Commonwealth of Virginia
CHILD SUPPORT GUIDELINES REVIEW PANEL

Judge Edward A. Robbins, Jr., Chair

December 19, 2017

TO: The Honorable Terence R. McAuliffe,
Governor
and
Members of the Virginia General Assembly

FROM: The Honorable Edward A. Robbins, Jr.
Chair, Child Support Guidelines Review Panel

SUBJECT: Transmittal of Panel Report for 2017

The *Code of Virginia*, at §§ 20-108.1 and 20-108.2, sets forth the Commonwealth's guidelines for the determination of child support. In accordance with § 20-108.2(H), I am privileged to submit the Child Support Guidelines Review Panel's report of its review of Virginia's guidelines during the 2013-2017 quadrennium.

Whether appointed by the Governor or the General Assembly, the fifteen of us are grateful for the opportunity to serve the Commonwealth on a subject so vital to so many of our citizens.

cc: The Honorable Ralph S. Northam, Governor-Elect
The Honorable William A. Hazel, Jr., M.D., Secretary of Health and Human Resources

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REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY OF VIRGINIA

REVIEW OF VIRGINIA'S CHILD SUPPORT GUIDELINES

Va. Code Ann. §§ 20-108.1 and 20-108.2

Virginia Child Support Guidelines Review Panel

The Honorable Edward A. Robbins, Jr., Chair

December 2017

Table of Contents

- Virginia's child support guidelines, set out at §§ 20-108.1 and 20-108.2 of the *Code of Virginia*, were enacted in 1988 in response to federal law. 42 U.S.C. § 667 requires states to establish guidelines for child support obligation amounts by law or by judicial or administrative actions. Guidelines must be reviewed at least once every four years "to ensure that their application results in the determination of appropriate child support award amounts."

- Federal regulation 45 C.F.R. § 302.56 requires states to adopt child support guidelines that must:

  (1) Take into consideration all earnings and income of the noncustodial parent;

  (2) Be based on specific descriptive and numeric criteria and result in a computation of the support obligation; and

  (3) Address how the parents will provide for the child(ren)'s health care needs through health insurance coverage and/or through cash medical support.

- Va. Code § 20-108.2(H) requires that the Child Support Guidelines Review Panel "determine the adequacy of the guideline for the determination of appropriate awards for the support of children by considering current research and data on the cost of and expenditures necessary for rearing children, and any other resources it deems relevant to such review."

- Pursuant to § 20-108.2(H), Panel membership includes representation of various entities affected by the child support guidelines. These groups include Virginia's General Assembly, the courts, the Department of Social Services, members of the Virginia State Bar, custodial and noncustodial parents, and a child advocate.

- The Panel voted to recommend adding new statutory language to provide guidance for calculating obligations in complex family situations and to require that the child support guidelines worksheet be attached to all child support orders.

- The Panel recommends the General Assembly amend § 20-108.2 to:

  (1) Provide statutory guidance for calculating obligations in cases where families have multiple custody arrangements.

  (2) Require that the child support guidelines worksheet relied upon by a court or agency to reach its determination of a support obligation be attached to all child support orders.

Virginia Child Support Guidelines Review Panel
Report to the Governor and General Assembly
December 2017

Brief History of Virginia's Guidelines

Virginia's child support guidelines, set out at §§ 20-108.1 and 20-108.2 of the *Code of Virginia*, were enacted in 1988 in response to federal requirements. The schedule of obligations is located in § 20-108.2, along with narrative sections addressing minimum obligations; the definition of income; specific treatment for sole, split, and shared custody obligations; health care coverage; and child care costs. Section 20-108.1 addresses numerous deviation factors which permit obligations to be set at amounts other than those presumed to be the correct amount based on the guidelines schedule. Fifteen factors exist which permit a deviation in the obligation amount upon a finding that the presumptive amount would be unjust or inappropriate in a particular case, based on relevant evidence pertaining to the deviation factors. In 2014, Virginia updated the Schedule of Monthly Basic Child Support Obligations found at Va. Code § 20-108.2(B) for the first time since the enactment of the guidelines.

Federal Requirements for Child Support Guidelines

Federal law at 45 C.F.R. § 302.56 requires states to adopt child support guidelines that:

(1) Take into consideration all earnings and income of the noncustodial parent;

(2) Are based on specific descriptive and numeric criteria and result in a computation of the support obligation; and,

(3) Address how the parents will provide for the child(ren)'s health care needs through health insurance coverage and/or through cash medical support.

Statutory Mandate of the Panel

Federal law and Virginia law require that the child support guidelines be reviewed every four years. The federal law, found at 45 C.F.R. § 302.56(e) and (h), states:

(e) The State must review, and revise, if appropriate, the guidelines established under paragraph (a) of this section at least once every four years to ensure that their application results in the determination of appropriate child support award amounts.

(h) As part of the review of a State's guidelines required under paragraph (e) of this section, a State must consider economic data on the cost of raising children and analyze case data, gathered through sampling or other methods, on the application of, and deviations from, the guidelines. The analysis of the data must be used in the State's review of the guidelines to ensure that deviations from the guidelines are limited.

Virginia law at § 20-108.2(H) requires that the Child Support Guidelines Review Panel "determine the adequacy of the guideline for the determination of appropriate awards for the support of children by considering current research and data on the cost of and expenditures necessary for rearing children, and any other resources it deems relevant to such review."

Panel Membership

Pursuant to § 20-108.2(H), Panel membership includes representation of various entities affected by the child support guidelines. These groups include Virginia's General Assembly, the courts, the Department of Social Services, members of the Virginia State Bar, custodial and noncustodial parents, and a child advocate. Four Panel members representing the General Assembly (three from the House and one from the Senate) were appointed respectively by the Speaker of the House of Delegates and the Chair of Senate Committee on Rules. The remaining eleven citizen members were appointed by Governor McAuliffe, upon the recommendation of William A. Hazel, Jr., M.D., Secretary of Health and Human Resources. The Panel's composition changed during the course of the quadrennium. Members currently serving at the time of the submission of this report are indicated by an asterisk.

Circuit Court Judge	The Honorable Edward A. Robbins, Jr.* (Chair)
Senate Representatives	Senator Richard H. Stuart Senator Glen H. Sturtevant, Jr.*
House Representatives	Delegate James (Jay) A. Leftwich, Jr.* Delegate G. Manoli Loupassi Delegate David J. Toscano* Delegate Ronald A. Villanueva Delegate Vivian E. Watts*
J&DR Court Judge	The Honorable Deborah V. Bryan*
Virginia State Bar	Dennis M. Hottell, Esq.* Lawrence (Larry) D. Diehl, Esq.* Carol B. Gravitt, Esq.*

Noncustodial Parents	Christian R. Paasch*
	Russell J. Smith*
Custodial Parents	Kim-Marie A. Pigott-Brown*
	Karen H. Sampson*
Child Advocate	Christine (Christie) E. Marra, Esq.*
Department of Social Services	Craig M. Burshem*

Meetings

The Panel met five times from September 2015 through December 2017. All meetings were public, announced on the Commonwealth Calendar, and posted on the General Assembly calendar.

Communications

Website

The Panel continued to use its website so that the activities of the Panel would be transparent and available to all through the internet (see http://dls.virginia.gov/interim_studies_child_support.html). The website contains information about the Panel's membership, the Panel's email address, and meeting materials. Each meeting is listed separately and contains the agenda, meeting minutes, and any materials offered during that meeting, including PowerPoint presentations, economic research and analysis, emails received, and other related documents.

Email

The Panel used its email address (vaguidelinespanel@dss.virginia.gov) to receive email comments from concerned citizens and the public. During this cycle, the Panel received twenty-three emails. Of those, eight were about specific Division of Child Support Enforcement (Division) cases and were referred to the Division for response. The remaining fifteen were on general topics related to Virginia's guidelines and issues the writers wanted the Panel to consider during its deliberations. Panel staff replied to all correspondence.

Policy Issues Considered

The previous Panel considered several policy issues as part of its review. After considerable study and discussion, the previous Panel made the determination to focus its work on three primary issues: adopting a new guidelines schedule, addressing the provision for $250 per child per year in uninsured medical expenses, and adding new statutory language regarding the presumptive statutory minimum to address low income situations. The remaining policy issues were deferred to this Panel.

This Panel reviewed these policy issues and determined the following were directly related to the guidelines and within the purview of the Panel's statutory charge: adding statutory guidance for determining obligations in complex family situations; requiring that the child support guidelines worksheet be attached to all child support orders; considering changing the 1.4 multiplier and ninety-day threshold in shared custody cases; adding new deviation factors for children's ages and the cost of private school; and considering the cost of living in various parts of the state. The Panel determined that the following policy issues were not directly related to the guidelines and thus not within the Panel's purview: adding language to juvenile court orders, changing order effective dates, considering issues related to civil contempt, and changing driver's license suspension and reinstatement requirements.

After considering current law, economic data, background, and research regarding the guidelines-related policy issues, the Panel made the following determinations:

1. **To request that the Virginia Bar Association's Family Law Coalition study the issue of determining child support obligations in complex family situations and provide recommendations.** The Panel discussed the difficulty of calculating obligations in complex cases where there are multiple custody arrangements. Guidance for courts and family law practitioners would provide helpful information and promote consistency in determining obligations.

2. **To recommend requiring that the final worksheet used to calculate a support obligation be attached to all child support orders.** Although Virginia law requires that mediated orders have the guidelines worksheet attached, there is currently no such requirement for other child support orders. Having the worksheet attached to orders would help parties understand how the obligation was calculated and assist courts in the event the parties subsequently request a modification of the obligation.

3. **Not to recommend changing the 1.4 multiplier and ninety-day threshold in shared custody cases.** After reviewing the economic research behind the decision to use the 1.4 multiplier and the ninety-day threshold, the history of the formula's development, and the impact of using a different multiplier and/or threshold, the Panel determined that the current method works appropriately and decided not to recommend any changes, with one member dissenting.

4. **Not to make any recommendation regarding deviation factors for the age of children and private school expenses.** After reviewing state law, economic data, and practices of other states, the Panel determined that the current deviation factors set out at § 20-108.1 are sufficient to take these issues into account.

5. **Not to make any recommendation regarding a deviation factor for the cost of living in various parts of the Commonwealth.** Federal law at 45 C.F.R. § 302.56 requires that states have one set of guidelines that apply across the entire state. In addition, the Panel considered research and data on housing costs in various parts of Virginia as compared to income in those areas. While housing costs do vary, those areas with higher housing costs also have higher incomes.

Recommendation of the Virginia Family Law Coalition Regarding Guidance for Complex Family Situations

Determining child support obligations in cases where there are multiple custody arrangements is complex and difficult. Because there is no statutory guidance or case law, these obligations are determined using a variety of methods throughout the state. The Panel asked the Family Law Coalition of the Virginia Bar Association and the Virginia Trial Lawyers Association to review and make recommendations to address the issue of calculating child support obligations in cases with mixed custody arrangements. A committee was appointed to review the matter and provided the Panel with the *Report of the Committee on Mixed Custody Guidelines with Exhibits A-C and Proposed Legislation for Mixed Custody Child Support Cases* (attached as Appendix A).

The committee unanimously agreed that a statutory approach to provide presumptive guidelines for these cases would be beneficial to the courts, family law practitioners, the Division, and the children who are subject to multiple custody situations. The committee reviewed relevant statutes from other states, along with other resources, to identify three common complex custody arrangements: mixed shared custody, where all of the children in a family are subject to shared custody arrangements but the number of days varies among the children; sole and shared custody, where one parent has sole custody of one or more of the children and the parents share custody of at least one other child; and split and shared custody, where the parents split custody of two or more children and share custody of at least one other child. These three arrangements cover most complex custody arrangements existing beyond the simple sole, shared, and split custody arrangements currently addressed in the guidelines.

The committee reviewed numerous guidelines that were calculated at multiple income levels and took into account various income disparities and numbers of children for each of the custody scenarios. The committee proposed a "per child cost approach" in the three complex custody arrangements and provided in-depth guidance for calculating obligations for each arrangement.

The committee concluded that its methodology employs a sound economic basis and provides a uniform, streamlined approach that would promote consistency and fairness in these situations. The committee further recommended that legislation be enacted to provide statutory guidance for using its methodology.

Decisions Made by the Panel

The Panel took votes on several key issues affecting the review of the guidelines. The Panel voted to:

(1) Request that the Virginia Family Law Coalition consider issues in determining child support obligations in cases with multiple custody arrangements and provide its conclusions and recommendations to the Panel (attached as Appendix A).

(2) Recommend that statutory language be added to § 20-108.2 to provide guidance for calculating child support obligations in cases with the following multiple custody arrangements: mixed shared custody, sole and shared custody, and split and shared custody (attached as Appendix B).

(3) Recommend that statutory language be added to § 20-108.2 requiring that the child support guidelines worksheet used by a court or agency to reach its computation of a child support obligation be attached to the order (attached as Appendix C).

Legislative Recommendations

The Panel's recommendations for legislative action are based on its votes recited above. The Panel recommends that the General Assembly enact legislation that will amend § 20-108.2 to:

(1) Provide statutory guidance for calculating child support obligations in cases where there are multiple custody arrangements; and

(2) Require that the child support guidelines worksheet that is the basis of a child support obligation be attached to all child support orders.

Conclusion

The Panel's recommendation to provide statutory guidance for calculating child support obligations in cases with multiple custody arrangements will assist families, courts, family law practitioners, and the Division by setting out a single method, thereby

simplifying and facilitating the process and promoting consistency in determining obligations throughout the state. In addition, the recommendation to require that the child support guidelines worksheet be attached to all child support orders will provide important information to parties and assist courts in the event of a subsequent modification request.

