

**REPORT OF THE
DEPARTMENT OF SOCIAL SERVICES
DIVISION OF CHILD SUPPORT ENFORCEMENT**

**The Impact of Child
Support Guidelines
on The Level of
Child Support Awards
in Virginia**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



SENATE DOCUMENT NO. 4

**COMMONWEALTH OF VIRGINIA
RICHMOND
1990**



COMMONWEALTH of VIRGINIA
Department of Social Services
Office of the Commissioner

Blair Building
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Larry D. Jackson
Commissioner

June 30, 1989

TO: The Honorable Gerald L. Baliles
Governor of Virginia


and

The General Assembly of Virginia

The enactment of Senate Bill 454 of the 1988 Session of the General Assembly required the submission of results of a reporting and tracking system designed and implemented to determine the effect of the use of child support guidelines on the level of child support awards in Virginia by July 1, 1989 and annually thereafter.

Enclosed for your review and consideration are the findings for the period July 1, 1988 to April 30, 1989.

Respectfully submitted,


Larry D. Jackson, Commissioner
Department of Social Services

Executive Summary

Senate Bill 454, enacted by the 1988 Session of the General Assembly, established statutory child support guidelines in Virginia. The legislation also directed the Department of Social Services and the Executive Secretary of the Supreme Court to cooperate in the design and implementation of a system to report and track all child support orders entered in Virginia to determine the effect of the use of the guidelines on the level of child support awards.

Accordingly, forms were developed for use by the courts and the Division of Child Support Enforcement to calculate child support awards and to report essential case information for analysis. The Division of Child Support Enforcement was designated as the central location to receive completed reporting forms and to perform the data analyses required for this report.

The results of the data analyses show that court-ordered child support awards are higher when the child support guidelines are used. In addition, the amount of the award increases in relation to the extent the guidelines are used.

Under certain conditions initial administrative child support awards are based on amounts of public assistance paid to families. The data show that support awards are higher when based on public assistance amounts than when based on the child support guidelines. This is due to the income levels of the parties involved in public assistance cases. A more detailed explanation of the situations in which this occurs and the reasons for the higher awards is included in the report.

Analyses of the data also indicate that the average court support award is higher than the average administrative award due to higher parental income levels and more allowances for extraordinary medical and dental expenses and work-related child care expenses in cases decided by the courts.

New federal welfare reform legislation enacted as the Family Support Act of 1988 prompted the 1989 General Assembly to amend the child support guidelines statutes. Effective July 1, 1989, there is a rebuttable presumption in all judicial and administrative proceedings for child support that the amount of the award that results from applying the guidelines is the correct amount of child support to be awarded.

Two recommendations are made as a result of the enactment of the Family Support Act and Virginia's subsequent statutory changes and the fact that the results of this study show that the use of child support guidelines have a positive effect on the level of child support awards in the Commonwealth. The first

recommendation, therefore, is an obvious one suggesting that the use of statutory child support guidelines be continued. The second recommendation proposes the elimination of the reporting and tracking system.

Introduction

Virginia's statewide child support guidelines were established upon enactment of Senate Bill 454 by the 1988 Session of the General Assembly. In creating the statutory child support guidelines, the General Assembly also required the Department of Social Services and the Executive Secretary of the Supreme Court to cooperate to design and implement a system for reporting and tracking child support orders entered in the Commonwealth to determine the effect of the use of the guidelines on the level of child support awards.

To accomplish this task, the legislation directed the Department of Social Services and the Executive Secretary of the Supreme Court to design a form that could be used by the courts and the Department to calculate total monthly child support obligations and to collect and report the data essential for analysis. The Department and the Executive Secretary were further directed to develop a method to collect and analyze the reported data in a central location and to report the findings of the reporting and tracking system by July 1, 1989 and annually thereafter. (Appendix I-4)

Accordingly, the Department of Social Services, in conjunction with the Office of the Executive Secretary of the Supreme Court, developed Child Support Guidelines Reporting Forms to serve as worksheets to calculate total monthly child support obligations and to capture specific case information for analysis. Upon completion by the Department and the courts, the forms were submitted to the Division of Child Support Enforcement. Information from the forms was then entered into an automated system and analyzed.

This report contains background information about child support guidelines and copies of the Child Support Guidelines Reporting Forms developed for the judiciary and the Department of Social Services. It discusses the background for this study, describes the study's research design and methodology and presents statistical data and the results of data analyses for the period July 1988 to April 1989. It presents conclusions about the effect of the use of guidelines on the level of child support awards in Virginia and recommendations regarding the reporting and tracking system.

Background

Virginia's judiciary had sole responsibility and authority for child support enforcement until a program to collect child support on behalf of custodial parents receiving public assistance was established within the Department of Social Services in 1974. The Department established a child support scale to determine child support obligations for persons legally responsible for paying support. This scale was based only on the responsible person's ability to pay. The income of the custodial parent was not considered. One year later, Congress' passage of Public Law 93-647 and the enactment of Title IV-D of the Social Security Act created a federal/state program to collect child support on behalf of custodial parents receiving public assistance.

In 1984, Congress enacted Public Law 98-378, better known as the Child Support Amendments of 1984, which embody the most comprehensive requirements for State child support enforcement since the Program was established. The following year, Virginia passed laws to comply with the federal statute and designated the Department of Social Services as Virginia's child support enforcement agency with authority to act on behalf of all welfare families and nonwelfare families that seek the agency's services.

One of the requirements of the federal Child Support Amendments of 1984 was that each state establish guidelines no later than October 1, 1987, by law or by judicial or administrative action, for setting child support award amounts within the state (42 USC 667). The legislation did not require use of the guidelines but did require that they be distributed to all judges and other personnel with authority to set levels of support. The implementing regulations specified that the standards be quantitative rather than merely criteria for support decision-making. (45 CFR 302.53).

The subject of child support guidelines was one of the primary topics addressed by Virginia's Governor's Commission on Child Support in 1985. The Commission recommended that Virginia develop and implement guidelines for setting and updating child support obligations using the "income shares" method. This method ensures to the extent possible that children with absent parents receive the proportion of parental income that they would have received had the family remained intact. No legislative action was taken to implement the Commission recommendation.

