00 as well as its ruling that no jurisdiction over the alimony issue would be retained.

In reviewing the overall justice and equity of the denial of alimony, the *Fondi* Court found persuasive the fact that Mrs. Fondi received a $91,000.00 cash distribution, that she would receive future pension benefits, that each party left the marriage with the same marketable skills with which each entered it and that Judge Fondi's law degree was acquired before marriage.

The court ignored that Mrs. Fondi was left in a much less secure financial position than her husband and likely would not enjoy the status, security and lifestyle of the marriage. While Judge Fondi earned a minimum of $67,000.00 per year as a district court judge,[18] Mrs. Fondi earned

only $16,600.00 per year. How did the court expect Mrs. Fondi to have the status and lifestyle of the marriage with only one-fifth of the monthly marital income?[19] Why, after seventeen years of marriage should Mrs. Fondi support herself solely on her low income and her cash property distribution while her husband enjoyed a much greater standard of living and had no need to utilize his property distribution in order to support himself or to maintain his lifestyle?[20]

Rutar

Mr. and Mrs. Rutar owned a dental laboratory in Las Vegas, Nevada. Both were trained dental technicians, although Mr. Rutar had specialized training and skill which gave him greater earning potential than his wife.

The Rutars were married 18 years. After working for five years at their dental laboratory, Mrs. Rutar stayed home to rear the parties' two children as well as Mr. Rutar's two children from a prior marriage. At the time of the divorce, Mrs. Rutar was 45 years old and was working towards a degree in accounting.

In granting the divorce, the trial court awarded Mrs. Rutar one-half the equity in the parties' home ($235,000.00). She and the children retained the right to live there until it was sold and Mr. Rutar was ordered to pay the mortgage and all expenses of upkeep on the home. At the time of sale, Mrs. Rutar was ordered to reimburse her share of the expenses.

Additionally, Mrs. Rutar received one-half the value of the dental laboratory ($70,000.00) and one-half the retirement fund ($350,000.00), for total property distribution of approximately $650,000.00. The court awarded Mrs. Rutar $1,000.00 per month in rehabilitative alimony for three and one-half years and $1,000.00 per month in child support.

At the time of the divorce, Mr. Rutar grossed $300,000.00 per year from the dental laboratory. His 1988 net income was $154,000.00 plus paid automobile expenses and insurance and medical insurance.

The Supreme Court held that the award of alimony was not just and equitable because "both parties contributed substantially to the marriage but are left with vastly disparate earning capacities after the divorce."[21] Although Mrs. Rutar received a valuable property distribution, it was not income producing. She would not complete her re-education in accounting and become self supporting before the three and one-half years of alimony terminated.

On the other hand, Mr. Rutar enjoyed gross monthly income of $12,800.00 less $2,000.00 per month in child support and alimony. He enjoyed tax benefits from the payment of alimony. The court estimated that Mr. Rutar would have $130,000.00 per year income *after* the payment of his support obligations, while his wife and children lived on $24,000.00 per year, less taxes. In essence, Mrs. Rutar and the children's standard of living would fall far below that enjoyed when the family was intact.

The Supreme Court found this to be wholly inadequate and increased the alimony award to $1,700.00 per month for a period of eight years. The trial court was directed to retain jurisdiction over the alimony award and the property division.

Are the Three Cases Harmonious?

The facts of *Rutar and Fondi* are similar to one another and vastly different than those of *Heim*. The Fondi and Rutar marriages were nearly the same duration. Both wives were close to the same age. Each left the marriage with the same job skills and earning potential with which she entered it. Neither helped her husband with his education, although Mrs. Rutar helped establish the family business.

Mrs. Heim was much older than Mrs. Fondi and Mrs. Rutar, had six children and after a 35 year marriage was incapable of supporting herself and had minimal property distribution. She was there when her husband obtained his education and earned his professional standing.