Appendices:

A. Report from the Virginia Family Law Coalition: *Report of the Committee on Mixed Custody Guidelines with Exhibits A-C and Proposed Legislation for Mixed Custody Child Support Cases.*

B. Proposed statutory language to update § 20-108.2 to provide guidance for calculating obligations in complex family situations.

C. Proposed statutory language to update § 20-108.2 to require that obligation worksheets be attached to all child support orders.

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September 13, 2017

Honorable Edward A. Robbins, Jr.
Circuit Court for the County of Chesterfield
City of Colonial Heights
P.O. Box 57
Chesterfield, VA 23832-00057

      Re: **Virginia Child Support Guidelines Review Panel**

Dear Judge Robbins:

In October 2016 you asked the Virginia Family Law Coalition to examine certain issues regarding child support in complex family situations. I asked some members of the Coalition and other stake holders to take a look at the questions presented in your October 2016 letter and report back to the Coalition. I enclose with this correspondence a Report of the Committee on Mixed Custody Guidelines with Exhibits A-C and Proposed Legislation for Mixed Custody Child Support Cases.

Please keep in mind that this report is subject to review by the Coalition at our meeting on November 20, 2017. However, I wanted to provide this information to you in advance of your next Virginia Child Support Guidelines review panel.

The subcommittee members listed on the first page of the report worked tirelessly to put together information to be of assistance to the Child Support Guidelines Review Panel. I appreciate all of the time and effort they put into the evaluation of the issues and the proposed legislation. I will be in contact after our meeting in November to let you know if there are any changes to the report and proposed legislation. If we can be of assistance to you in the future, please let me know.

Sincerely,

Cheshire I'Anson Eveleigh

CIAE/amt
Enclosures

cc: Steven L. Raynor
Lawrence D. Diehl
Brian M. Hirsch
Daniel L. Gray
Mitchell D. Broudy
Beth J. Edwards
Alice G. Burlinson
Jeff Palmore
Yvonne McGhee
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REPORT OF COMMITTEE ON MIXED CUSTODY GUIDELINES

Committee: Steven L. Raynor, Chair
Lawrence D. Diehl, Esq.
Brian M. Hirsch, Esq.
Daniel L. Gray, Esq.
Mitchell D. Broudy, DCSE
Beth J. Edwards, DCSE
Alice G. Burlinson, DCSE

Scope of Committee Assignment:

The Child Support Guidelines Review Panel requested that the Family Law Coalition of the Virginia Bar Association and the Virginia Trial Lawyers Association review and make suggestions to address the issue of mixed custody child support guidelines. At the present time, there are no guidelines in Virginia Code § 20-108.2, the child support statute, addressing mixed custody situations. The lack of such guidelines has caused inconsistency with the bar and courts as well as a broad variety of proposed methods to address the issues. The committee unanimously agreed that uniformity of such guidelines would greatly add to statewide consistency and fairness in such situations. A statutory approach to provide presumptive guidelines for such arrangements would well serve the bar, the Division of Child Support Enforcement (DCSE), the courts, and, most importantly, the children of parents who are subject to these varied custody arrangements.

The committee would at the outset recognize our Chair, Steve Raynor, for the exemplary job he performed in organizing the meetings, approaching the issues in a fair and independent manner and permitting input and comments on all issues. Mitchell Broudy should be recognized for his tireless efforts in providing voluminous charts, guideline calculations and approaches to the implementation of the proposed guidelines for this committee. His input as a "master number cruncher" was thorough and supports the committee's recommendations. Mitch should also be recognized as the primary individual whose approach has formed the economic foundation of the committee's recommendations. Lawrence Diehl, as usual, performed the task of drafting the proposed recommendations with the assistance and editing of all members of the committee. This was truly a full committee effort on what at the outset was a formidable task.

Studies of the Committee:

The committee started its approach by reviewing the existing resources that addressed the issues. The committee reviewed statutes of other states, but very few addressed the issue. The closest approach which Mitch later suggested was Maine's statute, but the committee believes our approach is more sound both in the organization of the statute and the underlying economic basis. The committee also reviewed the VADER comments of Richard Byrd who provided various suggested approaches to mixed custody statutes and his preferences for which ones made more sense economically. The committee recognized that his approaches have probably been the main Virginia source and approach to these issues used to date by the bar and courts.

1

The committee identified three (3) basic mixed custody situations that would cover most custody arrangements existing beyond those addressed in Virginia's current statute: (1) mixed shared custody arrangements – where all of the children are subject to shared arrangements (*i.e.*, each party has the children more than 90 days per year), but the number of days varies among the children, (2) sole and shared custody arrangements – where one or more children of the parties is subject to the sole or basic child support guidelines and at least one other child is subject to the shared custody arrangement and (3) split and shared custody arrangements, where the parents split custody of two or more children and at least one other child is subject to a shared custody arrangement.

Based on a review of all of the approaches, and thinking through the common sense economic assumptions and approaches for mixed custody arrangements, the committee has suggested and adopted what can be best characterized as the **"per child cost approach"** to mixed custody arrangements. The recommendations of the committee are to enact amendments for each of the three mixed custody situations that are attached to this report. Below is how this works and why the committee thinks it makes sense economically:

For **mixed shared custody arrangements**, the economics would be based on the average number of days each parent has the children when children do not spend the same number of days with each parent in a shared custody arrangement. The underlying method recognizes that an adjustment for each child should be made since all children subject to this guideline would stay more than 90 days with each parent. The proposed statute provides that one determine the total number of days that each parent has the children, then divides those days by the number for both parents, so that the result would add up to 365 days. Then, one would use the basic child support obligation number for those children (just as in the one shared method), multiply that basic child support obligation by 1.4, and proceed with the calculation. That number would be what one parent would owe to the other. By assuming that the days overall reflect the economic needs of all of the children, this makes sense and the results are fair in the calculations reviewed by the committee in providing a method coming with fair support numbers recognizing the variety of the economic needs of the children. It is a method that averages out all of the children's time with each parent, which should reflect their overall economic needs as is used in the current shared statute. A sample Mixed Shared Guideline Worksheet is attached as Exhibit A.

For **"sole and shared"** or **"split and shared"** mixed custody arrangements each method will start off by calculating the total basic child support for all of the children of the parties subject to the mixed custody arrangement. Then, a "per child cost" shall be calculated by dividing this total basic child support obligation by the total children of the parties. If there are four children and the total basic child support obligation from the table is $2,000 per month, that economically assumes that the cost per child is $500, pro-rating that amount for each child –thus, $2,000 divided by 4 = $500. That is the economic basis of the "cost per child" of the current total numbers in the guidelines. Let's assume mother has two children subject to the sole custody guidelines. The economic needs of those children where there are four children total would be assumed to be $500 per child x 2 sole custody children = $1,000. That is the number the sole custody guideline would use as the total basic number for just the two children subject to the sole custody part. And in the event of split custody, that would also be the starting point number that would be used to calculate

2

just the split custody part of the total support obligation for those children only subject to split custody.

Next, the parties would then take the "per child" number just like it is done for sole custody situations. In this case, there are two children subject to the shared so that would $500 x 2 shared custody children = $1,000. That is the assumed cost of the needs of those two children. That number would be used as the starting point which number would then multiplied by 1.4. Next, the shared custody calculation would be determined using the same method as set forth in the current statute. Again, this reflects the shared calculation using the assumed economic needs per child for those who are subject to the shared arrangement – a sound economic basis for this calculation. Thus, for sole or split + shared child support arrangement, only two calculations would need to be made – the sole or split obligation using the economic needs of those children only, and the shared calculation using the economic needs of those children only.

The end result of the total child support owed per month by a parent to the other would be the total of both the sole or split $ + the shared $ where both amounts are owed by the same parent to the other. Where each calculation has a different payor parent , the amount owed would be the difference of the two, with the parent owing the higher of the two paying the difference to the other.

Let's put this in English: For example, if dad owes both $356 for the sole support obligation portion and $138 for the shared custody obligation portion, the total support would $494 per month from dad to mom. But if dad owes $356 to mom for the sole custody obligation portion, and mom owes $138 to dad for the shared custody obligation portion, then dad pays mom $218, being the DIFFERENCE of the sole and shared calculation, or $356 - $138, or $218 from dad to mom. A sample Sole/ Shared Guideline Worksheet is attached as Exhibit B, and a sample Split/ Shared Guidelines Worksheet is attached as Exhibit C.

The committee further reviewed many calculations (Mitch Broudy's voluminous charts) that were performed at various income levels, income disparities and varying numbers of children for each of the arrangements set forth above. The numbers reflected consistent fairness in the end results and reflected reductions in overall support from what would be the basic support obligations without the adjustments for the shared or partially shared arrangements. The numbers actually came very close to those produced by Richard Byrd's complex VADER program – but uses fewer calculations.

Not only is the economic basis believed to be sound and the numbers fair, but this proposal limits the number of calculations needed (two at most) from the often extensive number of calculations needed to use the VADER recommendations on these mixed arrangements. The simplicity of the method and the clarity of how this works is a superior method and that once adopted and used by bar, courts and the DCSE, will provide a fair approach to calculate child support in mixed custodial arrangements. The committee therefore recommends the adoption of its statutory proposal attached.

3

Mixed Shared Guideline Worksheet

Guideline Calculation

		Mother			Father		
A.	**Income**						
A1	Monthly Gross Income	1	$1,250.00	8	$1,570.00		
A2	Adjustments for Spousal Support	2	$0.00	9			
A3	# of other children residing with the party	3		10			
A4	Mother _____ Father _____	4	$0.00	11	$0.00		
A5	Other child support obligations	5	$0.00	12	$0.00		
A6	Combined Monthly Available Gross Income	6	$1,250.00 +	13	$1,570.00	15	$2,820.00
A7	Percentage of combined gross income	7	44%	14	56%		

		Mother			Father		
B.	**Shared Child Support Needs**						
B1	Number of children		15	2			
B2	Basic child support obligation	16	$711.00	30	$711.00		
B3	1.4 Multiplier applied to line above	17	$995.40	31	$995.40		
B4	Total # of days each year parent has custody of child 1	18	137	32	228		
B5	Total # of days each year parent has custody of child 2	19	274	33	91		
B6	Total # of days each year parent has custody of child 3	20		34	0		
B7	Total # of days each year parent has custody of child 4	21		35	0		
B8	Total # of days each year parent has custody of child 5	22		36	0		
B9	Total # of days each year parent has custody of child 6	23		37	0		
B10	Total # of Days each year parent has with children	24	411	38	319		
B11	Average # of days each year parent has custody of children	25	206	39	160		
B12	Each parent's custody share	26	56%	40	44%		
B13	Shared Custody basic support obligation owed to the other parent	27	$434.98	41	$560.42		
B14	Parent's Shared Custody Support Obligation owed to other parent	28	$192.81	42	$312.01		
B15	Net Shared Custody Support Obligation	29	$192.81 -	43	$312.01	44	$119.20
B16	Payable to Mother [X] Father [ ]						

		Mother			Father		
D.	**Health Care/Work-Related Day Care Calculation**						
D1	Father's cost for health care coverage	45	$0.00	51	▬▬▬		
D2	Mother's cost for health care coverage	46	▬▬▬	52	$0.00		
D3	Father's cost for work-related daycare	47	$0.00	53	▬▬▬		
D4	Mother's cost for work-related daycare	48	▬▬▬	54	$0.00		
D5	Total = Line D1+Line D2+Line D3+Line D4	49	$0.00	55	$0.00		
D6	Parent's Obligation to the other (Line D*Line A5) needs work	50	$0.00	56	$0.00		
D7	Payable to Mother [ ] Father [ ]					57	$0.00

		Mother			Father		
E.	**Combined Child Support Amount**						
E1	Parent owing the net basic monthly amount per shared custody	58	$0.00	61	$119.20		
E2	Parent owing the net health care/work-related day cost	59	$0.00	62	$0.00		
E3	Calculate: Add E1+E2 in each column then subtract the amounts	60	$0.00 -	63	$119.20	64	$119.20
E4	Payable to Mother [X] Father [ ]						

		Mother			Father		
F.	**Adjustment for Parent's SSDI derived benefit paid to other parent**						
F1	Mother's SSDI derivative benefit paid to the father	65	$0.00	67	▬▬▬		
F2	Father's SSDI derivative benefit paid to the mother	66	▬▬▬	68	$0.00		
F3	Net SSDI derivative benefit					69	$0.00
F4	Credited to: Mother [ ] Father [ ]						
	Should the child support be recalculated due to the derivative benefit	70	No				
G.	**Total Adjusted Monthly Child Support Obligation**						
G1	Parent owing the combined child support amount	71	NA	73	NA		
G2	Parent credited the derivative benefit	72	NA	74	NA		
G3	Payable to Mother [ ] Father [ ]					75	NA

Sole/Shared Guideline Worksheet

Guideline Calculation		Mother			Father			
Number of Children			1	4				
A. **Income**								
A1 Monthly Gross Income		2	$1,257.00		8	$1,570.00		
A2 Adjustments for Spousal Support		3	$0.00		9			
A3 # of other children residing with the party								
A4 Mother _____ Father _____		4	$0.00		10	$0.00		
A5 Other child support obligations		5	$0.00		11	$0.00		
A6 Combined Monthly Available Gross Income		6	$1,257.00	+	12	$1,570.00	14	$2,827.00
A7 Percentage of combined gross income		7	44%		13	56%	15	$955.00
A8 Per child guideline schedule amount							16	$238.75

Sole Child Support Needs							
B1 Sole Custody: # of children		17	2				
B2 Sole Custody: pro rata basic child support obligation						20	$477.50
B3 Sole Custody: child support obligation	18	$212.32		19	$265.18		
B4 Payable to:	Mother					21	$265.18

