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DIV OF WELFARE

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LISA HOEHNE, CLERK RECORDER

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**ELKO PROGRAM AREA OFFICE
CHILD SUPPORT ENFORCEMENT
1020 RUBY VISTA DRIVE, #101
ELKO, NV 89801**

**AMENDED RECOMMENDATION FOR ORDER
AND NOTICE OF ENTRY OF ORDER**

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STATE
CS

1 CASE NO. DR-UI-06-668
2 DEPT. NO. 2

FILED

2020 JAN 17 PM 12:16
ELKO CO DISTRICT COURT

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5 **FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
6 **IN AND FOR THE COUNTY OF ELKO**
7 **FAMILY DIVISION**

CLERK DEPUTY *rl*

8 DIVISION OF WELFARE AND
9 SUPPORTIVE SERVICES and
10 MERANDA ANN SHIRK
11 FKA MERANDA A. JENSEN,

**AMENDED RECOMMENDATION
FOR ORDER AND NOTICE OF
ENTRY OF ORDER**

Obligee,

12 vs.

13 ROBERT M. GANN,

Obligor.

14
15
16 **NOTICE:** *The Recommendation for Order submitted on December 19, 2019 has been amended*
17 *to correct a clerical error. The previously submitted Recommendation for Order incorrectly*
18 *stated that the ongoing child support obligation should be \$849.29 per month, however this*
should reflect \$849.43 per month, and this Amended Recommendation for Order now reflects
such.

19 This matter was heard on December 2, 2019 before the Court Master with the following
20 persons present:

21 Plaintiff/Obligee:
(x) Present () Not Present
(Telephonically)

Presented by: Sally Bangen, Caseworker
By Video Conference
Nevada State Welfare Division
Child Support Enforcement

23 Represented by:
No attorney present

24 Defendant/Obligor:
(x) Present () Not Present

25 Represented by:
No attorney present

26 After considering all of the evidence, the Master hereby makes the following Findings
27 and Amended Recommendations:

28 **FINDINGS OF FACTS AND CONCLUSIONS OF LAW:** This was a hearing on a
Notice and Finding to Adjust a Child Support Order filed on November 12, 2019 for purposes of

1 establishing paternity, child support, arrearages, and to order health insurance coverage and
2 income withholding for the support of the child: Allison Leigh Bowden, born July 12, 2006. Ms.
3 Shirk and the child reside in the State of Colorado, and the State of Nevada has continuing
4 exclusive jurisdiction pursuant to the Full Faith and Credit Support Orders Act (28 U.S.C.
5 1738(b)).

6 The parties were sworn and advised of their right to counsel. Both Mr. Gann and Ms.
7 Shirk waived the presence of counsel.

8 Mr. Gann is the father of Allison Leigh Bowden. Mr. Gann is employed where he makes
9 approximately \$8,197.97 in gross monthly income. Mr. Gann further testified that he has no
10 other biological children to support, and that medical insurance for the child is available through
11 his employment at an additional cost to him of approximately \$53.14 per month.

12 Child support for one (1) child under NRS 125B.070 is set at 18% of the Obligor's gross
13 monthly income. Based on Mr. Gann's gross monthly income of \$8,197.97, 18% calculates to
14 \$1,475.63. Effective July 1, 2019, the presumptive maximum amount is \$876.00 per child, based
15 on Mr. Gann's income. The mandatory minimum child support amount is \$100.00 per child, per
16 month.

17 A Court has limited discretion to deviate from statutory child support guidelines. Having
18 considered the deviation factors under NRS 125B.080, the Court finds that deviation should be
19 made for the following factors: 1) one-half of the cost of the child's portion of the medical
20 insurance premium. The Court will provide the Obligor with an offset of \$26.57 based upon the
21 medical insurance premium paid by the Obligor for the dependent child. [$\$876.00 - \$26.57 =$
22 $\$849.43$]. Based on the evidence presented, the Court finds that ongoing support should be set at
23 $\$849.43$ per month effective November 1, 2019.

24 According to the arrears worksheet filed herein, arrearages are being requested from
25 November 1, 2008 through October 31, 2019. The Court determines arrearages should be set in
26 the amount of \$130.16, and a Judgment for arrearages should be entered in the amount of
27 \$130.16. Interest on arrears has accrued in the amount of \$47.88 and penalties in the amount of
28 \$0.00 through October 31, 2019.

RECOMMENDED ORDERS:

1. (x) The Obligor is the father of the following child:

<u>NAME</u>	<u>D.O.B.</u>
Allison Leigh Bowden	July 12, 2006

2. (x) A Judgment is entered against Obligor for child support arrears in the amount of
\$130.16 from November 1, 2008 through October 31, 2019. A Judgment is
entered against Obligor for interest on child support arrears in the amount of
\$47.88 from November 1, 2008 through October 31, 2019. A Judgment is entered
against Obligor for penalties on child support arrears in the amount of \$0.00 from
November 1, 2008 through October 31, 2019. These amounts shall be paid at
\$25.00 a month starting November 1, 2019 until paid in full.

3. (x) The Obligor shall pay \$849.43 per month in ongoing support beginning
November 1, 2019 and on the same day each month thereafter until further order
of this Court.