As was stated previously, the Department of Social Services

had an administrative support scale in place as early as 1974. The Department contended that since this support scale had been distributed to Virginia's judges, the Commonwealth was in compliance with the federal regulation. The federal government, however, disagreed and warned the Department of Social Services that this did not meet its compliance standards and that Virginia was liable for federal financial sanctions. The federal government also pointed out that the Department's scale should be updated to address the new higher income clientele now being served by the current child support enforcement program.

In 1987, the General Assembly agreed to House Joint Resolution No. 341 that established a joint subcommittee to study the feasibility of using child support formulas or guidelines in ordering child support administratively or judicially, with special attention given to the feasibility of using the "income shares" approach.

The Joint Subcommittee Studying Child Support Formulas solicited the participation of a number of individuals and groups in the course of its work. These included the judiciary at the district and circuit court levels, the Department of Social Services' Division of Child Support Enforcement, child advocates and members of the bar.

Some of the major points put forth by proponents of child support guidelines included:

- The use of child support guidelines improves the adequacy of awards. Research provided by an Advisory Panel on Child Support Guidelines sponsored by the United States Office on Child Support Enforcement in 1984 showed that in 1983 child support obligations averaged only 80% of the poverty level and 25% of the best available estimates of the actual average expenditures on children. The average court order was \$191 per month; the poverty standard was \$267 for the same number of children, and the best available economic evidence showed that it cost \$748 to support the same number of children at that time.

Division of Child Support Enforcement officials provided information indicating that the average monthly support award in 1987 in Virginia was \$131.

- Increasing the adequacy of awards through use of guidelines may provide benefits beyond assisting the individuals to whom support is owed. New Jersey officials applied the state's new guidelines to old support orders of ADC clients, and found that the guidelines increased the average orders by 125%. About 26% of the ADC clients affected were no longer in need

of public assistance because of the increased support received, thus saving the state about \$3 million. The project, made possible by the guidelines, returned \$26 to the state for each dollar spent.

- The Advisory Panel also reported that guidelines enhance the fairness of awards by making them comparable in similar circumstances. The Virginia Department of Social Services reviewed data it collected from twenty-five Virginia juvenile and circuit courts on current levels of support awards in Virginia. The project showed that the amount of awards bore little if any relation to income. Awards ranged from 4.6% to 49.5% of gross income. The majority of awards fell below the percentage of gross income recommended by the Department, based on extensive empirical studies indicating what parents in intact families spend on their children.

Opponents to the use of child support guidelines or to the income shares approach to guidelines raised these concerns:

- Criticisms were noted regarding problems related to the increased amount of support that usually results from the use of child support guidelines. It has been estimated that when one household becomes two, the total income of the two parents must rise between ten and twenty-five percent for each unit to maintain the standard of living enjoyed by the previously intact family. Therefore, ordering support to maintain children at the previous standard of living will place heavy burdens on the heads of the now separate households.

Relevant to this argument are the findings of analyses of the effect of the application of the formulas commonly in use in this country on post-divorce standards of living. These studies indicate that even with increased amounts of support, the standard of living of the custodial parent and children still drops significantly unless the custodial parent has substantial income.

- Concerns were also expressed about the loss of some judicial discretion in determining support amounts. Although formulas are usually advisory or, at most, presumptive, therefore providing a means of deviating from the formula, there is also concern that judges will apply them in inappropriate cases because of the time saved over traditional methods of determining support.

Legislation enacted in 1988 as Senate Bill 454 incorporated many of the findings and recommendations of the joint subcommittee. Senate Bill 454 established child support guidelines that were advisory only and not binding on the court. The guidelines were, however, to be used to determine child support amounts in all administrative support orders. (Appendix I-1)

Since July 1, 1988, the Department of Social Services' Division of Child Support Enforcement has entered orders in accordance with the "Schedule of Monthly Basic Child Support Obligations" in all cases in which it is able to obtain sworn financial statements of gross income from both the person seeking child support and the person obligated to pay support.

Although the Division of Child Support Enforcement is required to adhere strictly to the child support guidelines, there are two important exceptions. These are orders based on public assistance paid and default orders that are used when a responsible person fails to provide financial information:

- In public assistance cases, the responsible person is initially obligated for the amount of public assistance that is paid to the family.
- In non-public assistance cases, an initial support award is entered based on the Department of Social Services' standard of need.

These methods are used to expedite child support payments to children and to encourage responsible persons to cooperate by supplying financial information. As soon as the necessary financial information is received, the support amount is recalculated according to the child support guidelines.

As noted in later sections of this report, these exceptions result in study data that show a substantial number of administrative orders that are not based on child support guidelines. These cases are categorized to indicate their exceptional nature.

In instances of court-ordered child support, decisions regarding the amount of child support ordered have traditionally been made on a case-by-case basis. According to a number of Virginia judges who provided comments to the Joint Subcommittee Studying Child Support Formulas in 1987, some judges used the Department of Social Services scale, while others preferred a more traditional method of determining the amount of support, whereby a judge assessed a family's financial situation, determined need and then balanced need against an obligor's ability to pay. The results of this study indicate that in 1989 there are considerable differences among members of the judiciary regarding

their use of the guidelines enacted in 1988.

The Joint Subcommittee Studying Child Support Formulas was continued by House Joint Resolution No. 57, agreed to by the 1988 Session. This measure states that "because of the many issues affecting the operation of a child support formula or guideline and the various options available for its implementation, further study is advisable to review the effect of the formula...and to consult with authorities applying the formula to determine its usefulness and applicability...The joint subcommittee shall complete its study and submit its findings and recommendations to the 1990 Session of the General Assembly.

In October 1988, President Reagan's signature of the Family Support Act necessitated further action to amend Virginia's statutes regarding child support guidelines. Better known as "welfare reform," the new federal statute deleted language in Section 467 (b) of the Social Security Act that said that guidelines "need not be binding upon such judges or other officials," and added the following language:

"There shall be a rebuttable presumption in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of such guidelines is the correct amount of child support to be awarded. A written finding or specific finding on the record that the application of the guidelines would be unjust or inappropriate in a particular case, as determined under criteria established by the state, shall be sufficient to rebut the presumption in that case."