C. **Shared Child Support Needs**		Mother			Father			
C1 Shared Custody: # of children			22	2				
C2 Shared Custody: pro rata basic child support obligation		23	$477.50		30	$477.50		
C3 1.4 Multiplier to line above		24	$668.50		31	$668.50		
C4 Total # of days each year parent has custody of child(ren)		25	225		32	140		
C5 Each parent's custody share		26	62%		33	38%		
C6 Shared Custody basic support obligation owed to the other parent		27	$256.41		34	$412.09		
C7 Parent's Shared Custody Support Obligation owed to other parent		28	$114.01		35	$228.86		
C8 Net Shared Custody Support Obligation		29	$114.01	-	36	$228.86	37	$114.85
C9 Payable to Mother X Father								

D. **Health Care/Work-Relaed Day Care Calculation**		Mother		Father			
D1 Father's cost for health care coverage	38	$0.00	44	▓▓▓▓		
D2 Mother's cost for health care coverage	39	▓▓▓▓	45	$0.00		
D3 Father's cost for work-related daycare	40	$0.00	46	▓▓▓▓		
D4 Mother's cost for work-related daycare	41	▓▓▓▓	47	$0.00		
D5 Total = Line D1+Line D2+Line D3+Line D4	42	$0.00	48	$0.00		
D6 Parent's net obligation to the other (Line D*Line A7)	43	$0.00	49	$0.00		
D7 Payable to Mother Father					50	$0.00

E. **Combined Child Support Amount**		Mother		Father			
E1 Parent owing the sole custody support obligation	51	$0.00	55	$265.18		
E2 Parent owing the net shared custody support obligation	52	$0.00	56	$114.85		
E3 Parent owing the net health care/work-related day cost	53	$0.00	57	$0.00		
E4 Calculate: Add E1+E2+ E3 in each column then subtract the amounts	54	$0.00	-	58	$380.03	58	$380.03
E5 Payable to Mother X Father						

F. **Adjustment for Parent's SSDI derived benefit paid to other parent**		Mother		Father			
F1 Mother's SSDI derivative benefit paid to the father	59	$0.00	61	▓▓▓▓		
F2 Father's SSDI derivative benefit paid to the mother	60	▓▓▓▓	62	$0.00		
F3 Net SSDI derivative benefit					63	$0.00
F4 Credited to: Mother Father						
Should the child support be recalculated due to the derivative benefit		No				

G. **Total Adjusted Monthly Child Support Obligation**						
G1 Parent owing the combined child support amount	64	NA	66	NA		
G2 Parent credited the derivative benefit	65	NA	67	NA		
G3 Payable to Mother Father					68	NA

Exhibit C

Split/Shared Guideline Worksheet

Guideline Calculation		Mother			Father			
Number of Children		1		5				
A.	**Income**							
A1	Monthly Gross Income	2	$1,257.00		8	$1,570.00		
A2	Adjustments for Spousal Support	3	$0.00		9			
A3	# of other children residing with the party							
A4	Mother 0 Father 0	4	$0.00		10	$0.00		
A5	Other child support obligations	5	$0.00		11	$0.00		
A6	Combined Monthly Available Gross Income	6	$1,257.00	+	12	$1,570.00	14	$2,827.00
A7	Percentage of combined gross income	7	44%		13	56%	15	$1,051.00
A8	Per child guideline schedule amount						16	$210.20

	Split Child Support Needs		Mother			Father			
B1	# of children Mother has sole custody of & Father owes support for:	17	▓▓▓▓		23	1		
B2	# of children Father has sole custody of & Mother owes support for:	18	2		24	▓▓▓▓		
B3	Split Custody: Parent's pro rata basic child support obligation	19	$420.40		25	$210.20		
B4	Split Custody Child Support Obligation	20	$186.93		26	$116.74		
B5	Split Custody Net Support Obligation	21	$186.93	-	27	$116.74	28	$70.19
B6	Payable to Mother [ ] Father [X]						29	$70.19

C.	**Shared Child Support Needs**		Mother			Father			
C1	Shared Custody: # of children		30	2				
C2	Shared Custody: Parent pro rata basic child support obligation	31	$420.40		38	$420.40		
C3	1.4 Multiplier applied to the line above	32	$588.56		39	$588.56		
C4	Total # of days each year parent has custody of child(ren)	33	137		40	228		
C5	Each parent's custody share	34	38%		41	62%		
C6	Shared Custody basic support obligation owed to the other parent	35	$367.65		42	$220.91		
C7	Parent's Shared Custody Support Obligation owed to other parent	36	$163.47		43	$122.69		
C8	Net Shared Custody Support Obligation	37	$163.47	-	44	$122.69	37	$40.79
C9	Payable to Mother [ ] Father [X]							

D.	**Health Care/Work-Relaed Day Care Calculation**		Mother			Father			
D1	Father's cost for health care coverage	38	$0.00			▓▓▓▓		
D2	Mother's cost for health care coverage		▓▓▓▓		42	$0.00		
D3	Father's cost for work-related daycare	39	$0.00			▓▓▓▓		
D4	Mother's cost for work-related daycare		▓▓▓▓		43	$0.00		
D5	Total = Line D1+Line D2+Line D3+Line D4	40	$0.00		44	$0.00		
D6	Parent's net obligation to the other (Line D*Line A7)	41	$0.00		45	$0.00		
D7	Payable to Mother [ ] Father [ ]						46	$0.00

E.	**Combined Child Support Amount**		Mother			Father			
E1	Parent owing the basic monthly amount per split custody		$70.19			$0.00		
E2	Parent owing the net basic monthly amount per shared custody	47	$40.79		50	$0.00		
E3	Parent owing the net health care/work-related day cost	48	$0.00		51	$0.00		
E4	Calculate: Add E1+E2 +E3 in each column then subtract the amounts	49	$110.98	-	52	$0.00	56	$110.98
E5	Payable to Mother [ ] Father [X]							

F.	**Adjustment for Parent's SSDI derived benefit paid to other parent**							
F1	Mother's SSDI derivative benefit paid to the father	53	$0.00			▓▓▓▓		
F2	Father's SSDI derivative benefit paid to the mother		▓▓▓▓		54	$0.00		
F3	Net SSDI derivative benefit						55	$0.00
F4	Credited to: Mother [ ] Father [ ]							
	Should the child support be recalculated due to the derivative benefit		No					
G.	**Total Adjusted Monthly Child Support Obligation**							
G1	Parent owing the combined child support amount	56	NA		58	NA		
G2	Parent credited the derivative benefit	57	NA		59	NA		
G3	Payable to Mother [ ] Father [ ]						60	NA

PROPOSED LEGISLATION for MIXED CUSTODY CHILD SUPPORT CASES

Add following paragraphs as new §20-108.2(G) (4), (5) and (6) after the shared custody section (G) (3) as follows:

"4. Multiple shared custody support. In cases with different shared custody arrangements for two or more minor children of the parties, the procedures in subdivision G 3 as well as the definitions in §20-108.2 shall apply except that one shared guideline calculation shall be used to determine the amount of child support owed by one parent to the other by:

   (a)   Adding the total number of days for each child of the parties for each parent and dividing that total number of days by the number of children.

   (b)   Using the average number of shared custody days determined in subsection (a) above for each parent to determine the child support paid in accordance with the provisions of subdivision G 3 using the total number of children.

5. Sole and shared custody support. In cases where one parent has sole custody of one or more minor children of the parties and the parties share custody of one or more other minor children of the parties, the procedures in subdivisions G 1 and G 3 as well as the definitions in §20-108.2 shall apply—except that one sole guideline calculation and one shared guideline calculation shall be used to determine the amount of child support owed by one parent to the other by:

   (a)   Calculating the sole custody child support obligation by:

      i.   Calculating the per child monthly basic child custody support obligation by determining for the number of children the scheduled monthly basic child support obligation and dividing that amount by the number of children.

      ii.   Calculating the sole custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subsection (i) above by the number of children subject to the sole custody support obligation.

      iii.   Applying the sole custody pro rata monthly basic child support obligation to the procedures in G 1.

   (b)   Calculating the shared custody child support obligation by:

      i.   Calculating the per child monthly basic child custody support obligation by determining for the number of children the scheduled monthly basic child support obligation and dividing that amount by the number of children.

      ii.   Calculating the shared custody pro rata monthly basic child support obligation for each parent as the noncustodial parent by multiplying the per child monthly

1

basic child support obligation as determined in subsection (i) above by the number of children subject to the shared custody support obligation for whom physical custody is with the other parent.

iii. Applying the shared custody pro rata monthly basic child support obligation to the procedures in subdivision G 3, which includes using the shared custody multiplier.

(c) Determining the total amount of child support owed by one parent to the other. Where one parent owes both the sole and shared obligations to the other parent, total both obligations calculated in subsections (a) and (b) above. Where one parent owes one of the calculations and the other parent owes the other calculation to the other parent, the parent owing the greater calculation to the other parent shall pay the difference between the calculations to the other parent.

6. Split and shared custody support. In cases where the parents have split custody of two or more children and there is a shared custody arrangement with one or more other minor children of the parties, the procedures as set forth in subdivisions G 2 and G 3 as well as the definitions in §20-108.2 shall apply to this subdivision—except that one split guideline calculation and one shared guideline calculation shall be used to calculate the amount of child support owed by one parent to the other by:

(a) Calculating the split custody child support obligation by:

i. Calculating the per child monthly basic child custody support obligation by determining for the number of children the scheduled monthly basic child support obligation and dividing that amount by the number of children.

ii. Calculating the split custody pro rata monthly basic child support obligation for each parent as the noncustodial parent by multiplying the per child monthly basic child support obligation as determined in subsection (i) above by the number of children subject to the split custody support obligation for whom physical custody is with the other parent.

iii. Applying the split custody pro rata monthly basic child support obligation for each parent to the procedures in subdivision G 2.

(b) Calculating the shared custody child support obligation by:

i. Calculating the per child monthly basic child custody support obligation by determining for the number of children the scheduled monthly basic child support obligation and dividing that amount by the number of children.

2

ii. Calculating the shared custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation as determined in subsection (i) above by the number of children subject to the shared custody support obligation.

iii. Applying the shared custody pro rata monthly basic child support obligation to the procedures in subdivision G 3, which includes using the shared custody multiplier.

(c) Determining the total amount of child support owed by one parent to the other. Where one parent owes both the split and shared obligations to the other parent, total both obligations calculated in subsections (a) and (b) above. Where one parent owes one of the calculations and the other parent owes the other calculation to the other parent, the parent owing the greater calculation to the other parent shall pay the difference between the calculations to the other parent.

3

Report to the Governor and General Assembly
Child Support Guidelines Review Panel
Appendix B

2018 Session of the General Assembly

Draft Legislation

1   **Be it enacted by the General Assembly of Virginia:**

2   **1.That § 20-108.2 of the Code of Virginia shall be amended and reenacted as follows:**

3   § 20-108.2. Guideline for determination of child support; quadrennial review by Child Support
4   Guidelines Review Panel; executive summary.

5   A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child
6   support under this title or Title 16.1 or 63.2, including cases involving split custody, ~~or~~ shared
7   custody, or multiple custody arrangements, that the amount of the award which would result
8   from the application of the guidelines set forth in this section is the correct amount of child
9   support to be awarded. In order to rebut the presumption, the court shall make written findings in
10 the order as set out in § 20-108.1, which findings may be incorporated by reference, that the
11 application of the guidelines would be unjust or inappropriate in a particular case as determined
12 by relevant evidence pertaining to the factors set out in § 20-108.1. The Department of Social
13 Services shall set child support at the amount resulting from computations using the guidelines
14 set out in this section pursuant to the authority granted to it in Chapter 19 (§ 63.2-1900 et seq.) of
15 Title 63.2 and subject to the provisions of § 63.2-1918.

16 B. For purposes of application of the guideline, a basic child support obligation shall be
17 computed using the schedule set out below. For combined monthly gross income amounts falling
18 between amounts shown in the schedule, basic child support obligation amounts shall be
19 extrapolated. However, unless one of the following exemptions applies where the sole custody
20 child support obligation as computed pursuant to subdivision G 1 is less than the statutory
21 minimum per month, there shall be a presumptive minimum child support obligation of the
22 statutory minimum per month payable by the payor parent. If the gross income of the obligor is
23 equal to or less than 150 percent of the federal poverty level promulgated by the U.S.
24 Department of Health and Human Services from time to time, then the court, upon hearing

25 evidence that there is no ability to pay the presumptive statutory minimum, may set an obligation
26 below the presumptive statutory minimum provided doing so does not create or reduce a support
27 obligation to an amount which seriously impairs the custodial parent's ability to maintain
28 minimal adequate housing and provide other basic necessities for the child. Exemptions from this
29 presumptive minimum monthly child support obligation shall include: parents unable to pay
30 child support because they lack sufficient assets from which to pay child support and who, in
31 addition, are institutionalized in a psychiatric facility; are imprisoned for life with no chance of
32 parole; are medically verified to be totally and permanently disabled with no evidence of
33 potential for paying child support, including recipients of Supplemental Security Income (SSI);
34 or are otherwise involuntarily unable to produce income. "Number of children" means the
35 number of children for whom the parents share joint legal responsibility and for whom support is
36 being sought.