Heim and *Rutar* cannot be reconciled with *Fondi*. The distinction may be that Mrs. Rutar and Mrs. Heim bore and reared the children. Mrs. Fondi did not. Mrs. Rutar and Mrs. Heim were present when the family business or profession was established. Mrs. Fondi was not. Mrs. Heim received minimal property distribution. Mrs. Fondi and Mrs. Rutar received significant property distributions, although Mrs. Fondi's was liquid and Mrs. Rutar's was not.

It is impossible to justify why Mrs. Fondi was found undeserving of alimony. Justice and equity were not served when a woman with skills to support herself, albeit not approaching the level of marital income, left the marriage less financially secure than her husband. Perhaps the Supreme Court corrected this inequity by later ruling in favor of Mrs. Rutar and *Fondi* will not serve as precedent for future alimony awards.

Conclusion

Advising one's client as to the viability of alimony is never easy and has been made more difficult by the disparate results of *Heim*, *Fondi* and *Rutar*. Whether fault will be a determining factor in an alimony award remains to be seen. What appears just and equitable in one case may not be so in the next.

The safest approach will be to present an alimony case within the framework of *Heim*. Establish the condition in which the parties will be left by the divorce, their respective merits (until otherwise clarified by the Supreme Court, this must include fault) and show the court why overall justice and equity require an award or non-award of alimony.■

Notes

[1] 104 Nev. 605, 763 P.2d 678 (1988).

[2] NRS 125.150(1) provides:

In granting a divorce, the court:

(a) May award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments; and (b) Shall make such disposition of:

(1) The community property of the parties; and

(2) Any property placed in joint tenancy by the

parties on or after July 1, 1979, as appears just and equitable, having regard to the respective merits of the parties and to the condition in which they will be left by the divorce, and to the party through whom the property was acquired, and to the burdens, if any, imposed upon it, for the benefit of the children.

[3] *90* Nev. 209, 523 P.2d 1(1974).

[4] 104 Nev. at 609.

[5] 104 Nev. at 610.

[6] See *McNabney v. McNabney,* 105 Nev. 652, 782 P.2d 1291(1989) for reference to the issue of fault in the equitable distribution of community property.

[7] *Cf. Rutar v. Rutar,* 108 Nev. Adv. Op. 38 (1992).

[8] 106 Nev. 856, 802 P.2d 1264 (1990)

[9] 108 Nev. Adv. Op. 38 (1992).

[10] 104 Nev. at 609.

[11] *Id.*

[12] *Id.* at 610

[13] *Id.*

[14] *Id.*, Footnote 6.

[15] *Id.* at 610.

[16] *Id.* at 611.

[17] *Id.* at 612, 613.

[18] NRS 3.030. At the time the *Fondi* opinion was entered, the base salary of a district court judge was $67,000.00. In January, 1991, the base pay increased to $79,000.00. Additionally, district court judges are entitled to longevity pay. Judge Fondi's longevity pay has not been calculated. For purposes of this discussion, only his base pay is used.

[19] Based upon Judge Fondi's base salary of $67,000.00 per year (NRS 3.030) together with Mrs. Fondi's income of $16,600.00, their combined annual incomes totalled $83,600.00. Mrs. Fondi's monthly income from employment, $1,383.33, nearly matched Mrs. Heim's anticipated monthly alimony and employment income of $1,100.00. Both women were left with only one-fifth of the marital income.

[20] While it is true that Mrs. Fondi would have available interest income from her $91,000.00 cash distribution, so would Judge Fondi. Although the Supreme Court Opinion does not state the amount of property distribution allocated to Judge Fondi, for purposes of this discussion, it is assumed that he received equitable distribution of a comparable amount. Thus, the interest income potentially available to both parties was a wash.

[21] 108 Nev. Adv. Op. 38 at page 4.

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McGroarty, McGee, and Becker, and Mr. Scott Jordan. Those selected for this task were Terry Marren, Marshal Willick, and William Phillips from Las Vegas, Sharon Claassen from the rural counties, and Mary Anne Decaria and Sharon McDonald from Washoe County.