The Act required that this be adopted in all states by October 1989 and that there also be provision for state review of guidelines at least once every four years. (Appendix II)

Accordingly, the 1989 General Assembly approved House Bill 1566 that added revised language to Sections 20-108.1 and 20-108.2 of the Virginia Code to incorporate the rebuttable presumption provision. It also expanded the Schedule of Monthly Basic Child Support Obligations to \$10,000 gross monthly income and added the requirement to review the guidelines every four years. (Appendix III-3)

Research Design

In order to comply with the mandate to track and monitor support orders to determine the effect of the use of child support guidelines on the level of child support awards, the Department of Social Services' Division of Child Support Enforcement and the office of the Executive Secretary of the Supreme Court collaborated on the design of a tracking and monitoring process.

A form was designed in two formats, one for court use and one for use by the Division of Child Support Enforcement. The basic elements on the form provided information needed to calculate a support obligation using the support guidelines. (Appendix IV) These elements include:

- The number of children both parents are legally responsible to support; and
- The gross income of each parent.

The forms also made provision for consideration of spousal support payments, extraordinary medical and dental expenses and work-related child care costs.

In addition, the form requested information about the use of the guidelines. The Division of Child Support Enforcement was given two choices to explain deviation from the guidelines:

- The support obligation was based on the amount of public assistance paid to the responsible person's family; or
- The entry of a default order in cases in which the responsible person failed to cooperate by providing financial information for purposes of calculating a support obligation.

The courts were given a choice of sixteen reasons for deviating from the guidelines. These reasons were drawn from Sections 20-107.2, 20-107.3, and 20-108.1 of the Code of Virginia, except for the addition of "support agreement by the parties and "limited by pleadings." The court was also given a choice of "other" and space for explanation.

The courts and the District Offices of the Division of Child Support Enforcement were requested to mail completed forms for each child support order to the Division's Central Office in Richmond for data entry and analysis.

Data was obtained from the fifteen Division District Offices regarding the total number of court orders and administrative orders entered on the Division's cases during the period July 1, 1988 and April 30, 1989. This was compared with the number of forms received to determine the extent of reporting. Statistical compilation and analysis was then performed by the Division of Child Support Enforcement.

Findings

According to monthly statistics reported by the Division of Child Support Enforcement's District Offices, there were 4,291 administrative child support orders and 7,400 court orders for child support entered in Virginia between July 1, 1988 and April 30, 1989. Of the 11,691 child support orders entered, 2,924 were reviewed for this study. Reporting forms were discarded when essential data were missing or when extreme inconsistencies were noted. Thus, the data analyzed for this study reflects information on the following orders:

Administrative Orders	899
Court Orders	1, 137
Total Number of Orders Represented in Study	2, 036

COURT ORDERS FOR CHILD SUPPORT

Virginia's child support guidelines enacted in 1988 were advisory for use by the judiciary. For this reason, data is provided to indicate the results of use or non-use of the guidelines.

	GUIDELINES AMOUNT AWARDED	GUIDELINES NOT USED TO DETERMINE AWARD	DIFF.
AVG. NO OF CHILDREN	1.34	1.39	4%
MOTHER'S AVG. MO. INCOME	\$635.82	\$664.89	5%
FATHER'S AVG. MO. INCOME	\$1,170.93	\$1,235.56	6%
AVG. SUPP.	\$262.26	\$217.06	- 17%
AVG. AMT. PER CHILD	\$205.35	\$169.18	- 18%

- The average court child support award was 17% higher when the guideline amount was used, even in cases in which the average parental income was lower.

- The average amount of support ordered per child was 18% higher in cases determined on the basis of child support guidelines when compared to awards not based on the guidelines.

AVERAGE COURT ORDER FOR CHILD SUPPORT

AWARD BASED ON GUIDELINES	\$262.26
GUIDELINES USED AS REFERENCE	\$231.49
GUIDELINES NOT USED TO DETERMINE AWARD	\$217.06

- The amount of child support recommended by the guidelines was awarded in 38% of the court orders reviewed.
- Data indicated that the amount of child support ordered increased in relationship to the extent the guidelines were used.
- Support awards were highest in cases that reflected use of the guidelines. Awards were 12% lower when the guidelines were used as a reference and another 6% decline occurred when guidelines were not used at all.

ADMINISTRATIVE ORDERS

The Division of Child Support Enforcement uses the statutory child support guidelines in all cases, except those for which no financial information is available from the responsible person.

In public assistance cases, if the responsible person fails to provide financial information, the support obligation is initially based on the amount of public assistance paid to the family.

A default order is entered in non-public assistance cases when financial information is not provided to the Division. The amount of support ordered in a default order is based on the Department of Social Services' standard of need for dependents.

In both public assistance and non-public assistance cases, support awards are recalculated in accordance with the statutory child support guidelines as soon as the responsible person provides financial information.

The number of administrative orders reviewed in each of the

three categories was:

Orders based on guidelines	30%
Orders based on public assistance paid	65%
Default orders	5%

ORDERS ENTERED BY THE DIVISION OF CHILD SUPPORT ENFORCEMENT

	AWARD BASED ON GUIDELINES	AWARD BASED ON P.A. PAID	DEFAULT ORDER
AV. NO OF CHILDREN	1.32	1.40	1.46
AV. SUPP. ORDER	\$173.84	\$212.64	\$241.49
AV. AMT. PER CHILD	\$140.79	\$168.27	\$177.77

- The data for administrative child support orders shows lower award amounts when the award is based on the statutory guidelines than when based on amount of public assistance paid or the awarding amounts based on the standard of need.