37 SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

COMBINED MONTHLY GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0-350	68	104	126	141	155	169
400	78	119	144	161	177	192
450	88	133	162	181	199	216
500	97	148	179	200	220	239
550	107	162	197	220	242	263
600	116	177	215	240	264	287
650	126	191	232	259	285	310
700	135	206	250	279	307	333
750	145	220	267	298	328	357
800	154	234	284	317	349	379
850	163	248	300	336	369	401
900	171	260	316	353	388	422
950	179	273	331	369	406	442
1000	187	285	346	386	425	462
1050	196	298	361	403	443	482

73	1100	204	310	375	419	461	501
74						
75	1150	212	323	390	436	480	521
76						
77	1200	220	335	405	453	498	541
78						
79	1250	228	347	420	469	516	561
80						
81	1300	237	360	435	486	535	581
82						
83	1350	245	372	450	503	553	601
84						
85	1400	253	385	465	519	571	621
86						
87	1450	261	397	480	536	589	641
88						
89	1500	269	410	495	552	608	661
90						
91	1550	278	422	509	569	626	680
92						
93	1600	286	434	524	585	644	700
94						
95	1650	293	446	538	601	661	718
96						
97	1700	301	457	552	616	678	737
98						
99	1750	309	469	566	632	695	756
100						
101	1800	316	481	579	647	712	774
102						
103	1850	324	492	593	663	729	792
104						
105	1900	331	504	607	678	746	811
106						
107	1950	339	515	621	693	763	829
108						
109	2000	347	527	635	709	780	848
110						
111	2050	354	538	648	724	797	866
112						
113	2100	362	550	662	740	814	884
114						
115	2150	369	561	676	755	830	903
116						
117	2200	377	573	690	770	847	921
118						
119	2250	385	584	703	786	864	940
120						
121	2300	392	596	717	801	881	958
122						
123	2350	400	607	731	817	898	976
124						
125	2400	407	619	745	832	915	995
126						
127	2450	415	630	759	847	932	1013
128						
129	2500	423	642	772	863	949	1032
130						

131	2550	430	653	786	878	966	1050
132							
133	2600	438	665	800	894	983	1068
134							
135	2650	445	676	814	909	1000	1087
136							
137	2700	453	688	828	924	1017	1105
138							
139	2750	460	699	841	940	1034	1124
140							
141	2800	468	711	855	955	1051	1142
142							
143	2850	476	722	869	971	1068	1160
144							
145	2900	483	734	883	986	1084	1179
146							
147	2950	491	745	896	1001	1101	1197
148							
149	3000	498	757	910	1017	1118	1216
150							
151	3050	506	768	924	1032	1135	1234
152							
153	3100	514	780	938	1047	1152	1252
154							
155	3150	521	791	952	1063	1169	1271
156							
157	3200	529	803	965	1078	1186	1289
158							
159	3250	536	814	979	1094	1203	1308
160							
161	3300	544	826	993	1109	1220	1326
162							
163	3350	551	837	1006	1123	1236	1343
164							
165	3400	559	848	1019	1138	1252	1361
166							
167	3450	566	859	1032	1152	1268	1378
168							
169	3500	574	870	1045	1167	1283	1395
170							
171	3550	581	881	1057	1181	1299	1412
172							
173	3600	588	892	1070	1196	1315	1430
174							
175	3650	596	903	1083	1210	1331	1447
176							
177	3700	603	914	1096	1224	1347	1464
178							
179	3750	611	925	1109	1239	1363	1481
180							
181	3800	618	936	1122	1253	1379	1499
182							
183	3850	626	947	1135	1268	1395	1516
184							
185	3900	632	956	1146	1280	1408	1531
186							
187	3950	638	966	1157	1293	1422	1546
188							

189	4000	645	975	1168	1305	1436	1561
190							
191	4050	651	985	1180	1318	1449	1575
192							
193	4100	658	994	1191	1330	1463	1590
194							
195	4150	664	1004	1202	1342	1477	1605
196							
197	4200	670	1013	1213	1355	1490	1620
198							
199	4250	677	1023	1224	1367	1504	1635
200							
201	4300	682	1030	1233	1377	1515	1647
202							
203	4350	687	1038	1242	1387	1526	1658
204							
205	4400	693	1046	1251	1397	1537	1670
206							
207	4450	698	1054	1260	1407	1548	1682
208							
209	4500	704	1062	1268	1417	1559	1694
210							
211	4550	709	1069	1277	1427	1569	1706
212							
213	4600	714	1077	1286	1437	1580	1718
214							
215	4650	720	1085	1295	1447	1591	1730
216							
217	4700	725	1093	1304	1457	1602	1742
218							
219	4750	731	1100	1313	1466	1613	1753
220							
221	4800	736	1108	1322	1476	1624	1765
222							
223	4850	741	1116	1331	1486	1635	1777
224							
225	4900	747	1124	1339	1496	1646	1789
226							
227	4950	752	1131	1348	1506	1656	1800
228							
229	5000	755	1136	1353	1511	1662	1807
230							
231	5050	759	1141	1358	1516	1668	1813
232							
233	5100	762	1145	1362	1522	1674	1820
234							
235	5150	766	1150	1367	1527	1680	1826
236							
237	5200	769	1155	1372	1533	1686	1833
238							
239	5250	773	1159	1377	1538	1692	1839
240							
241	5300	776	1164	1382	1544	1698	1846
242							
243	5350	780	1169	1387	1549	1704	1852
244							
245	5400	783	1173	1392	1554	1710	1859
246							

247	5450	787	1178	1397	1560	1716	1865
248							
249	5500	790	1183	1401	1565	1722	1872
250							
251	5550	794	1187	1406	1571	1728	1878
252							
253	5600	797	1192	1411	1576	1734	1885
254							
255	5650	800	1196	1416	1582	1740	1891
256							
257	5700	803	1201	1421	1587	1746	1897
258							
259	5750	806	1205	1425	1592	1751	1904
260							
261	5800	809	1209	1430	1598	1757	1910
262							
263	5850	812	1213	1435	1603	1763	1917
264							
265	5900	815	1217	1440	1608	1769	1923
266							
267	5950	818	1221	1444	1613	1775	1929
268							
269	6000	821	1226	1449	1619	1781	1936
270							
271	6050	823	1230	1454	1624	1787	1942
272							
273	6100	826	1234	1459	1629	1792	1948
274							
275	6150	829	1238	1464	1635	1798	1955
276							
277	6200	832	1242	1468	1640	1804	1961
278							
279	6250	835	1246	1473	1645	1810	1967
280							
281	6300	838	1251	1478	1651	1816	1974
282							
283	6350	841	1255	1483	1656	1822	1980
284							
285	6400	844	1259	1487	1661	1827	1986
286							
287	6450	847	1263	1492	1667	1833	1993
288							
289	6500	849	1267	1497	1672	1839	1999
290							
291	6550	852	1271	1502	1677	1845	2005
292							
293	6600	855	1276	1506	1683	1851	2012
294							
295	6650	858	1280	1511	1688	1857	2018
296							
297	6700	861	1285	1517	1694	1864	2026
298							
299	6750	865	1291	1524	1703	1873	2036
300							
301	6800	869	1297	1532	1711	1882	2046
302							
303	6850	873	1303	1539	1719	1891	2056
304							

305	6900	877	1309	1547	1728	1900	2066
306							
307	6950	881	1315	1554	1736	1909	2076
308							
309	7000	885	1321	1561	1744	1919	2085
310							
311	7050	889	1328	1569	1752	1928	2095
312							
313	7100	893	1334	1576	1761	1937	2105
314							
315	7150	897	1340	1584	1769	1946	2115
316							
317	7200	901	1346	1591	1777	1955	2125
318							
319	7250	905	1352	1599	1786	1964	2135
320							
321	7300	909	1358	1606	1794	1973	2145
322							
323	7350	913	1364	1613	1802	1982	2155
324							
325	7400	917	1370	1621	1810	1991	2165
326							
327	7450	921	1376	1628	1819	2001	2175
328							
329	7500	925	1382	1636	1827	2010	2185
330							
331	7550	929	1389	1643	1835	2019	2194
332							
333	7600	933	1395	1650	1844	2028	2204
334							
335	7650	937	1401	1658	1852	2037	2214
336							
337	7700	941	1407	1665	1860	2046	2224
338							
339	7750	944	1411	1670	1865	2051	2230
340							
341	7800	946	1413	1672	1867	2054	2233
342							
343	7850	948	1416	1674	1870	2057	2236
344							
345	7900	950	1419	1676	1873	2060	2239
346							
347	7950	953	1421	1679	1875	2063	2242
348							
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915	22150	1680	2479	2895	3234	3557	3867
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917	22200	1681	2482	2899	3238	3562	3872
918							
919	22250	1683	2485	2903	3243	3567	3877
920							
921	22300	1685	2488	2907	3247	3571	3882
922							
923	22350	1687	2491	2911	3251	3576	3887
924							
925	22400	1689	2494	2914	3255	3581	3892
926							
927	22450	1691	2497	2918	3260	3586	3898
928							
929	22500	1692	2500	2922	3264	3590	3903
930							
931	22550	1694	2503	2926	3268	3595	3908
932							
933	22600	1696	2506	2930	3272	3600	3913
934							
935	22650	1698	2509	2934	3277	3604	3918
936							
937	22700	1700	2512	2937	3281	3609	3923
938							
939	22750	1702	2515	2941	3285	3614	3928
940							
941	22800	1704	2518	2945	3290	3619	3933
942							

943	22850	1705	2521	2949	3294	3623	3938
944						
945	22900	1707	2524	2953	3298	3628	3944
946						
947	22950	1709	2527	2957	3302	3633	3949
948						
949	23000	1711	2530	2960	3307	3637	3954
950						
951	23050	1713	2533	2964	3311	3642	3959
952						
953	23100	1715	2536	2968	3315	3647	3964
954						
955	23150	1717	2539	2972	3320	3651	3969
956						
957	23200	1718	2542	2976	3324	3656	3974
958						
959	23250	1720	2545	2979	3328	3661	3979
960						
961	23300	1722	2548	2983	3332	3666	3984
962						
963	23350	1724	2551	2987	3337	3670	3990
964						
965	23400	1726	2554	2991	3341	3675	3995
966						
967	23450	1728	2557	2995	3345	3680	4000
968						
969	23500	1730	2560	2999	3349	3684	4005
970						
971	23550	1731	2563	3002	3354	3689	4010
972						
973	23600	1733	2566	3006	3358	3694	4015
974						
975	23650	1735	2569	3010	3362	3699	4020
976						
977	23700	1737	2572	3014	3367	3703	4025
978						
979	23750	1739	2575	3018	3371	3708	4031
980						
981	23800	1741	2578	3022	3375	3713	4036
982						
983	23850	1742	2581	3025	3379	3717	4041
984						
985	23900	1744	2584	3029	3384	3722	4046
986						
987	23950	1746	2587	3033	3388	3727	4051
988						
989	24000	1748	2590	3037	3392	3731	4056
990						
991	24050	1750	2593	3041	3397	3736	4061
992						
993	24100	1752	2596	3045	3401	3741	4066
994						
995	24150	1754	2599	3048	3405	3746	4071
996						
997	24200	1755	2602	3052	3409	3750	4077
998						
999	24250	1757	2605	3056	3414	3755	4082
1000						

1001	24300	1759	2608	3060	3418	3760	4087
1002							
1003	24350	1761	2611	3064	3422	3764	4092
1004							
1005	24400	1763	2614	3068	3426	3769	4097
1006							
1007	24450	1765	2617	3071	3431	3774	4102
1008							
1009	24500	1767	2620	3075	3435	3779	4107
1010							
1011	24550	1768	2623	3079	3439	3783	4112
1012							
1013	24600	1770	2626	3083	3444	3788	4117
1014							
1015	24650	1772	2629	3087	3448	3793	4123
1016							
1017	24700	1774	2632	3091	3452	3797	4128
1018							
1019	24750	1776	2635	3094	3456	3802	4133
1020							
1021	24800	1778	2638	3098	3461	3807	4138
1022							
1023	24850	1780	2641	3102	3465	3811	4143
1024							
1025	24900	1781	2644	3106	3469	3816	4148
1026							
1027	24950	1783	2647	3110	3474	3821	4153
1028							
1029	25000	1785	2650	3114	3478	3826	4158
1030							
1031	25050	1787	2653	3117	3482	3830	4163
1032							
1033	25100	1789	2656	3121	3486	3835	4169
1034							
1035	25150	1791	2659	3125	3491	3840	4174
1036							
1037	25200	1792	2662	3129	3495	3844	4179
1038							
1039	25250	1794	2665	3133	3499	3849	4184
1040							
1041	25300	1796	2668	3136	3503	3854	4189
1042							
1043	25350	1798	2671	3140	3508	3858	4194
1044							
1045	25400	1800	2674	3144	3512	3863	4199
1046							
1047	25450	1802	2677	3148	3516	3868	4204
1048							
1049	25500	1804	2680	3152	3521	3873	4210
1050							
1051	25550	1805	2682	3156	3525	3877	4215
1052							
1053	25600	1807	2685	3159	3529	3882	4220
1054							
1055	25650	1809	2688	3163	3533	3887	4225
1056							
1057	25700	1811	2691	3167	3538	3891	4230
1058							

1059	25750	1813	2694	3171	3542	3896	4235
1060							
1061	25800	1815	2697	3175	3546	3901	4240
1062							
1063	25850	1817	2700	3179	3550	3906	4245
1064							
1065	25900	1818	2703	3182	3555	3910	4250
1066							
1067	25950	1820	2706	3186	3559	3915	4256
1068							
1069	26000	1822	2709	3190	3563	3920	4261
1070							
1071	26050	1824	2712	3194	3568	3924	4266
1072							
1073	26100	1826	2715	3198	3572	3929	4271
1074							
1075	26150	1828	2718	3202	3576	3934	4276
1076							
1077	26200	1830	2721	3205	3580	3938	4281
1078							
1079	26250	1831	2724	3209	3585	3943	4286
1080							
1081	26300	1833	2727	3213	3589	3948	4291
1082							
1083	26350	1835	2730	3217	3593	3953	4296
1084							
1085	26400	1837	2733	3221	3598	3957	4302
1086							
1087	26450	1839	2736	3225	3602	3962	4307
1088							
1089	26500	1841	2739	3228	3606	3967	4312
1090							
1091	26550	1842	2742	3232	3610	3971	4317
1092							
1093	26600	1844	2745	3236	3615	3976	4322
1094							
1095	26650	1846	2748	3240	3619	3981	4327
1096							
1097	26700	1848	2751	3244	3623	3986	4332
1098							
1099	26750	1850	2754	3248	3627	3990	4337
1100							
1101	26800	1852	2757	3251	3632	3995	4342
1102							
1103	26850	1854	2760	3255	3636	4000	4348
1104							
1105	26900	1855	2763	3259	3640	4004	4353
1106							
1107	26950	1857	2766	3263	3645	4009	4358
1108							
1109	27000	1859	2769	3267	3649	4014	4363
1110							
1111	27050	1861	2772	3270	3653	4018	4368
1112							
1113	27100	1863	2775	3274	3657	4023	4373
1114							
1115	27150	1865	2778	3278	3662	4028	4378
1116							

