

Item #12

City of Carson City
Agenda Report

Date Submitted: 09/11/07 Agenda Date Requested: 09/20/07
Time Requested: 20 minutes

To: Mayor and Supervisors

From: District Attorney

Subject Title: Presentation to the Board of Supervisors on the restructure of the District Attorney's Office which includes the addition of a victim advocate/witness coordinator, the transfer of risk management investigator to the District Attorney's Office, and the transfer of the Child Support Program to the State of Nevada.

Staff Summary: The Child Support Program is a federal program that is delegated to the States. The State of Nevada administers the program, establishes policy for the program and maintains the computer systems for the program. However, the state has entered into agreements with various district attorneys to do the establishment of non-aid cases and the enforcement of the program on all aid and non-aid cases. The Carson City District Attorney's Office is responsible for the enforcement of the program in Carson City. The bifurcation of the administration and policy making functions from the enforcement functions has created repetitive bureaucracy and unnecessary additional costs to Carson City. Therefore, the Carson City District Attorney's Office will no longer establish and enforce this program on behalf of the State of Nevada.

As part of the restructure of the office, a victim advocate/witness coordinator will be created to provide assistance to crime victims. The District Attorney's Office has also taken on the additional responsibility of providing risk management investigations to the City.

Type of Action Requested: (check one)
 Resolution Ordinance
 Formal Action/Motion Other (Presentation)

Does This Action Require A Business Impact Statement: Yes No

Explanation for Recommended Board Action: In 1975, the State of Nevada began participating in the federal child support enforcement program known as the Title IV-D program. The program consists of locating parents, determining paternity, establishing financial and medical support, enforcing the order once established, collecting and distributing the support and adjusting the child support order when needed.

The federal government has instituted performance measures which it uses to audit states to determine compliance with the program. The performance measures are also used to set the amount each state receives for incentive funding. Nevada ranks in the bottom 6 of the 50 states in all five of the performance measures.

In 2005, the Nevada legislature commissioned Maximus to perform an audit of the Child Support Enforcement Program in Nevada. Maximus looked at the best practices from around the country and within Nevada. Upon completion of the study, Maximus made several recommendations; however, the lead recommendation was to restructure the program. Maximus suggested that the program regionalize into three areas in the State; Las Vegas, Elko and Reno. Maximus recommended removing the program from the district attorney's offices, having the counties create a separate child support enforcement office and, if possible, combining the county and state employees into one office with a possible goal of converting the county employees into state employees at a later time. Maximus believes that this would reduce staffing, case work redundancy and lead to accountability. It will also give uniformity to policies and procedures and allow the state to place more emphasis on performance goals. Case managers will be able to specialize in a specific process of the program.

Carson City provides services for approximately 2.14% of the state child support caseload. Clark County provides services for approximately 71% of the state child support caseload and Washoe County provides services for approximately 12%. Six Nevada counties have already relinquished control of the child support enforcement program and Douglas County has relinquished control of the public assistance cases.

Carson City spends \$214,552.00 per year on employee compensation alone just for enforcing this program. The federal government gives the State of Nevada 66 cents for every 34 cents in local contributions. In addition, the federal government gives the State of Nevada incentive money based upon the state's performance. The federal government was matching the incentive money but in FY 2008 the federal government will no longer provide the match. This is a loss of approximately \$2 to \$3 million to the State of Nevada. The state does not have any plans to assist the district attorney's with replacing that loss. However, although Carson City receives federal financial participation monies to support its program, in January 1995, the district attorneys were required to meet program-wide expectations established by the State of Nevada or risk losing the incentive funds.

The Child Support Program is a state administered program. The State establishes the policies and maintains the computer system. Although the District Attorney's Office will no longer be administering the program, it will continue to maintain responsibility for criminal prosecutions. In addition, the relinquishment of the program to the State should be transparent to Carson City residents because the hearings will continue to be held in front of Special Master Dave Nielsen in Carson City. The transfer of this state program back to the state should allow for case manager specialization, which in turn will create better customer service. It will also create uniformity in the system allowing parents to receive more timely service and support and the taxpayers of Carson City will receive better value.

Applicable Statute, Code, Policy, Rule or Regulation: NRS 277, NRS 125B and

NRS 425.

Fiscal Impact: A positive fiscal impact in the amount of a minimum of \$90,575.00 for the first year, and an increase in that amount each additional year. The fiscal impact is due to the elimination of seven full-time employees, the creation of a victim advocate/witness assistant coordinator, and assumption of the risk management investigations on behalf of Carson City. There is also a positive fiscal impact relating to supplies and training and the City will no longer be liable for poor performance relating to the enforcement the child support program. The District Attorney's Office will obtain a much needed victim advocate/witness assistant coordinator and assume the responsibilities of risk management investigations.

Supporting Material: Elko County District Attorney letter and Carson City District Attorney letter.