COURT AND ADMINISTRATIVE ORDERS BASED ON GUIDELINES

	ADMINISTRATIVE	COURT	% DIFF.
AVG. NO. CHILDREN	1.32	1.34	2%
MOTHER'S AVG. MONTHLY INC.	\$214.11	\$635.82	197%
FATHER'S AVG. MONTHLY INC.	\$660.05	\$1170.93	77%
AVG. MONTHLY SUPPORT	\$173.84	\$262.26	51%
AVG. SUPPORT PER CHILD	\$140.79	\$205.35	46%

- In a comparison of administrative orders based on child support guidelines and court orders based on child support guidelines, the average court award is higher, as is the average parental income.

Virginia's statutory child support guidelines permit adjustments to the support award for spousal support, extraordinary medical and dental expenses and work-related child care expenses. These adjustments were seldom made in administrative child support orders. Work-related child care expense was the most frequent adjustment made in child support orders.

NUMBERS OF ADJUSTMENTS TO CHILD SUPPORT AWARDS

	SPOUSAL SUPPORT	EXTRAORDINARY MED-DENTAL EXPENSES	WORK-RELATED CHILD CARE
ADMIN. ORDERS	1	1	16
COURT ORDERS	15	48	233
TOTAL	16	49	249

In order to classify the reasons for deviation from the statutory child support guidelines, the courts were given sixteen reasons plus "other" and were requested to check the applicable block on the Child Support Guidelines Reporting Form. It was possible to choose more than one reason for the deviation.

COURT DEVIATION FROM STATUTORY GUIDELINES

REASON	% OF ORDERS DEVIATING FROM GUIDELINES
"Other"	24%
Resources of each parent	19%
Support for others	17%
Support agreement	11%
Court-ordered direct payments	9%
Limited by pleadings	6%

Imputed income	4%
Contributions to well-being of family	3%
Independent financial resources of child	2%
Education and training of the parties	2%
Arrangements regarding custody	2%
Standard of living for family	1%
Debts for benefit of child	1%
Debts for production of income	0%
Extraordinary capital gains	0%
Condition of child	0%
Provisions made for material property	0%

- The information in the statistical data section denotes averages of the amount reported in relation to the number of incidences reported. For example, when the data indicates average spousal support as \$237.88/8, this means that an amount for spousal support was reported eight times, and the average of these eight amounts is \$237.88.
- In spite of the variety of reasons listed for deviating from the statutory child support guidelines, 24% of the responses were "other."
- It was not possible to classify the handwritten "other" responses, but it is believed that many of them could have been placed in one of the sixteen categories.
- After "other", the two most frequently stated reasons for deviating from the guidelines were "the earning capacity, obligations and needs, and financial resources of each parent" and "actual monetary support for other children, other family members or former family members."

Conclusions

This study was designed to analyze data to determine the effect of the use of child support guidelines on the level of child support awards in Virginia. The results indicate that support awards are higher when the statutory child support guidelines are used. This suggests that the guidelines have a positive effect on the well-being of Virginia's children and that higher support awards in public assistance cases can result in higher rates of recovery of public assistance funds.

Analysis of the information taken from the Child Support Guidelines Reporting Forms yields the following specific conclusions.

- Child support awards are higher when the statutory child support guidelines are used.
- The amount of the child support award increases according to the extent the guidelines are used.
- Deviation from the guidelines results in awards that are both higher and lower than the guidelines amounts, but the study results indicate that deviation from the guidelines is likely to result in lower child support awards.
 - This result is not unexpected as a lower support amount may be awarded when a responsible person's individual circumstances are determined to render him unable to pay the full amount suggested by the guidelines. A frequent example is a responsible person's obligation to support other children or family members.
- Child support awards are higher when based on public assistance amounts than when based on the statutory child support guidelines. These results are not surprising when several factors are considered:
 - These obligations are based on public assistance amounts because the actual income of the responsible person is not known. However, to estimate the income of this population, the father's average monthly income of \$660.05 noted in the data for administrative orders based on guidelines is referenced.
 - The data indicates that the average support order based on public assistance paid is \$212.64. In public assistance cases, the income of the mother (the recipient of public assistance) is not counted in the

calculation of support awards. A father with an average monthly income of \$660.05 would be obligated for a support amount less than the amount of public assistance according to the guidelines schedule.

- Depending on the number of children, a responsible person with a gross monthly income of \$660.05 would be obligated at a rate between \$138 and \$146 per month based on the guidelines with no adjustments for work-related child care expenses or extraordinary medical or dental expenses. In administrative orders the responsible person is obligated for either the guidelines amount or the public assistance amount. There is no other variation.
- The study results also show that the average court order for child support is higher than the average administrative award.
 - The court is allowed to consider individual circumstances and can order child support above or below guidelines amounts.
 - Study data indicates that the parental incomes in the court cases are much higher (197% higher for mothers and 77% higher for fathers) than in cases handled by the Division of Child Support Enforcement.
 - Study data also indicates that allowances for extraordinary medical and dental expenses and work-related child care are included more frequently and in higher amounts in court child support orders than in administrative orders.
- The classification of reasons for court deviation from the statutory child support guidelines explains why guidelines are not always used by the courts.
 - The reasons varied just as individual case circumstances and individual judges are different.

Recommendations

Recommendation 1.

The results of this study indicate that the use of statutory child support guidelines has a positive effect on the level of child support awards in Virginia. For this reason, an obvious recommendation is to continue the use of the guidelines. However, the passage of House Bill 1566 by the 1989 Session of the General Assembly incorporated the concept of the statewide guidelines as rebuttable presumption in all child support cases. This statutory change becomes effective July 1, 1989 and, therefore, negates the need for action on this recommendation.

Recommendation 2.

The purpose of this study and of the tracking and reporting system was to determine the effect of the use of the guidelines on the level of support awards. This implies that the study results were to be used to make decisions about the continued use of child support guidelines. Since Virginia has enacted legislation to comply with the Family Support Act of 1988 that required all states to incorporate the use of statewide guidelines as a rebuttable presumption in all cases to order child support, it is recommended that the current system for tracking and reporting child support orders be eliminated. This will require legislative action to delete the tracking and reporting requirement from Section 20-108.2 (h) of the Code.