1117	27200	1867	2781	3282	3666	4033	4383
1118							
1119	27250	1868	2784	3286	3670	4037	4389
1120							
1121	27300	1870	2787	3290	3675	4042	4394
1122							
1123	27350	1872	2790	3293	3679	4047	4399
1124							
1125	27400	1874	2793	3297	3683	4051	4404
1126							
1127	27450	1876	2796	3301	3687	4056	4409
1128							
1129	27500	1878	2799	3305	3692	4061	4414
1130							
1131	27550	1880	2802	3309	3696	4066	4419
1132							
1133	27600	1881	2805	3313	3700	4070	4424
1134							
1135	27650	1883	2808	3316	3704	4075	4429
1136							
1137	27700	1885	2811	3320	3709	4080	4435
1138							
1139	27750	1887	2814	3324	3713	4084	4440
1140							
1141	27800	1889	2817	3328	3717	4089	4445
1142							
1143	27850	1891	2820	3332	3722	4094	4450
1144							
1145	27900	1892	2823	3336	3726	4098	4455
1146							
1147	27950	1894	2826	3339	3730	4103	4460
1148							
1149	28000	1896	2829	3343	3734	4108	4465
1150							
1151	28050	1898	2832	3347	3739	4113	4470
1152							
1153	28100	1899	2833	3348	3740	4114	4472
1154							
1155	28150	1900	2834	3349	3741	4115	4473
1156							
1157	28200	1900	2835	3349	3741	4115	4473
1158							
1159	28250	1901	2836	3350	3742	4116	4474
1160							
1161	28300	1902	2836	3350	3742	4116	4474
1162							
1163	28350	1902	2837	3351	3743	4117	4475
1164							
1165	28400	1903	2838	3351	3743	4117	4476
1166							
1167	28450	1904	2838	3351	3744	4118	4476
1168							
1169	28500	1904	2839	3352	3744	4118	4477
1170							
1171							
1172							
1173	28550	1905	2840	3352	3745	4119	4477
1174							

1175	28600	1906	2840	3353	3745	4120	4478
1176							
1177	28650	1906	2841	3353	3745	4120	4478
1178							
1179	28700	1907	2842	3354	3746	4121	4479
1180							
1181	28750	1908	2842	3354	3746	4121	4480
1182							
1183	28800	1908	2843	3354	3747	4122	4480
1184							
1185	28850	1909	2844	3355	3747	4122	4481
1186							
1187	28900	1909	2844	3355	3748	4123	4481
1188							
1189	28950	1910	2845	3356	3748	4123	4482
1190							
1191	29000	1911	2846	3356	3749	4124	4483
1192							
1193	29050	1911	2846	3357	3749	4124	4483
1194							
1195	29100	1912	2847	3357	3750	4125	4484
1196							
1197	29150	1913	2848	3358	3750	4125	4484
1198							
1199	29200	1913	2848	3358	3751	4126	4485
1200							
1201	29250	1914	2849	3358	3751	4126	4485
1202							
1203	29300	1915	2850	3359	3752	4127	4486
1204							
1205	29350	1915	2850	3359	3752	4128	4487
1206							
1207	29400	1916	2851	3360	3753	4128	4487
1208							
1209	29450	1917	2852	3360	3753	4129	4488
1210							
1211	29500	1917	2852	3361	3754	4129	4488
1212							
1213	29550	1918	2853	3361	3754	4130	4489
1214							
1215	29600	1919	2854	3361	3755	4130	4490
1216							
1217	29650	1919	2855	3362	3755	4131	4490
1218							
1219	29700	1920	2855	3362	3756	4131	4491
1220							
1221	29750	1921	2856	3363	3756	4132	4491
1222							
1223	29800	1921	2857	3363	3757	4132	4492
1224							
1225	29850	1922	2857	3364	3757	4133	4492
1226							
1227	29900	1923	2858	3364	3758	4133	4493
1228							
1229	29950	1923	2859	3365	3758	4134	4494
1230							
1231	30000	1924	2859	3365	3759	4135	4494
1232							

1233	30050	1925	2860	3365	3759	4135	4495
1234							
1235	30100	1925	2861	3366	3760	4136	4495
1236							
1237	30150	1926	2861	3366	3760	4136	4496
1238							
1239	30200	1926	2862	3367	3761	4137	4497
1240							
1241	30250	1927	2863	3367	3761	4137	4497
1242							
1243	30300	1928	2863	3368	3762	4138	4498
1244							
1245	30350	1928	2864	3368	3762	4138	4498
1246							
1247	30400	1929	2865	3368	3763	4139	4499
1248							
1249	30450	1930	2865	3369	3763	4139	4499
1250							
1251	30500	1930	2866	3369	3764	4140	4500
1252							
1253	30550	1931	2867	3370	3764	4140	4501
1254							
1255	30600	1932	2867	3370	3765	4141	4501
1256							
1257	30650	1932	2868	3371	3765	4141	4502
1258							
1259	30700	1933	2869	3371	3765	4142	4502
1260							
1261	30750	1934	2869	3371	3766	4143	4503
1262							
1263	30800	1934	2870	3372	3766	4143	4504
1264							
1265	30850	1935	2871	3372	3767	4144	4504
1266							
1267	30900	1936	2871	3373	3767	4144	4505
1268							
1269	30950	1936	2872	3373	3768	4145	4505
1270							
1271	31000	1937	2873	3374	3768	4145	4506
1272							
1273	31050	1938	2874	3374	3769	4146	4506
1274							
1275	31100	1938	2874	3375	3769	4146	4507
1276							
1277	31150	1939	2875	3375	3770	4147	4508
1278							
1279	31200	1940	2876	3375	3770	4147	4508
1280							
1281	31250	1940	2876	3376	3771	4148	4509
1282							
1283	31300	1941	2877	3376	3771	4148	4509
1284							
1285	31350	1942	2878	3377	3772	4149	4510
1286							
1287	31400	1942	2878	3377	3772	4150	4511
1288							
1289	31450	1943	2879	3378	3773	4150	4511
1290							

1291	31500	1943	2880	3378	3773	4151	4512
1292							
1293	31550	1944	2880	3378	3774	4151	4512
1294							
1295	31600	1945	2881	3379	3774	4152	4513
1296							
1297	31650	1945	2882	3379	3775	4152	4513
1298							
1299	31700	1946	2882	3380	3775	4153	4514
1300							
1301	31750	1947	2883	3380	3776	4153	4515
1302							
1303	31800	1947	2884	3381	3776	4154	4515
1304							
1305	31850	1948	2884	3381	3777	4154	4516
1306							
1307	31900	1949	2885	3382	3777	4155	4516
1308							
1309	31950	1949	2886	3382	3778	4155	4517
1310							
1311	32000	1950	2886	3382	3778	4156	4518
1312							
1313	32050	1951	2887	3383	3779	4156	4518
1314							
1315	32100	1951	2888	3383	3779	4157	4519
1316							
1317	32150	1952	2888	3384	3780	4158	4519
1318							
1319	32200	1953	2889	3384	3780	4158	4520
1320							
1321	32250	1953	2890	3385	3781	4159	4520
1322							
1323	32300	1954	2890	3385	3781	4159	4521
1324							
1325	32350	1955	2891	3385	3782	4160	4522
1326							
1327	32400	1955	2892	3386	3782	4160	4522
1328							
1329	32450	1956	2893	3386	3783	4161	4523
1330							
1331	32500	1957	2893	3387	3783	4161	4523
1332							
1333	32550	1957	2894	3387	3784	4162	4524
1334							
1335	32600	1958	2895	3388	3784	4162	4525
1336							
1337	32650	1959	2895	3388	3784	4163	4525
1338							
1339	32700	1959	2896	3389	3785	4163	4526
1340							
1341	32750	1960	2897	3389	3785	4164	4526
1342							
1343	32800	1960	2897	3389	3786	4165	4527
1344							
1345	32850	1961	2898	3390	3786	4165	4527
1346							
1347	32900	1962	2899	3390	3787	4166	4528
1348							

1349	32950	1962	2899	3391	3787	4166	4529
1350							
1351	33000	1963	2900	3391	3788	4167	4529
1352							
1353	33050	1964	2901	3392	3788	4167	4530
1354							
1355	33100	1964	2901	3392	3789	4168	4530
1356							
1357	33150	1965	2902	3392	3789	4168	4531
1358							
1359	33200	1966	2903	3393	3790	4169	4532
1360							
1361	33250	1966	2903	3393	3790	4169	4532
1362							
1363	33300	1967	2904	3394	3791	4170	4533
1364							
1365	33350	1968	2905	3394	3791	4170	4533
1366							
1367	33400	1968	2905	3395	3792	4171	4534
1368							
1369	33450	1969	2906	3395	3792	4172	4534
1370							
1371	33500	1970	2907	3395	3793	4172	4535
1372							
1373	33550	1970	2907	3396	3793	4173	4536
1374							
1375	33600	1971	2908	3396	3794	4173	4536
1376							
1377	33650	1972	2909	3397	3794	4174	4537
1378							
1379	33700	1972	2909	3397	3795	4174	4537
1380							
1381	33750	1973	2910	3398	3795	4175	4538
1382							
1383	33800	1974	2911	3398	3796	4175	4539
1384							
1385	33850	1974	2912	3399	3796	4176	4539
1386							
1387	33900	1975	2912	3399	3797	4176	4540
1388							
1389	33950	1976	2913	3399	3797	4177	4540
1390							
1391	34000	1976	2914	3400	3798	4177	4541
1392							
1393	34050	1977	2914	3400	3798	4178	4541
1394							
1395	34100	1977	2915	3401	3799	4178	4542
1396							
1397	34150	1978	2916	3401	3799	4179	4543
1398							
1399	34200	1979	2916	3402	3800	4179	4543
1400							
1401	34250	1979	2917	3402	3800	4180	4544
1402							
1403	34300	1980	2917	3402	3800	4181	4544
1404							
1405	34350	1981	2918	3403	3801	4181	4545
1406							

1407	34400	1981	2919	3403	3801	4182	4545
1408 1409	34450	1982	2919	3404	3802	4182	4546
1410 1411	34500	1983	2920	3404	3802	4183	4546
1412 1413	34550	1983	2921	3405	3803	4183	4547
1414 1415	34600	1984	2921	3405	3803	4184	4548
1416 1417	34650	1984	2922	3405	3804	4184	4548
1418 1419	34700	1985	2923	3406	3804	4185	4549
1420 1421	34750	1986	2923	3406	3805	4185	4549
1422 1423	34800	1986	2924	3407	3805	4186	4550
1424 1425	34850	1987	2925	3407	3806	4186	4550
1426 1427	34900	1988	2925	3407	3806	4187	4551
1428 1429	34950	1988	2926	3408	3807	4187	4552
1430 1431	35000	1989	2927	3408	3807	4188	4552

1432 For gross monthly incomes above $35,000, add the amount of child support for $35,000 to the

1433 following percentages of gross income above $35,000.

ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2.6%	3.4%	3.8%	4.2%	4.6%	5.0%

1439 C. For purposes of this section, "gross income" means all income from all sources, and shall

1440 include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses,

1441 dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security

1442 benefits except as listed below, workers' compensation benefits, unemployment insurance

1443 benefits, disability insurance benefits, veterans' benefits, spousal support, rental income, gifts,

1444 prizes or awards.

1445 If a parent's gross income includes disability insurance benefits, it shall also include any amounts

1446 paid to or for the child who is the subject of the order and derived by the child from the parent's

1447 entitlement to disability insurance benefits. To the extent that such derivative benefits are

1448 included in a parent's gross income, that parent shall be entitled to a credit against his or her

1449 ongoing basic child support obligation for any such amounts, and, if the amount of the credit

1450 exceeds the parent's basic child support obligations, the credit may be used to reduce arrearages.

1451   Gross income shall be subject to deduction of reasonable business expenses for persons with
1452   income from self-employment, a partnership, or a closely held business. "Gross income" shall
1453   not include:

1454   1. Benefits from public assistance and social services programs as defined in § 63.2-100;

1455   2. Federal supplemental security income benefits;

1456   3. Child support received; or

1457   4. Income received by the payor from secondary employment income not previously included in
1458   "gross income," where the payor obtained the income to discharge a child support arrearage
1459   established by a court or administrative order and the payor is paying the arrearage pursuant to
1460   the order. "Secondary employment income" includes but is not limited to income from an
1461   additional job, from self-employment, or from overtime employment. The cessation of such
1462   secondary income upon the payment of the arrearage shall not be the basis for a material change
1463   in circumstances upon which a modification of child support may be based.

1464   For purposes of this subsection: (i) spousal support received shall be included in gross income
1465   and spousal support paid shall be deducted from gross income when paid pursuant to an order or
1466   written agreement and (ii) one-half of any self-employment tax paid shall be deducted from gross
1467   income.