Prepared By: Neil A. Rombardo, District Attorney

Reviewed By:

[Signature]
(City Manager)
Melanie Rombardo
(District Attorney)
Walter Rombardo
(Finance Director)

Date: 9-11-07

Date: 9-10-07

Date: 9-11-07

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

(Vote Recorded By)

ELKO COUNTY DISTRICT ATTORNEY

GARY D. WOODBURY
District Attorney

MARK D. TORVINEN
Chief Criminal Deputy

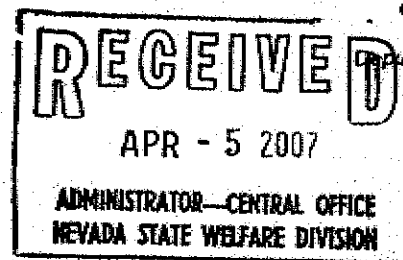
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ROBERT J. LOWE
TROY C. JORDAN
JENNIFER M. SPENCER
CHAD THOMPSON

Deputy District Attorneys

April 2, 2007



Assembly Judiciary Committee

RE: Position of the Elko County District Attorney's Office concerning AB 536

The Elko County District Attorney's Office supports the transfer of Child Support Enforcement from the County District Attorney's Office to the State of Nevada. The use of federal money for the program administered through the State has essentially removed any discretion from the District Attorney to administer the program. The rules and policies imposed on the District Attorney to administer the program are many times not in accord with the view of the Elko County District Attorney regarding proper enforcement. Moreover, child support enforcement has become essentially an administrative law function as opposed to a legal function. Whatever justification there originally was for putting child support enforcement obligations on the county District Attorney's offices has long since passed.

Child support enforcement is not necessarily directly tied to county residents. Elko County can and does have enforcement obligations for cases which did not arise in Elko County and for which the persons involved have only a temporary and tenuous connection with Elko County in any event. I understand there to be periodic efforts to transfer difficult cases to Elko County in order to keep statistical records for other counties in such a condition as will ensure continued incentive funding for the other county. The use of the integrated nationwide computer system to track and sanction obligors far exceeds the capacity of many small counties to work within the system.

My point is that child support decrees being enforced in Elko County are many times not the product of the local courts, Elko County residents may or may not be benefiting from child support enforcement programs, and non-custodial parents who owe child support obligations may or may not be living in Elko County. It is therefore probably impossible to fairly attribute to Elko County an accurate proportion of the cost of running a child support program based on a county connection to the case.

When child support was a legal function, an errant parent was saddled with the costs of enforcement by court order. When child support enforcement was created and placed in the District Attorney's Office to administrate, it was limited to persons who had trouble receiving their child support. The decrees to be enforced were local and at least the custodial parent or the non-custodial parent lived in Elko County. The determination of the state legislature and the federal government to offer enforcement to virtually every custodial parent, whether or not they need assistance in receiving their support, is

Assembly Judiciary Committee

Re: AB 536


April 2, 2007

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a state and federal decision, not a county decision. If the State or the Feds mandate it, they should pay for it or devise a program to make the parties pay for it.

I will not likely be District Attorney in 2011 but, if I were, I would not voluntarily contract with the State to provide management of the State's child support enforcement efforts for the reasons set out above.

Very truly yours,


GARY D. WOODBURY
Elko County District Attorney

GDW/kc

DA# 03287

NEIL A. ROMBARDO
District Attorney



GERALD J. GARDNER
ASSISTANT DISTRICT ATTORNEY

MELANIE BRUKETTA
Chief Deputy District Attorney

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CHILD SUPPORT ENFORCEMENT
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August 15, 2007

Louise Bush
Chief of the Child Support Program
Nevada State Welfare Division
1470 East College Parkway
Carson City, NV 89706

Dear Louise:

I was elected in November of 2006 as the Carson City District Attorney. As the District Attorney, I have spent considerable time becoming familiar with the functions of the Child Support Division of the Carson City District Attorney's Office. One of the primary duties of child support enforcement is to represent and serve the needs of the people of Carson City. After analyzing the current state of the child support program in Nevada, it is in the best interests of the people of Carson City that the limited resources available for child support enforcement are maximized.

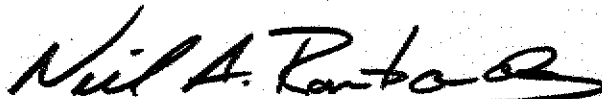
Currently, the State of Nevada administers the child support program, establishes policy for the program and maintains the computer systems for the program. However, the actual enforcement of child support is conducted by this Office. It is this bifurcation of the administration and policy making functions from the enforcement functions of child support that creates repetitive bureaucracy and unnecessary additional costs. If the administration and enforcement functions were combined within one agency, the savings achieved by the elimination of repetitive bureaucracy would ensure that the limited resources available for child support enforcement were actually spent serving and representing the people of Carson City. As a result of this analysis, it is clear that a centralized Child Support Enforcement Program would provide better service and representation to the people of Carson City and thus maximize those available resources.

Therefore, pursuant to Article 4 of the Interlocal Contract between the Department of Human Resources Welfare Division and the Carson City County District Attorney, Family Support, the Carson City District Attorney's Office hereby gives notice that the contract will be terminated within one hundred twenty (120) days of today's

Louise Bush
Chief of the Child Support Program
August 14, 2007
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date. Please note, however, that this Office will still provide criminal prosecution support for the Department of Human Resources Welfare Division.

Sincere regards,



NEIL A. ROMBARDO
District Attorney