■ If it is deemed necessary to continue to track and report all child support orders entered in Virginia, the reporting and tracking system must be modified and statutory language amended to ensure that reporting forms are completed and submitted for each administrative and court child support order. The following minimal modifications to the reporting and tracking system are needed.

- The reporting forms and instructions for the courts and the Division of Child Support Enforcement must be revised to provide greater clarity and to improve the accuracy of reporting.

- Changes must be made in the reporting methods to accommodate the Division of Child Support Enforcement's data entry system.

STATISTICAL DATA

LEGEND FOR RESPONSE CATEGORIES

10. A. Guidelines were used and followed.

10.B.1. Guidelines were used as a general reference.

10.B.2. Guidelines were not used as a general reference.

10.C. Guidelines were not used at all.

10.D. Obligation based on the amount of public assistance paid.

10.E. Obligation based on a default order.

11. A - Q. Refer to APPENDIX IV - 2.

ADMINISTRATIVE ORDER TRACKING FORMS - AVERAGE AMOUNTS BY CATEGORY

	AVERAGE # OF CHILDREN	AVERAGE MOTHER'S MONTHLY INCOME	AVERAGE FATHER'S MONTHLY INCOME	*AVERAGE SPOUSAL SUPPORT/ # OF RESPONSE	*AVERAGE EXTRAORDINARY MEDICAL EXP/ # OF RESPONSE	*AVERAGE WORK RELATED CHILD CARE EXP./ # OF RESPONSE	AVERAGE SUPPORT ORDER	AVERAGE AMOUNT PER CHILD
10.A.	1.32	214.11	660.05	284/1	25/1	171.93/16	173.84	140.79
10.D.	1.40	3.42	16.78	0/0	0/0	0/0	212.64	168.27
10.E.	1.46	53.65	162.77	0/0	0/0	0/0	241.49	177.77

* AVERAGES BASED ON THE NUMBER OF POSITIVE RESPONSES

RESPONSES BY CATEGORY FOR ADMINISTRATIVE ORDER TRACKING FORMS

CATEGORIES	# OF RESPONSES	% OF THE TOTAL NUMBER OF FORMS ENTERED
10.A.	271	30%
10.D.	582	65%
10.E.	46	5%

RESPONSES BY CATEGORY FOR COURT ORDER TRACKING FORMS

CATEGORIES	# OF RESPONSES	*% OF THE TOTAL NUMBER OF FORMS ENTERED
10. A.	413	38%
10. B. 1	441	40%
10. B. 2	54	5%
10. C.	148	14%
10. D.	37	3%
10. E.	1	0.09%

*of those respondents answering question 10, 1094.

OF THE 643 FORMS DEVIATING FROM THE GUIDELINES

ITEMS UNDER # 11	# OF RESPONSES	% OF ORDERS DEVIATING FROM THE GUIDELINES
11. A.	111	17%
11. B.	16	2%
11. C.	71	11%
11. D.	28	4%
11. E.	6	1%
11. F.	3	0%
11. G.	56	9%
11. H.	0	0%
11. J.	13	2%
11. I.	0	0%
11. K.	7	1%
11. L.	119	19%
11. M.	12	2%
11. N.	20	3%
11. O.	3	0%
11. P.	38	6%
11. Q.	153	24%

COURT TRACKING FORMS - AVERAGE AMOUNTS BY CATEGORY FOR THE 643 ORDERS THAT DEVIATED FROM THE GUIDELINES

QUESTION #	AVERAGE # OF CHILDREN	AVERAGE MOTHER'S MONTHLY INCOME	AVERAGE FATHER'S MONTHLY INCOME	*AVERAGE SPOUSAL SUPPORT/ # OF RESPONSES	*AVERAGE EXTRAORDINARY MEDICAL EXP/ # OF RESPONSES	*AVERAGE WORK RELATED CHILD CARE EXP. / #OF RESPONSES	AVERAGE SUPPORT ORDER	AVERAGE AMOUNT PER CHILD
11.A.	1.35	513.85	1331.28	0/0	122.50/2	147.38/25	184.36	149.41
11.B.	1.44	739.44	1173.67	0/0	60/2	87/3	159.89	112.84
11.C.	1.48	760.52	1474.33	93.50/3	53.80/1	174.59/14	271.09	193.90
11.D.	1.39	436.18	1261.22	0/0	0/0	391.42/4	244.99	199.44
11.E.	1.50	820.00	1778.17	0/0	0/0	120.33/3	224.98	164.12
11.F.	1.67	727.00	1141.28	0/0	0/0	0/0	194.87	122.70
11.G.	1.43	632.56	1508.62	350/1	0/0	160.95/13	225.72	167.03
11.I.	1.08	549.59	1185.39	100.50/1	85/1	185/1	230.54	209.38
11.K.	2.00	1235.58	1857.00	100.50/1	85/1	189.25/2	447.59	255.44
11.L.	1.43	530.67	1185.50	100.50/1	903.83/3	166.82/24	193.41	150.73
11.M.	1.50	88.18	764.92	0/0	0/0	45.50/2	132.41	91.41
11.N.	1.55	719.06	1344.79	0/0	0/0	126.79/7	230.05	168.44
11.O.	2.00	593.33	2135.22	0/0	0/0	0/0	206.67	152.22
11.P.	1.24	722.08	1382.82	200/1	60/1	204.72/17	248.12	215.40
11.Q.	1.42	696.65	1342.33	391/1	80.90/5	178.21/36	233.02	175.99