1468   Where there is an existing court or administrative order or written agreement relating to the child
1469   or children of a party to the proceeding, who are not the child or children who are the subject of
1470   the present proceeding, then there is a presumption that there shall be deducted from the gross
1471   income of the party subject to such order or written agreement, the amount that the party is
1472   actually paying for the support of a child or children pursuant to such order or agreement.

1473   Where a party to the proceeding has a natural or adopted child or children in the party's
1474   household or primary physical custody, and the child or children are not the subject of the
1475   present proceeding, there is a presumption that there shall be deducted from the gross income of
1476   that party the amount as shown on the Schedule of Monthly Basic Child Support Obligations
1477   contained in subsection B that represents that party's support obligation based solely on that
1478   party's income as being the total income available for the natural or adopted child or children in
1479   the party's household or primary physical custody, who are not the subject of the present
1480   proceeding. Provided, however, that the existence of a party's financial responsibility for such a
1481   child or children shall not of itself constitute a material change in circumstances for modifying a
1482   previous order of child support in any modification proceeding. Any adjustment to gross income
1483   under this subsection shall not create or reduce a support obligation to an amount which

1484 seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide
1485 other basic necessities for the child, as determined by the court.

1486 In cases in which retroactive liability for support is being determined, the court or administrative
1487 agency may use the gross monthly income of the parties averaged over the period of
1488 retroactivity.

1489 D. Except for good cause shown or the agreement of the parties, in addition to any other child
1490 support obligations established pursuant to this section, any child support order shall provide that
1491 the parents pay in proportion to their gross incomes, as used for calculating the monthly support
1492 obligation, any reasonable and necessary unreimbursed medical or dental expenses. The method
1493 of payment of those expenses shall be contained in the support order. Each parent shall pay his
1494 respective share of expenses as those expenses are incurred. Any amount paid under this
1495 subsection shall not be adjusted by, nor added to, the child support calculated in accordance with
1496 subsection G. For the purposes of this section, medical or dental expenses shall include but not
1497 be limited to eyeglasses, prescription medication, prosthetics, orthodontics, and mental health or
1498 developmental disabilities services, including but not limited to services provided by a social
1499 worker, psychologist, psychiatrist, counselor, or therapist.

1500 E. The costs for health care coverage as defined in § 63.2-1900, vision care coverage, and dental
1501 care coverage for the child or children who are the subject of the child support order that are
1502 being paid by a parent or that parent's spouse shall be added to the basic child support obligation.
1503 To determine the cost to be added to the basic child support obligation, the cost per person shall
1504 be applied to the child or children who are subject of the child support order. If the per child cost
1505 is provided by the insurer, that is the cost per person. Otherwise, to determine the cost per
1506 person, the cost of individual coverage for the policy holder shall be subtracted from the total
1507 cost of the coverage, and the remaining amount shall be divided by the number of remaining
1508 covered persons.

1509 F. Any child-care costs incurred on behalf of the child or children due to employment of the
1510 custodial parent shall be added to the basic child support obligation. Child-care costs shall not
1511 exceed the amount required to provide quality care from a licensed source. When requested by
1512 the noncustodial parent, the court may require the custodial parent to present documentation to
1513 verify the costs incurred for child care under this subsection. Where appropriate, the court shall
1514 consider the willingness and availability of the noncustodial parent to provide child care
1515 personally in determining whether child-care costs are necessary or excessive. Upon the request
1516 of either party, and upon a showing of the tax savings a party derives from child-care cost
1517 deductions or credits, the court shall factor actual tax consequences into its calculation of the
1518 child-care costs to be added to the basic child support obligation.

1519   G. 1. Sole custody support. The sole custody total monthly child support obligation shall be

1520   established by adding (i) the monthly basic child support obligation, as determined from the

1521   schedule contained in subsection B, (ii) costs for health care coverage to the extent allowable by

1522   subsection E, and (iii) work-related child-care costs and taking into consideration all the factors

1523   set forth in subsection B of § 20-108.1. The total monthly child support obligation shall be

1524   divided between the parents in the same proportion as their monthly gross incomes bear to their

1525   monthly combined gross income. The monthly obligation of each parent shall be computed by

1526   multiplying each parent's percentage of the parents' monthly combined gross income by the total

1527   monthly child support obligation.

1528   However, the monthly obligation of the noncustodial parent shall be reduced by the cost for

1529   health care coverage to the extent allowable by subsection E when paid directly by the

1530   noncustodial parent or that parent's spouse. Unreimbursed medical and dental expenses shall be

1531   calculated and allocated in accordance with subsection D.

1532   2. Split custody support. In cases involving split custody, the amount of child support to be paid

1533   shall be the difference between the amounts owed by each parent as a noncustodial parent,

1534   computed in accordance with subdivision 1, with the noncustodial parent owing the larger

1535   amount paying the difference to the other parent. Unreimbursed medical and dental expenses

1536   shall be calculated and allocated in accordance with subsection D.

1537   For the purpose of this section and § 20-108.1, split custody shall be limited to those situations

1538   where each parent has physical custody of a child or children born of the parents, born of either

1539   parent and adopted by the other parent or adopted by both parents. For the purposes of

1540   calculating a child support obligation where split custody exists, a separate family unit exists for

1541   each parent, and child support for that family unit shall be calculated upon the number of

1542   children in that family unit who are born of the parents, born of either parent and adopted by the

1543   other parent or adopted by both parents. Where split custody exists, a parent is a custodial parent

1544   to the children in that parent's family unit and is a noncustodial parent to the children in the other

1545   parent's family unit.

1546   3. Shared custody support.

1547   (a) Where a party has custody or visitation of a child or children for more than 90 days of the

1548   year, as such days are defined in subdivision G 3 (c), a shared custody child support amount

1549   based on the ratio in which the parents share the custody and visitation of any child or children

1550   shall be calculated in accordance with this subdivision. The presumptive support to be paid shall

1551   be the shared custody support amount, unless a party affirmatively shows that the sole custody

1552   support amount calculated as provided in subdivision G 1 is less than the shared custody support

1553 amount. If so, the lesser amount shall be the support to be paid. For the purposes of this

1554 subsection, the following shall apply:

1555 (i) Income share. "Income share" means a parent's percentage of the combined monthly gross

1556 income of both parents. The income share of a parent is that parent's gross income divided by the

1557 combined gross incomes of the parties.

1558 (ii) Custody share. "Custody share" means the number of days that a parent has physical custody,

1559 whether by sole custody, joint legal or joint residential custody, or visitation, of a shared child

1560 per year divided by the number of days in the year. The actual or anticipated "custody share" of

1561 the parent who has or will have fewer days of physical custody shall be calculated for a one-year

1562 period. The "custody share" of the other parent shall be presumed to be the number of days in the

1563 year less the number of days calculated as the first parent's "custody share." For purposes of this

1564 calculation, the year may begin on such date as is determined in the discretion of the court, and

1565 the day may begin at such time as is determined in the discretion of the court. For purposes of

1566 this calculation, a day shall be as defined in subdivision G 3 (c).

1567 (iii) Shared support need. "Shared support need" means the presumptive guideline amount of

1568 needed support for the shared child or children calculated pursuant to subsection B of this

1569 section, for the combined gross income of the parties and the number of shared children,

1570 multiplied by 1.4.

1571 (iv) Sole custody support. "Sole custody support" means the support amount determined in

1572 accordance with subdivision G 1.

1573 (b) Support to be paid. The shared support need of the shared child or children shall be calculated

1574 pursuant to subdivision G 3 (a)(iii). This amount shall then be multiplied by the other parent's

1575 custody share. To that sum for each parent shall be added the other parent's or that parent's

1576 spouse's cost of health care coverage to the extent allowable by subsection E, plus the other

1577 parent's work-related child-care costs to the extent allowable by subsection F. This total for each

1578 parent shall be multiplied by that parent's income share. The support amounts thereby calculated

1579 that each parent owes the other shall be subtracted one from the other and the difference shall be

1580 the shared custody support one parent owes to the other, with the payor parent being the one

1581 whose shared support is the larger. Unreimbursed medical and dental expenses shall be

1582 calculated and allocated in accordance with subsection D.

1583 (c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours;

1584 however, where the parent who has the fewer number of overnight periods during the year has an

1585 overnight period with a child, but has physical custody of the shared child for less than 24 hours

1586   during such overnight period, there is a presumption that each parent shall be allocated one-half
1587   of a day of custody for that period.

1588   (d) Minimum standards. Any calculation under this subdivision shall not create or reduce a
1589   support obligation to an amount which seriously impairs the custodial parent's ability to maintain
1590   minimal adequate housing and provide other basic necessities for the child. If the gross income
1591   of either party is equal to or less than 150 percent of the federal poverty level promulgated by the
1592   U.S. Department of Health and Human Services from time to time, then the shared custody
1593   support calculated pursuant to this subsection shall not be the presumptively correct support and
1594   the court may consider whether the sole custody support or the shared custody support is more
1595   just and appropriate.

1596   (e) Support modification. When there has been an award of child support based on the shared
1597   custody formula and one parent consistently fails to exercise custody or visitation in accordance
1598   with the parent's custody share upon which the award was based, there shall be a rebuttable
1599   presumption that the support award should be modified.

1600   (f) In the event that the shared custody support calculation indicates that the net support is to be
1601   paid to the parent who would not be the parent receiving support pursuant to the sole custody
1602   calculation, then the shared support shall be deemed to be the lesser support.

1603   4. Multiple shared custody support. In cases with different shared custody arrangements for two
1604   or more minor children of the parties, the procedures in subdivision G 3 as well as the definitions
1605   in § 20-108.2 shall apply except that one shared guideline calculation shall be used to determine
1606   the amount of child support owed by one parent to the other by:

1607   (a) Adding the total number of days for each child of the parties for each parent and dividing that
1608   total number of days by the number of children.

1609   (b) Using the average number of shared custody days determined in subsection (a) above for
1610   each parent to determine the child support paid in accordance with the provisions of subdivision
1611   G 3 using the total number of children.

1612   5. Sole and shared custody support. In cases where one parent has sole custody of one or more
1613   minor children of the parties and the parties share custody of one or more other minor children of
1614   the parties, the procedures in subdivisions G 1 and G 3 as well as the definitions in § 20-108.2
1615   shall apply—except that one sole guideline calculation and one shared guideline calculation shall
1616   be used to determine the amount of child support owed by one parent to the other by:

1617   (a) Calculating the sole custody child support obligation by:

1618 (i) Calculating the per child monthly basic child custody support obligation by determining for

1619 the number of children the scheduled monthly basic child support obligation and dividing that

1620 amount by the number of children.

1621 (ii) Calculating the sole custody pro rata monthly basic child support obligation by multiplying

1622 the per child monthly basic child support obligation determined in subsection (i) above by the

1623 number of children subject to the sole custody support obligation.

1624 (iii) Applying the sole custody pro rata monthly basic child support obligation to the procedures

1625 in G 1.

1626 (b) Calculating the shared custody child support obligation by:

1627 (i) Calculating the per child monthly basic child custody support obligation by determining for

1628 the number of children the scheduled monthly basic child support obligation and dividing that

1629 amount by the number of children.

1630 (ii) Calculating the shared custody pro rata monthly basic child support obligation by multiplying

1631 the per child monthly basic child support obligation as determined in subsection (i) above by the

1632 number of children subject to the shared custody support obligation.

1633 (iii) Applying the shared custody pro rata monthly basic child support obligation to the

1634 procedures in subdivision G 3, which includes using the shared custody multiplier.

1635 (c) Determining the total amount of child support owed by one parent to the other. Where one

1636 parent owes both the sole and shared obligations to the other parent, total both obligations

1637 calculated in subsections (a) and (b) above. Where one parent owes one of the calculations and

1638 the other parent owes the other calculation to the other parent, the parent owing the greater

1639 calculation to the other parent shall pay the difference between the calculations to the other

1640 parent.

1641 6. Split and shared custody support. In cases where the parents have split custody of two or more

1642 children and there is a shared custody arrangement with one or more other minor children of the

1643 parties, the procedures as set forth in subdivisions G 2 and G 3 as well as the definitions in § 20-

1644 108.2 shall apply to this subdivision—except that one split guideline calculation and one shared

1645 guideline calculation shall be used to calculate the amount of child support owed by one parent

1646 to the other by:

1647 (a) Calculating the split custody child support obligation by:

1648   (i) Calculating the per child monthly basic child custody support obligation by determining for
1649   the number of children the scheduled monthly basic child support obligation and dividing that
1650   amount by the number of children.

1651   (ii) Calculating the split custody pro rata monthly basic child support obligation by multiplying
1652   the per child monthly basic child support obligation as determined in subsection (i) above by the
1653   number of children subject to the split custody support obligation.

1654   (iii) Applying the split custody pro rata monthly basic child support obligation for each parent to
1655   the procedures in subdivision G 2.

1656   (b) Calculating the shared custody child support obligation by:

1657   (i) Calculating the per child monthly basic child custody support obligation by determining for
1658   the number of children the scheduled monthly basic child support obligation and dividing that
1659   amount by the number of children.

1660   (ii) Calculating the shared custody pro rata monthly basic child support obligation by multiplying
1661   the per child monthly basic child support obligation as determined in subsection (i) above by the
1662   number of children subject to the shared custody support obligation.

1663   (iii) Applying the shared custody pro rata monthly basic child support obligation to the
1664   procedures in subdivision G 3, which includes using the shared custody multiplier.

1665   (c) Determining the total amount of child support owed by one parent to the other. Where one
1666   parent owes both the split and shared obligations to the other parent, total both obligations
1667   calculated in subsections (a) and (b) above. Where one parent owes one of the calculations and
1668   the other parent owes the other calculation to the other parent, the parent owing the greater
1669   calculation to the other parent shall pay the difference between the calculations to the other
1670   parent.