**All payments MUST be in the form of a cashier's check or money order ONLY. Effective
August 1, 2000, all child support payments must be payable to State Collection and**

1 Disbursement Unit (SCaDU) and mailed to: SCaDU, P.O. Box 98950, Las Vegas, NV
2 89193-8950.

3 **NOTICE: NO CREDIT WILL BE GIVEN FOR PAYMENTS PAID DIRECTLY**
4 **TO THE OBLIGEE OR THE CHILD.**

5 **Additionally, the Obligor MUST place his social security number on each payment.**

6 **Effective January 1, 2004, simple interest will accrue on all unpaid child support balances**
7 **for cases with a Nevada controlling order pursuant to NRS 99.040. Interest assessed by a**
8 **judgment of the court prior to January 1, 2004 will be enforced.**

9 **A 10% penalty will be assessed on each unpaid installment, or portion thereof, of an**
10 **obligation to pay support for a child, pursuant to NRS 125B.095.**

11 **If you pay your child support through income withholding and your full obligation is not**
12 **met by the amount withheld by your employer, you are responsible to pay the difference**
13 **between your court ordered obligation and the amount withheld by your employer directly**
14 **to the state disbursement unit. If you fail to do so you will be subject to the assessment of**
15 **penalties and interest.**

16 **YOU MAY AVOID THESE ADDITIONAL COSTS BY MAKING YOUR CURRENT**
17 **CHILD SUPPORT PAYMENTS EACH MONTH.**

18 4. (x) The Obligor shall provide health insurance, including medical, dental, orthodontic
19 and ophthalmological coverage for the child if available through his employment
20 at a reasonable cost, including any group health plan(s) under ERISA, from the
21 date of this order on and until said child is no longer eligible for said coverage,
22 and both parties shall cooperate and provide assistance in obtaining payment for
23 health care services. You are required to notify the Child Support Enforcement
24 Office when health insurance coverage is available or has been terminated.

25 Last known mailing address of Obligor: Address Confidential

26 Last known mailing address of child: Address Confidential

27 5. (x) The Obligor shall pay health care expenses, including medical, dental,
28 orthodontic, and ophthalmological services for the child as follows: one half of
all costs not covered by insurance, upon being provided by Obligee with adequate
documentation/billing regarding said expenses and any EOB or other insurance
payment documentation.

6. (x) The Obligor shall notify the State Child Support Office or the District Attorney's
Child Support Office of any change of address or employment within ten (10)
days.

7. (x) A wage/income withholding shall be issued starting immediately.

8. Pursuant to NRS 125B.145 this Order may be reviewed every three (3) years and is
subject to future modifications.

9. Unless a stay of this Order is obtained from District Court, all enforcement procedures

1 including, but not limited to wage withholding, garnishment, liens and the attachment of
2 federal income tax returns will be undertaken upon entry of this Order.

3 10. If any determination of paternity in this Order is at variance with the child's birth
4 certificate issued in this state, a new birth certificate is to be issued pursuant to NRS
440.325.

5 11. Both parties shall notify the District Attorney's Office, Child Support Enforcement
6 Agency in WRITING of any change of address, change of telephone number, change of
7 employment, change of custody, access to health insurance coverage or change in health
8 insurance policy information, or entry of any other Order relative to child support.


9 SO RECOMMENDED this 28th day of December, 2019.

10
11 
12 ANDREW M. MIERINS
13 FAMILY COURT MASTER
14 FOURTH JUDICIAL DISTRICT COURT

15 **NOTICE OF RIGHT OF APPEAL**

16 **Objections and/or Appeals of a Court Master's recommendations are governed by**
17 **NRS 425.3844. You have ten (10) days from receipt of this Amended Recommendation to**
18 **file written objections with the District Court, and to serve a copy of those objections upon**
19 **the parties to this action. A courtesy copy of the filed objections must also be provided to**
20 **the Court Master's Office. A failure to file and serve written objections within said time, as**
21 **required, will result in a final Judgment being ordered by the District Court. Objections**
22 **must be filed at the Court Clerk's Office located at 540 Court Street, Second Floor, in Elko,**
23 **Nevada, 89801.**

24 DATED: December 28, 2019.

25 
26 ANDREW M. MIERINS
27 FAMILY COURT MASTER
28 FOURTH JUDICIAL DISTRICT COURT

ORDER/JUDGMENT

1
2 18 The Clerk of the Court, or his/her deputy, by their initialing this section, has reviewed
3 the District Court's file and has determined that no objection has been filed within the ten
4 (10) day objection period. Therefore, the Amended Recommendation for Order is deemed
5 approved pursuant to NRS 425.3844. The affixing of the Clerk of the Court's file stamp to
6 the Amended Recommendation for Order signifies the ten-day objection period has expired
7 without an objection having been filed and that the Fourth Judicial District Court deems
8 the Amended Recommendation for Order approved as a Judgment and Order of the
9 Fourth Judicial District Court, effective with the file stamp date, without need of a District
10 Court Judge's signature affirming the Amended Recommendation for Order. The parties
11 are ordered to comply with this Judgment and Order.

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____ An objection to this Master's Findings and Amended Recommendations was filed
on _____. A District Court Judge must review this Master's Findings and Amended
Recommendations to determine whether it will become effective.

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

28 day of Jan, 2020

Kristine Jakeman

CLERK

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
3 Court, and that on this 30 day of December, 2019, I personally hand delivered a
4 true and correct copy of the foregoing Amended Recommendation for Order to:

5 Sally Bangen, Caseworker District Court Judge
6 Nevada State Welfare Division Department 2
7 Child Support Enforcement [Hand Delivery]
8 1020 Ruby Vista Drive #101
9 Elko, NV 89801
10 [Box in Clerk's Office]

11 Stephanie Hawkins

12 **CERTIFICATE OF MAILING**

13 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
14 Court, and that on this 30 day of December, 2019, I deposited for mailing in the
15 U.S. Mail at Elko, Nevada, postage prepaid, a true and correct copy of the foregoing Amended
16 Recommendation for Order addressed as follows:

17 ROBERT M. GANN
18 Address Confidential
19 MERANDA ANN SHIRK
20 Address Confidential

21 Stephanie Hawkins