*AVERAGE BASED ON THE NUMBER OF POSITIVE RESPONSES

COURT ORDER TRACKING FORMS - AVERAGE AMOUNTS BY CATEGORY

QUESTION #	AVERAGE # OF CHILDREN	AVERAGE MOTHER'S MONTHLY INCOME	AVERAGE FATHER'S MONTHLY INCOME	*AVERAGE SPOUSAL SUPPORT/ # OF RESPONSES	*AVERAGE EXTRAORDINARY MEDICAL EXP/ # OF RESPONSES	*AVERAGE WORK RELATED CHILD CARE EXP. / #OF RESPONSES	AVERAGE SUPPORT ORDER	AVERAGE AMOUNT PER CHILD
10.A.	1.34	635.82	1170.93	237.88/8	86.40/28	192.27/98	262.26	205.35
10.B.1	1.45	606.37	1281.30	132.62/4	390.54/17	174/99	231.49	171.43
10.B.2	1.43	512.84	1145.28	0/0	0/0	157.56/6	180.40	138.92
10.C.	1.37	730.05	1285.87	252.33/3	51.27/3	184.65/30	229.16	181.41
10.D.	1.49	0.00	17.57	0/0	0/0	0/0	203.32	150.01
10.E.	2.00	0.00	0.00	0/0	0/0	0/0	231.00	115.50
10.B.2 & 10.C.	1.39	664.89	1235.56	252/3	60/4	176.62/41	217.06	169.18

*AVERAGE BASED ON THE NUMBER OF POSITIVE RESPONSES

COMPARISON BETWEEN COURT FORM RESPONSES WHEN
GUIDELINES WERE USED AND THE ORDER WAS THE SAME AS THE TABLE. (10.A.)
GUIDELINES WERE USED AS A REFERENCE BUT DIFFERED FROM THE TABLE. (10.B.1)

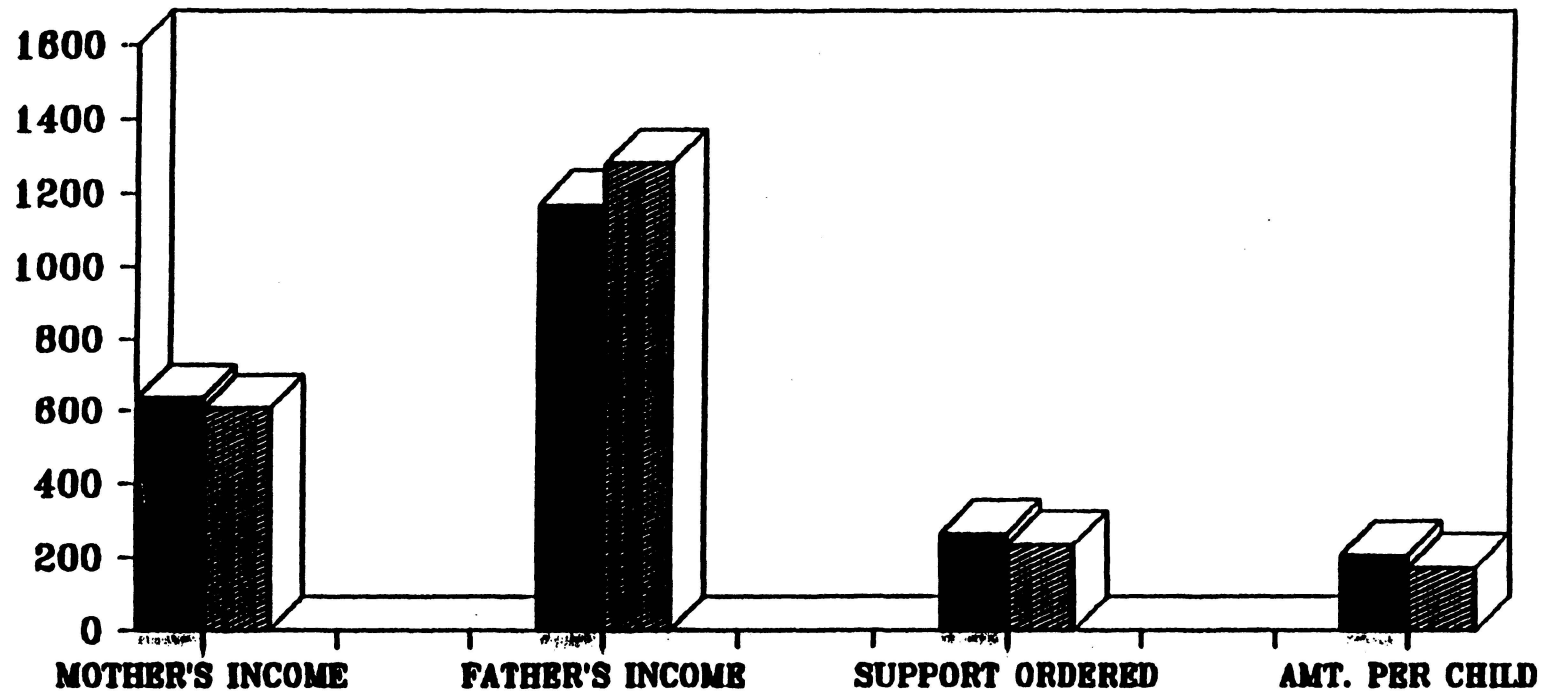
	AVERAGE # OF CHILDREN	AVERAGE MOTHER'S MONTHLY INCOME	AVERAGE FATHER'S MONTHLY INCOME	AVERAGE SPOUSAL SUPPORT	AVERAGE EXTRAORDINARY MEDICAL EXP	AVERAGE WORK RELATED CHILD CARE EXP.	AVERAGE SUPPORT ORDER	AVERAGE AMOUNT PER CHILD
10.A.	1.34	635.02	1170.93	237.08	86.40	192.27	262.26	205.35
10.B.1	1.45	606.37	1201.30	132.62	390.54	174.00	231.49	171.43
% DIFFERENCE BETWEEN 10.A. AND 10.B.1	8%	-5%	9%	-44%	352%	-10%	-12%	-17%

THOSE FORMS ANSWERING 10.A. - SPOUSAL SUPPORT WAS NOTED 0 TIMES.
- EXTRAORDINARY MEDICAL EXPENSES WAS NOTED 20 TIMES.
- WORK RELATED CHILD CARE EXPENSES WAS NOTED 98 TIMES.

THOSE FORMS ANSWERING 10.B.1 - SPOUSAL SUPPORT WAS NOTED 4 TIMES.
- EXTRAORDINARY MEDICAL EXPENSES WAS NOTED 17 TIMES.
- WORK RELATED CHILD CARE EXPENSES WAS NOTED 99 TIMES.

