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This newsletter is for general information only and should not be construed to be legal advice or the formation of a lawyer-client relationship. Each family law case should be analyzed for specifics and should be handled by a competent attorney.

## HOW NEVADA CALCULATES CHILD SUPPORT

By Maricar Andrade, Esq.

By law, **each parent has a duty to support his or her child**. Married or not, parents have a duty to provide for the necessary maintenance, healthcare, education, and support of their children. This obligation of support is a sum certain, based on statute. Specifically, NRS 125B.070 states a formula for figuring out the amount of support based on a parent's gross monthly income. However, another statute also allows for certain deviations from this formula.

Generally, if one child is involved, the court looks at 18% of the noncustodial parent's gross monthly income (GMI). A person's GMI is the amount earned before tax, insurance, and other lawful deductions; this is different from net income. If there are two children, then the obligation increases to 25% of a parent's GMI. If three children are at issue, the obligation is 29% of a parent's GMI.

Despite the formula, there is also a statutory minimum for support (\$100.00 per month, per child) and a presumptive maximum for child support depending on the noncustodial parent's income range.

However, if the parents share **joint physical custody**, then there is case law stating that both parents' incomes must be taken into account for determining the child support obligation. In some of these cases, where both parents earn about the same, there may be no child support payable from one parent to another. In other cases, the higher income-earner may have to pay some support to the other parent.

Also, according to NRS 125B.080, a court can make adjustments to the amount of support. Before making adjustments, a court must make specific findings of fact and shall consider the following factors:

- (a) the cost of health insurance;
- (b) the cost of child care;
- (c) any special educational needs of the child;
- (d) the age of the child;
- (e) the legal responsibility of the parents for the support of others;
- (f) the value of services contributed by either parent;
- (g) any public assistance paid to support the child;
- (h) any expenses reasonably related to the mother's pregnancy and confinement;
- (i) the cost of transportation of the child to and from visitation if the custodial parent moved with the child from the jurisdiction of the court which ordered the support and the noncustodial parent remained;
- (j) the amount of time the child spends with each parent;
- (k) any other necessary expenses for the benefit of the child; and
- (l) the relative income of both parents.

A parent's child support obligation continues until the child emancipates. The age of emancipation is usually 18 years, but can be 19 or older if the child is still enrolled in high school or has special needs.

The District Attorney's office, Family Support Division, can help open a case to establish an order for support or can help with enforcement of an existing child support order. However, the DA's office cannot determine custody of the children and cannot help with visitation rights/disputes.

Additionally, a child support order is reviewable every three years or on the basis of changed circumstances. You should consult an attorney about how to make the request for review or to find out what can qualify as a change in circumstance.

Andrade Law, LLC is currently accepting cases involving **divorce, custody, and child support** issues.