2. Problems with the bylaws were explored. The election process contained in the Minutes of April 21, 1990, were vacated. A third two-year term (i.e., 1992-1994) for Peter Jaquette, Scott Jordan, and Terry Marren was set up to allow for continuity and staggered terms.

3. ABA proposal, dealing with setting up program for guardians ad litem, accepted and adopted.

4. Election of officers from within its own ranks, as called for under the revised bylaws. By acclimation, Ms. Kunin, Ms. Claassen, and Ms. Sanchez were re-elected to their respective positions. The new position of Vice-Chair was filled by Mr. Jaquette by acclimation.

5. Mr. Phillips to chair the setting up of a candidates forum by the Section for the Family Court candidates, since he already has space donated. Majority vote to authorize the expenditure of $1,000.00 to fund the effort, with Marren and Willick abstaining.

Excerpts from July 25, 1992, Minutes

1. The Bar's proposal for splitting returns from the 1993 Tonopah Showcase will be reluctantly accepted, but "We'll be back" for a change next year, presumably more in line with the Gaming Section model that leaves more money in the hands of the Section.

2. Certification to the Bar's Board of Governor's that the Child Support Statute Review Committee had completed its assigned task and that the Section recommended that the Report be forwarded to the Nevada Legislature.

3. One ABA request for action at the state level (dealing with survivor's benefits) was decided to be moot, and another (dealing with guardians ad litem) was approved and sent to the State Bar as such.

4. The annual Tonopah Showcase was set for March 19-20, 1993. Topics will probably include Qualified Domestic Relations Orders and/or Pensions, Tax or Accounting issues, and perhaps Bankruptcy issues.

5. Progress was reported on Certification matters.

Child Support Statute Committee Reports

After a seven-month effort, the Child Support Statute Review Committee has completed its Report, which has been approved by the Family Law Section and the Bar Board of Governor's for forwarding to the Nevada State Legislature. The Report is 64 pages long, with some 75 pages of exhibits, and about 100 pages of Appendices.

The Committee was chaired by Marshal S. Willick, and had as voting members Bruce I. Shapiro, Rhonda L. Mushkin, Peter B. Jaquette, Cassandra Campbell, Mary Anne Decaria. Section Chair Israel L. Kunin sat on the Committee by virtue of her position for the purpose of breaking ties.

Highlights of the report include recommendations that:

•the current $100.00 per month per child "floor" be left in place, but that the presumptive $500.00 per month per child "ceiling" be raised to $1,000.00 per month per child;

•child care expenses should be awarded in addition to the formula amount and allocated between the parents in proportion to their relative incomes, without modifying the current formula percentages to reflect this addition, and division of medical expenses should be changed from presumptively equal to pro-rata between parents based on their incomes;

•the legislature should give greater guidance to treatment of multiple-family cases, following a "first mortgage" approach. Support owed under an earlier obligation should *not* be reduced by the Obligor's acquisition of a later support obligation, whether the second family is intact or is later divided. In fairness to the Obligor, calculation of support obligations for subsequent children should presumptively include consideration of the existing support obligation, rather than leaving it as a discretionary factor the court "may" use in adjusting support. If the second marriage breaks up, the Obligor's income considered available for support should be reduced by the sum paid under the earlier obligation;

•abatements in child support should be permitted during extended visitation, in the discretion of the court and under certain circumstances;

•the courts should be given explicit power to waive child support during periods that visitation is withheld in certain very limited circumstances;

•certain apparent typographical or language errors in the existing statute should be corrected.

The Report is expected to be the focal point of any proposals in the 1993 legislature to revise Nevada's child support laws.■

Coming Next Issue

Some Thoughts on the New Family Court System by W.E. Freedman

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Case Summaries

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The Nevada Commission forWomen — What are They up to? by Mrya A. Sheehan

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