AVERAGES FOR SPOUSAL SUPPORT, EXTRAORDINARY MEDICAL EXPENSES AND WORK RELATED CHILD CARE ONLY FOR THOSE SURVEY FORMS THAT STATED AN EXPENSE WAS PRESENT.

COURT FORM RESPONSE AVERAGE AMOUNT BY RESPONSE



SERIES 1 = 10.A.

SERIES 2 = 10.B.1

■ Series 1

▨ Series 2

AVG. # OF CHILDREN- 1.34/1.45 SERIES 1/2

10.A = GUIDELINES WERE USED AND FOLLOWED.

COMPARISON BETWEEN COURT FORM RESPONSES WHEN
GUIDELINES USED AND THE ORDER WAS THE SAME AS THE TABLE (10.A.)
GUIDELINES WERE NOT USED AT ALL (10.B2. AND 10.C.)

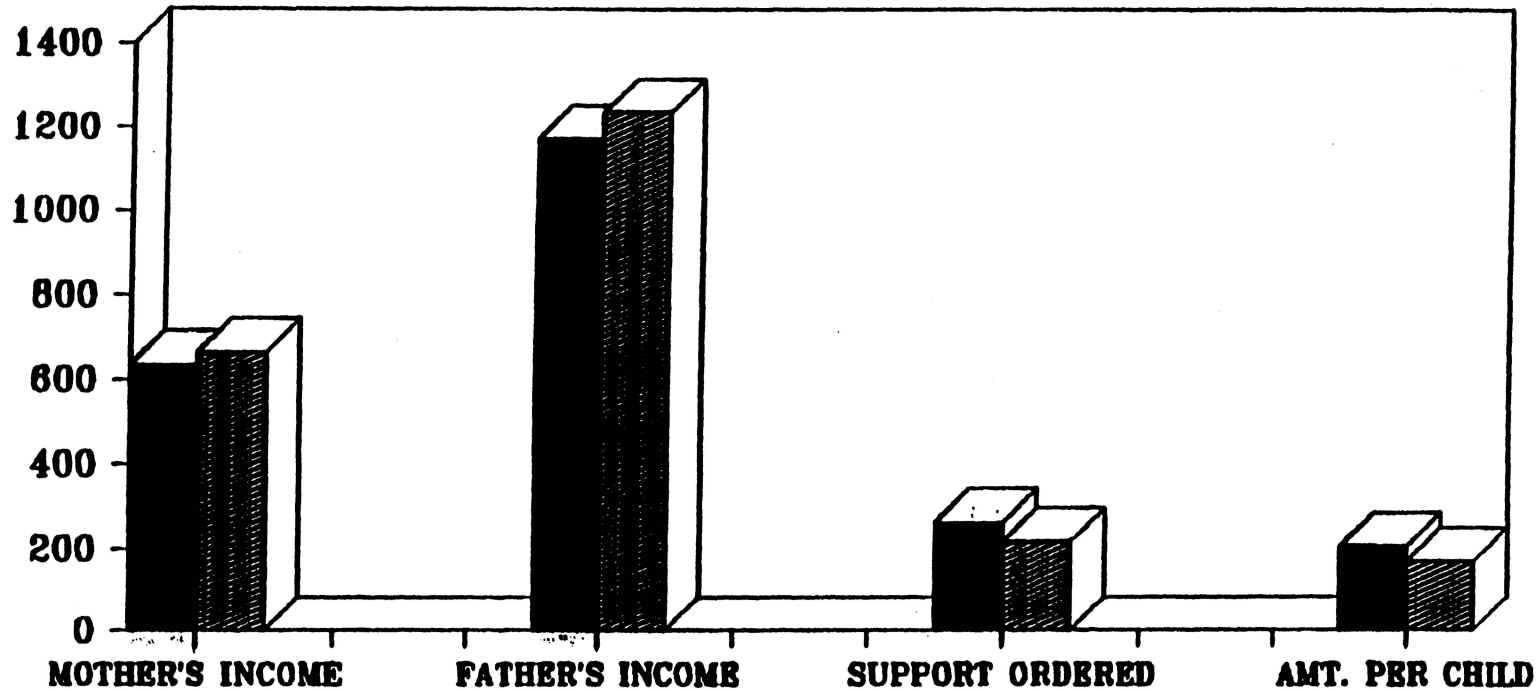
	AVERAGE # OF CHILDREN	AVERAGE MOTHER'S MONTHLY INCOME	AVERAGE FATHER'S MONTHLY INCOME	AVERAGE SPOUSAL SUPPORT	AVERAGE EXTRAORDINARY MEDICAL EXP	AVERAGE WORK RELATED CHILD CARE EXP.	AVERAGE SUPPORT ORDER	AVERAGE AMOUNT PER CHILDO
10.A.	1.34	635.82	1170.93	237.88	86.40	192.27	262.26	205.35
10.B.2 & 10.C.	1.39	664.89	1235.56	252.00	60.00	176.62	217.06	169.18
% DIFFERENCE BETWEEN 10.A. AND 10.B.2 & 10.C.	4%	5%	6%	6%	-31%	-8%	-17%	-18%

THOSE FORMS ANSWERING 10.A. - SPOUSAL SUPPORT WAS NOTED 8 TIMES.
- EXTRAORDINARY MEDICAL EXPENSES WAS NOTED 29 TIMES.
- WORK RELATED CHILD CARE EXPENSES WAS NOTED 98 TIMES.

THOSE FORMS ANSWERING 10.B.2 + 10.C. - SPOUSAL SUPPORT WAS NOTED 3 TIMES.
- EXTRAORDINARY MEDICAL EXPENSES WAS NOTED 4 TIMES.
- WORK RELATED CHILD CARE EXPENSES WAS NOTED 41 TIMES.

AVERAGES FOR SPOUSAL SUPPORT, EXTRAORDINARY MEDICAL EXPENSES AND WORK RELATED CHILD CARE ONLY FOR THOSE SURVEY FORMS THAT STATED AN EXPENSE WAS PRESENT.