1671   H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this
1672   section is reviewed by October 31, 2001, and every four years thereafter, by the Child Support
1673   Guidelines Review Panel, consisting of 15 members comprised of four legislative members and
1674   11 nonlegislative citizen members. Members shall be appointed as follows: three members of the
1675   House Committee for Courts of Justice, upon the recommendation of the chairman of such
1676   committee, to be appointed by the Speaker of the House of Delegates in accordance with the
1677   principles of proportional representation contained in the Rules of the House of Delegates; one
1678   member of the Senate Committee for Courts of Justice, upon the recommendation of the
1679   chairman of such committee, to be appointed by the Senate Committee on Rules; and one
1680   representative of a juvenile and domestic relations district court, one representative of a circuit

1681 court, one representative of the Department of Social Services' Division of Child Support
1682 Enforcement, three members of the Virginia State Bar, two custodial parents, two noncustodial
1683 parents, and one child advocate, upon the recommendation of the Secretary of Health and Human
1684 Resources, to be appointed by the Governor. The Panel shall determine the adequacy of the
1685 guideline for the determination of appropriate awards for the support of children by considering
1686 current research and data on the cost of and expenditures necessary for rearing children, and any
1687 other resources it deems relevant to such review. The Panel shall report its findings to the
1688 General Assembly as provided in the procedures of the Division of Legislative Automated
1689 Systems for the processing of legislative documents and reports before the General Assembly
1690 next convenes following such review.

1691 Legislative members shall serve terms coincident with their terms of office. Nonlegislative
1692 citizen members shall serve at the pleasure of the Governor. All members may be reappointed.
1693 Appointments to fill vacancies, other than by expiration of a term, shall be made for the
1694 unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

1695 Legislative members shall receive such compensation as provided in § 30-19.12, and
1696 nonlegislative citizen members shall receive such compensation for the performance of their
1697 duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and
1698 necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and
1699 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided
1700 by the Department of Social Services.

1701 The Department of Social Services shall provide staff support to the Panel. All agencies of the
1702 Commonwealth shall provide assistance to the Panel, upon request.

1703 The chairman of the Panel shall submit to the Governor and the General Assembly a quadrennial
1704 executive summary of the interim activity and work of the Panel no later than the first day of
1705 2006 regular session of the General Assembly and every four years thereafter. The executive
1706 summary shall be submitted as provided in the procedures of the Division of Legislative
1707 Automated Systems for the processing of legislative documents and reports and shall be posted
1708 on the General Assembly's website.

Report to the Governor and General Assembly
Child Support Guidelines Review Panel
Appendix C

2018 Session of the General Assembly

Draft Legislation

1   **Be it enacted by the General Assembly of Virginia:**

2   **1.That § 20-108.2 of the Code of Virginia shall be amended and reenacted as follows:**

3   § 20-108.2. Guideline for determination of child support; quadrennial review by Child Support
4   Guidelines Review Panel; executive summary.

5   A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child
6   support under this title or Title 16.1 or 63.2, including cases involving split custody or shared
7   custody, that the amount of the award which would result from the application of the guidelines
8   set forth in this section is the correct amount of child support to be awarded. In order to rebut the
9   presumption, the court shall make written findings in the order as set out in § 20-108.1, which
10   findings may be incorporated by reference, that the application of the guidelines would be unjust
11   or inappropriate in a particular case as determined by relevant evidence pertaining to the factors
12   set out in § 20-108.1. The Department of Social Services shall set child support at the amount
13   resulting from computations using the guidelines set out in this section pursuant to the authority
14   granted to it in Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of §
15   63.2-1918.

16   B. For purposes of application of the guideline, a basic child support obligation shall be
17   computed using the schedule set out below. For combined monthly gross income amounts falling
18   between amounts shown in the schedule, basic child support obligation amounts shall be
19   extrapolated. However, unless one of the following exemptions applies where the sole custody
20   child support obligation as computed pursuant to subdivision G 1 is less than the statutory
21   minimum per month, there shall be a presumptive minimum child support obligation of the
22   statutory minimum per month payable by the payor parent. If the gross income of the obligor is
23   equal to or less than 150 percent of the federal poverty level promulgated by the U.S.
24   Department of Health and Human Services from time to time, then the court, upon hearing

25 evidence that there is no ability to pay the presumptive statutory minimum, may set an obligation

26 below the presumptive statutory minimum provided doing so does not create or reduce a support

27 obligation to an amount which seriously impairs the custodial parent's ability to maintain

28 minimal adequate housing and provide other basic necessities for the child. Exemptions from this

29 presumptive minimum monthly child support obligation shall include: parents unable to pay

30 child support because they lack sufficient assets from which to pay child support and who, in

31 addition, are institutionalized in a psychiatric facility; are imprisoned for life with no chance of

32 parole; are medically verified to be totally and permanently disabled with no evidence of

33 potential for paying child support, including recipients of Supplemental Security Income (SSI);

34 or are otherwise involuntarily unable to produce income. "Number of children" means the

35 number of children for whom the parents share joint legal responsibility and for whom support is

36 being sought. The guidelines relied upon by the court or agency to reach its computation shall be

37 attached to the order.

38 SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

COMBINED MONTHLY GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0-350	68	104	126	141	155	169
400	78	119	144	161	177	192
450	88	133	162	181	199	216
500	97	148	179	200	220	239
550	107	162	197	220	242	263
600	116	177	215	240	264	287
650	126	191	232	259	285	310
700	135	206	250	279	307	333
750	145	220	267	298	328	357
800	154	234	284	317	349	379
850	163	248	300	336	369	401
900	171	260	316	353	388	422
950	179	273	331	369	406	442
1000	187	285	346	386	425	462

72	1050	196	298	361	403	443	482
73							
74	1100	204	310	375	419	461	501
75							
76	1150	212	323	390	436	480	521
77							
78	1200	220	335	405	453	498	541
79							
80	1250	228	347	420	469	516	561
81							
82	1300	237	360	435	486	535	581
83							
84	1350	245	372	450	503	553	601
85							
86	1400	253	385	465	519	571	621
87							
88	1450	261	397	480	536	589	641
89							
90	1500	269	410	495	552	608	661
91							
92	1550	278	422	509	569	626	680
93							
94	1600	286	434	524	585	644	700
95							
96	1650	293	446	538	601	661	718
97							
98	1700	301	457	552	616	678	737
99							
100	1750	309	469	566	632	695	756
101							
102	1800	316	481	579	647	712	774
103							
104	1850	324	492	593	663	729	792
105							
106	1900	331	504	607	678	746	811
107							
108	1950	339	515	621	693	763	829
109							
110	2000	347	527	635	709	780	848
111							
112	2050	354	538	648	724	797	866
113							
114	2100	362	550	662	740	814	884
115							
116	2150	369	561	676	755	830	903
117							
118	2200	377	573	690	770	847	921
119							
120	2250	385	584	703	786	864	940
121							
122	2300	392	596	717	801	881	958
123							
124	2350	400	607	731	817	898	976
125							
126	2400	407	619	745	832	915	995
127							
128	2450	415	630	759	847	932	1013
129							

2500	423	642	772	863	949	1032
2550	430	653	786	878	966	1050
2600	438	665	800	894	983	1068
2650	445	676	814	909	1000	1087
2700	453	688	828	924	1017	1105
2750	460	699	841	940	1034	1124
2800	468	711	855	955	1051	1142
2850	476	722	869	971	1068	1160
2900	483	734	883	986	1084	1179
2950	491	745	896	1001	1101	1197
3000	498	757	910	1017	1118	1216
3050	506	768	924	1032	1135	1234
3100	514	780	938	1047	1152	1252
3150	521	791	952	1063	1169	1271
3200	529	803	965	1078	1186	1289
3250	536	814	979	1094	1203	1308
3300	544	826	993	1109	1220	1326
3350	551	837	1006	1123	1236	1343
3400	559	848	1019	1138	1252	1361
3450	566	859	1032	1152	1268	1378
3500	574	870	1045	1167	1283	1395
3550	581	881	1057	1181	1299	1412
3600	588	892	1070	1196	1315	1430
3650	596	903	1083	1210	1331	1447
3700	603	914	1096	1224	1347	1464
3750	611	925	1109	1239	1363	1481
3800	618	936	1122	1253	1379	1499
3850	626	947	1135	1268	1395	1516
3900	632	956	1146	1280	1408	1531

188	3950	638	966	1157	1293	1422	1546
189							
190	4000	645	975	1168	1305	1436	1561
191							
192	4050	651	985	1180	1318	1449	1575
193							
194	4100	658	994	1191	1330	1463	1590
195							
196	4150	664	1004	1202	1342	1477	1605
197							
198	4200	670	1013	1213	1355	1490	1620
199							
200	4250	677	1023	1224	1367	1504	1635
201							
202	4300	682	1030	1233	1377	1515	1647
203							
204	4350	687	1038	1242	1387	1526	1658
205							
206	4400	693	1046	1251	1397	1537	1670
207							
208	4450	698	1054	1260	1407	1548	1682
209							
210	4500	704	1062	1268	1417	1559	1694
211							
212	4550	709	1069	1277	1427	1569	1706
213							
214	4600	714	1077	1286	1437	1580	1718
215							
216	4650	720	1085	1295	1447	1591	1730
217							
218	4700	725	1093	1304	1457	1602	1742
219							
220	4750	731	1100	1313	1466	1613	1753
221							
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228	4950	752	1131	1348	1506	1656	1800
229							
230	5000	755	1136	1353	1511	1662	1807
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246	5400	783	1173	1392	1554	1710	1859
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254	5600	797	1192	1411	1576	1734	1885
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258	5700	803	1201	1421	1587	1746	1897
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269							
270	6000	821	1226	1449	1619	1781	1936
271							
272	6050	823	1230	1454	1624	1787	1942
273							
274	6100	826	1234	1459	1629	1792	1948
275							
276	6150	829	1238	1464	1635	1798	1955
277							
278	6200	832	1242	1468	1640	1804	1961
279							
280	6250	835	1246	1473	1645	1810	1967
281							
282	6300	838	1251	1478	1651	1816	1974
283							
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285							
286	6400	844	1259	1487	1661	1827	1986
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316	7150	897	1340	1584	1769	1946	2115
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1334	32550	1957	2894	3387	3784	4162	4524
1335							
1336	32600	1958	2895	3388	3784	4162	4525
1337							
1338	32650	1959	2895	3388	3784	4163	4525
1339							
1340	32700	1959	2896	3389	3785	4163	4526
1341							
1342	32750	1960	2897	3389	3785	4164	4526
1343							
1344	32800	1960	2897	3389	3786	4165	4527
1345							
1346	32850	1961	2898	3390	3786	4165	4527
1347							

1348	32900	1962	2899	3390	3787	4166	4528
1349							
1350	32950	1962	2899	3391	3787	4166	4529
1351							
1352	33000	1963	2900	3391	3788	4167	4529
1353							
1354	33050	1964	2901	3392	3788	4167	4530
1355							
1356	33100	1964	2901	3392	3789	4168	4530
1357							
1358	33150	1965	2902	3392	3789	4168	4531
1359							
1360	33200	1966	2903	3393	3790	4169	4532
1361							
1362	33250	1966	2903	3393	3790	4169	4532
1363							
1364	33300	1967	2904	3394	3791	4170	4533
1365							
1366	33350	1968	2905	3394	3791	4170	4533
1367							
1368	33400	1968	2905	3395	3792	4171	4534
1369							
1370	33450	1969	2906	3395	3792	4172	4534
1371							
1372	33500	1970	2907	3395	3793	4172	4535
1373							
1374	33550	1970	2907	3396	3793	4173	4536
1375							
1376	33600	1971	2908	3396	3794	4173	4536
1377							
1378	33650	1972	2909	3397	3794	4174	4537
1379							
1380	33700	1972	2909	3397	3795	4174	4537
1381							
1382	33750	1973	2910	3398	3795	4175	4538
1383							
1384	33800	1974	2911	3398	3796	4175	4539
1385							
1386	33850	1974	2912	3399	3796	4176	4539
1387							
1388	33900	1975	2912	3399	3797	4176	4540
1389							
1390	33950	1976	2913	3399	3797	4177	4540
1391							
1392	34000	1976	2914	3400	3798	4177	4541
1393							
1394	34050	1977	2914	3400	3798	4178	4541
1395							
1396	34100	1977	2915	3401	3799	4178	4542
1397							
1398	34150	1978	2916	3401	3799	4179	4543
1399							
1400	34200	1979	2916	3402	3800	4179	4543
1401							
1402	34250	1979	2917	3402	3800	4180	4544
1403							
1404	34300	1980	2917	3402	3800	4181	4544
1405							

		ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
1406	34350	1981	2918	3403	3801	4181	4545
1407							
1408	34400	1981	2919	3403	3801	4182	4545
1409							
1410	34450	1982	2919	3404	3802	4182	4546
1411							
1412	34500	1983	2920	3404	3802	4183	4546
1413							
1414	34550	1983	2921	3405	3803	4183	4547
1415							
1416	34600	1984	2921	3405	3803	4184	4548
1417							
1418	34650	1984	2922	3405	3804	4184	4548
1419							
1420	34700	1985	2923	3406	3804	4185	4549
1421							
1422	34750	1986	2923	3406	3805	4185	4549
1423							
1424	34800	1986	2924	3407	3805	4186	4550
1425							
1426	34850	1987	2925	3407	3806	4186	4550
1427							
1428	34900	1988	2925	3407	3806	4187	4551
1429							
1430	34950	1988	2926	3408	3807	4187	4552
1431							
1432	35000	1989	2927	3408	3807	4188	4552

1433 For gross monthly incomes above $35,000, add the amount of child support for $35,000 to the

1434 following percentages of gross income above $35,000.

ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2.6%	3.4%	3.8%	4.2%	4.6%	5.0%

1440 C. For purposes of this section, "gross income" means all income from all sources, and shall

1441 include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses,

1442 dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security

1443 benefits except as listed below, workers' compensation benefits, unemployment insurance

1444 benefits, disability insurance benefits, veterans' benefits, spousal support, rental income, gifts,

1445 prizes or awards.

1446 If a parent's gross income includes disability insurance benefits, it shall also include any amounts

1447 paid to or for the child who is the subject of the order and derived by the child from the parent's

1448 entitlement to disability insurance benefits. To the extent that such derivative benefits are

1449 included in a parent's gross income, that parent shall be entitled to a credit against his or her

1450 ongoing basic child support obligation for any such amounts, and, if the amount of the credit

1451 exceeds the parent's basic child support obligations, the credit may be used to reduce arrearages.

1452   Gross income shall be subject to deduction of reasonable business expenses for persons with

1453   income from self-employment, a partnership, or a closely held business. "Gross income" shall

1454   not include:

1455   1. Benefits from public assistance and social services programs as defined in § 63.2-100;

1456   2. Federal supplemental security income benefits;

1457   3. Child support received; or

1458   4. Income received by the payor from secondary employment income not previously included in

1459   "gross income," where the payor obtained the income to discharge a child support arrearage

1460   established by a court or administrative order and the payor is paying the arrearage pursuant to

1461   the order. "Secondary employment income" includes but is not limited to income from an

1462   additional job, from self-employment, or from overtime employment. The cessation of such

1463   secondary income upon the payment of the arrearage shall not be the basis for a material change

1464   in circumstances upon which a modification of child support may be based.

1465   For purposes of this subsection: (i) spousal support received shall be included in gross income

1466   and spousal support paid shall be deducted from gross income when paid pursuant to an order or

1467   written agreement and (ii) one-half of any self-employment tax paid shall be deducted from gross

1468   income.

1469   Where there is an existing court or administrative order or written agreement relating to the child

1470   or children of a party to the proceeding, who are not the child or children who are the subject of

1471   the present proceeding, then there is a presumption that there shall be deducted from the gross

1472   income of the party subject to such order or written agreement, the amount that the party is

1473   actually paying for the support of a child or children pursuant to such order or agreement.

1474   Where a party to the proceeding has a natural or adopted child or children in the party's

1475   household or primary physical custody, and the child or children are not the subject of the

1476   present proceeding, there is a presumption that there shall be deducted from the gross income of

1477   that party the amount as shown on the Schedule of Monthly Basic Child Support Obligations

1478   contained in subsection B that represents that party's support obligation based solely on that

1479   party's income as being the total income available for the natural or adopted child or children in

1480   the party's household or primary physical custody, who are not the subject of the present

1481   proceeding. Provided, however, that the existence of a party's financial responsibility for such a

1482   child or children shall not of itself constitute a material change in circumstances for modifying a

1483   previous order of child support in any modification proceeding. Any adjustment to gross income

1484   under this subsection shall not create or reduce a support obligation to an amount which

1485 seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide
1486 other basic necessities for the child, as determined by the court.

1487 In cases in which retroactive liability for support is being determined, the court or administrative
1488 agency may use the gross monthly income of the parties averaged over the period of
1489 retroactivity.

1490 D. Except for good cause shown or the agreement of the parties, in addition to any other child
1491 support obligations established pursuant to this section, any child support order shall provide that
1492 the parents pay in proportion to their gross incomes, as used for calculating the monthly support
1493 obligation, any reasonable and necessary unreimbursed medical or dental expenses. The method
1494 of payment of those expenses shall be contained in the support order. Each parent shall pay his
1495 respective share of expenses as those expenses are incurred. Any amount paid under this
1496 subsection shall not be adjusted by, nor added to, the child support calculated in accordance with
1497 subsection G. For the purposes of this section, medical or dental expenses shall include but not
1498 be limited to eyeglasses, prescription medication, prosthetics, orthodontics, and mental health or
1499 developmental disabilities services, including but not limited to services provided by a social
1500 worker, psychologist, psychiatrist, counselor, or therapist.

1501 E. The costs for health care coverage as defined in § 63.2-1900, vision care coverage, and dental
1502 care coverage for the child or children who are the subject of the child support order that are
1503 being paid by a parent or that parent's spouse shall be added to the basic child support obligation.
1504 To determine the cost to be added to the basic child support obligation, the cost per person shall
1505 be applied to the child or children who are subject of the child support order. If the per child cost
1506 is provided by the insurer, that is the cost per person. Otherwise, to determine the cost per
1507 person, the cost of individual coverage for the policy holder shall be subtracted from the total
1508 cost of the coverage, and the remaining amount shall be divided by the number of remaining
1509 covered persons.

1510 F. Any child-care costs incurred on behalf of the child or children due to employment of the
1511 custodial parent shall be added to the basic child support obligation. Child-care costs shall not
1512 exceed the amount required to provide quality care from a licensed source. When requested by
1513 the noncustodial parent, the court may require the custodial parent to present documentation to
1514 verify the costs incurred for child care under this subsection. Where appropriate, the court shall
1515 consider the willingness and availability of the noncustodial parent to provide child care
1516 personally in determining whether child-care costs are necessary or excessive. Upon the request
1517 of either party, and upon a showing of the tax savings a party derives from child-care cost
1518 deductions or credits, the court shall factor actual tax consequences into its calculation of the
1519 child-care costs to be added to the basic child support obligation.

1520   G. 1. Sole custody support. The sole custody total monthly child support obligation shall be
1521   established by adding (i) the monthly basic child support obligation, as determined from the
1522   schedule contained in subsection B, (ii) costs for health care coverage to the extent allowable by
1523   subsection E, and (iii) work-related child-care costs and taking into consideration all the factors
1524   set forth in subsection B of § 20-108.1. The total monthly child support obligation shall be
1525   divided between the parents in the same proportion as their monthly gross incomes bear to their
1526   monthly combined gross income. The monthly obligation of each parent shall be computed by
1527   multiplying each parent's percentage of the parents' monthly combined gross income by the total
1528   monthly child support obligation.

1529   However, the monthly obligation of the noncustodial parent shall be reduced by the cost for
1530   health care coverage to the extent allowable by subsection E when paid directly by the
1531   noncustodial parent or that parent's spouse. Unreimbursed medical and dental expenses shall be
1532   calculated and allocated in accordance with subsection D.

1533   2. Split custody support. In cases involving split custody, the amount of child support to be paid
1534   shall be the difference between the amounts owed by each parent as a noncustodial parent,
1535   computed in accordance with subdivision 1, with the noncustodial parent owing the larger
1536   amount paying the difference to the other parent. Unreimbursed medical and dental expenses
1537   shall be calculated and allocated in accordance with subsection D.

1538   For the purpose of this section and § 20-108.1, split custody shall be limited to those situations
1539   where each parent has physical custody of a child or children born of the parents, born of either
1540   parent and adopted by the other parent or adopted by both parents. For the purposes of
1541   calculating a child support obligation where split custody exists, a separate family unit exists for
1542   each parent, and child support for that family unit shall be calculated upon the number of
1543   children in that family unit who are born of the parents, born of either parent and adopted by the
1544   other parent or adopted by both parents. Where split custody exists, a parent is a custodial parent
1545   to the children in that parent's family unit and is a noncustodial parent to the children in the other
1546   parent's family unit.

1547   3. Shared custody support.

1548   (a) Where a party has custody or visitation of a child or children for more than 90 days of the
1549   year, as such days are defined in subdivision G 3 (c), a shared custody child support amount
1550   based on the ratio in which the parents share the custody and visitation of any child or children
1551   shall be calculated in accordance with this subdivision. The presumptive support to be paid shall
1552   be the shared custody support amount, unless a party affirmatively shows that the sole custody
1553   support amount calculated as provided in subdivision G 1 is less than the shared custody support

1554   amount. If so, the lesser amount shall be the support to be paid. For the purposes of this
1555   subsection, the following shall apply:

1556   (i) Income share. "Income share" means a parent's percentage of the combined monthly gross
1557   income of both parents. The income share of a parent is that parent's gross income divided by the
1558   combined gross incomes of the parties.

1559   (ii) Custody share. "Custody share" means the number of days that a parent has physical custody,
1560   whether by sole custody, joint legal or joint residential custody, or visitation, of a shared child
1561   per year divided by the number of days in the year. The actual or anticipated "custody share" of
1562   the parent who has or will have fewer days of physical custody shall be calculated for a one-year
1563   period. The "custody share" of the other parent shall be presumed to be the number of days in the
1564   year less the number of days calculated as the first parent's "custody share." For purposes of this
1565   calculation, the year may begin on such date as is determined in the discretion of the court, and
1566   the day may begin at such time as is determined in the discretion of the court. For purposes of
1567   this calculation, a day shall be as defined in subdivision G 3 (c).

1568   (iii) Shared support need. "Shared support need" means the presumptive guideline amount of
1569   needed support for the shared child or children calculated pursuant to subsection B of this
1570   section, for the combined gross income of the parties and the number of shared children,
1571   multiplied by 1.4.

1572   (iv) Sole custody support. "Sole custody support" means the support amount determined in
1573   accordance with subdivision G 1.

1574   (b) Support to be paid. The shared support need of the shared child or children shall be calculated
1575   pursuant to subdivision G 3 (a)(iii). This amount shall then be multiplied by the other parent's
1576   custody share. To that sum for each parent shall be added the other parent's or that parent's
1577   spouse's cost of health care coverage to the extent allowable by subsection E, plus the other
1578   parent's work-related child-care costs to the extent allowable by subsection F. This total for each
1579   parent shall be multiplied by that parent's income share. The support amounts thereby calculated
1580   that each parent owes the other shall be subtracted one from the other and the difference shall be
1581   the shared custody support one parent owes to the other, with the payor parent being the one
1582   whose shared support is the larger. Unreimbursed medical and dental expenses shall be
1583   calculated and allocated in accordance with subsection D.

1584   (c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours;
1585   however, where the parent who has the fewer number of overnight periods during the year has an
1586   overnight period with a child, but has physical custody of the shared child for less than 24 hours

1587 during such overnight period, there is a presumption that each parent shall be allocated one-half

1588 of a day of custody for that period.

1589 (d) Minimum standards. Any calculation under this subdivision shall not create or reduce a

1590 support obligation to an amount which seriously impairs the custodial parent's ability to maintain

1591 minimal adequate housing and provide other basic necessities for the child. If the gross income

1592 of either party is equal to or less than 150 percent of the federal poverty level promulgated by the

1593 U.S. Department of Health and Human Services from time to time, then the shared custody

1594 support calculated pursuant to this subsection shall not be the presumptively correct support and

1595 the court may consider whether the sole custody support or the shared custody support is more

1596 just and appropriate.

1597 (e) Support modification. When there has been an award of child support based on the shared

1598 custody formula and one parent consistently fails to exercise custody or visitation in accordance

1599 with the parent's custody share upon which the award was based, there shall be a rebuttable

1600 presumption that the support award should be modified.

1601 (f) In the event that the shared custody support calculation indicates that the net support is to be

1602 paid to the parent who would not be the parent receiving support pursuant to the sole custody

1603 calculation, then the shared support shall be deemed to be the lesser support.

1604 H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this

1605 section is reviewed by October 31, 2001, and every four years thereafter, by the Child Support

1606 Guidelines Review Panel, consisting of 15 members comprised of four legislative members and

1607 11 nonlegislative citizen members. Members shall be appointed as follows: three members of the

1608 House Committee for Courts of Justice, upon the recommendation of the chairman of such

1609 committee, to be appointed by the Speaker of the House of Delegates in accordance with the

1610 principles of proportional representation contained in the Rules of the House of Delegates; one

1611 member of the Senate Committee for Courts of Justice, upon the recommendation of the

1612 chairman of such committee, to be appointed by the Senate Committee on Rules; and one

1613 representative of a juvenile and domestic relations district court, one representative of a circuit

1614 court, one representative of the Department of Social Services' Division of Child Support

1615 Enforcement, three members of the Virginia State Bar, two custodial parents, two noncustodial

1616 parents, and one child advocate, upon the recommendation of the Secretary of Health and Human

1617 Resources, to be appointed by the Governor. The Panel shall determine the adequacy of the

1618 guideline for the determination of appropriate awards for the support of children by considering

1619 current research and data on the cost of and expenditures necessary for rearing children, and any

1620 other resources it deems relevant to such review. The Panel shall report its findings to the

1621 General Assembly as provided in the procedures of the Division of Legislative Automated

1622   Systems for the processing of legislative documents and reports before the General Assembly

1623   next convenes following such review.

1624   Legislative members shall serve terms coincident with their terms of office. Nonlegislative

1625   citizen members shall serve at the pleasure of the Governor. All members may be reappointed.

1626   Appointments to fill vacancies, other than by expiration of a term, shall be made for the

1627   unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

1628   Legislative members shall receive such compensation as provided in § 30-19.12, and

1629   nonlegislative citizen members shall receive such compensation for the performance of their

1630   duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and

1631   necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and

1632   2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided

1633   by the Department of Social Services.

1634   The Department of Social Services shall provide staff support to the Panel. All agencies of the

1635   Commonwealth shall provide assistance to the Panel, upon request.

1636   The chairman of the Panel shall submit to the Governor and the General Assembly a quadrennial

1637   executive summary of the interim activity and work of the Panel no later than the first day of

1638   2006 regular session of the General Assembly and every four years thereafter. The executive

1639   summary shall be submitted as provided in the procedures of the Division of Legislative

1640   Automated Systems for the processing of legislative documents and reports and shall be posted

1641   on the General Assembly's website.