COURT FORM RESPONSE AVERAGE AMOUNT BY RESPONSE



SERIES 1 = 10.A. SERIES 2 = 10.B.2, 10.C

■ Series 1 ▨ Series 2

AVG # OF CHILDREN - 1.34/1.39 SERIES 1/2

10.A = GUIDELINES WERE USED AND FOLLOWED.

COMPARISON BETWEEN COURT FORM RESPONSES WHEN
GUIDELINES WERE USED AS A REFERENCE (10.B.1.)
GUIDELINES WERE NOT USED AT ALL (10.B.2. AND 10.C.)

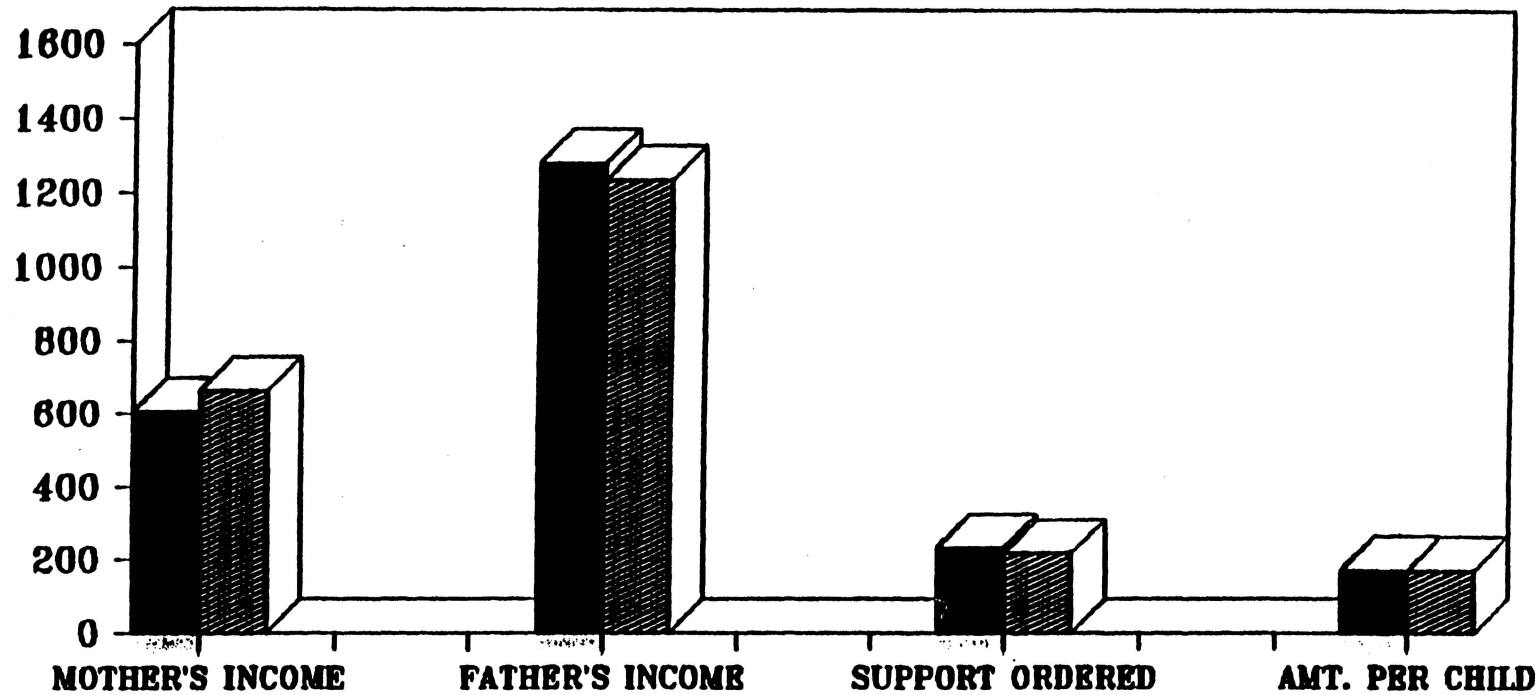
	AVERAGE # OF CHILDREN	AVERAGE MOTHER'S MONTHLY INCOME	AVERAGE FATHER'S MONTHLY INCOME	AVERAGE SPOUSAL SUPPORT	AVERAGE EXTRAORDINARY MEDICAL EXP	AVERAGE WORK RELATED CHILD CARE EXP.	AVERAGE SUPPORT ORDER	AVERAGE AMOUNT PER CHILD
10.B.1	1.45	606.37	1281.30	132.62	390.54	174.00	231.49	171.43
10.B.2 & 10.C.	1.39	664.89	1235.56	252.00	60.00	176.62	217.06	169.18
% DIFFERENCE BETWEEN 10.B.1 AND 10.B.2 & 10.C.	-4%	10%	-4%	90%	-85%	2%	-6%	-1%

THOSE FORMS ANSWERING 10.B.1. - SPOUSAL SUPPORT WAS NOTED 4 TIMES.
- EXTRAORDINARY MEDICAL EXPENSES WAS NOTED 17 TIME.
- WORK RELATED CHILD CARE EXPENSES WAS NOTED 98 TIMES.

THOSE FORMS ANSWERING 10.B.2 + 10.C. - SPOUSAL SUPPORT WAS NOTED 3 TIMES.
- EXTRAORDINARY MEDICAL EXPENSES WAS NOTED 4 TIMES.
- WORK RELATED CHILD CARE EXPENSES WAS NOTED 41 TIMES.

AVERAGES FOR SPOUSAL SUPPORT, EXTRAORDINARY MEDICAL EXPENSES AND WORK RELATED CHILD CARE ONLY FOR THOSE SURVEY FORMS THAT STATED AN EXPENSE WAS PRESENT.

COURT FORM RESPONSE AVERAGE AMOUNT BY RESPONSE



SERIES 1=10.B.1 SERIES 2=10.B.2,10.C

■ Series 1 ▨ Series 2

AVG. # OF CHILDREN- 1.45/1.39 SERIES 1/2

10.B.1 = GUIDELINES WERE USED AS A REFERENCE

**COMPARISON BETWEEN
ADMINISTRATIVE FORMS - GUIDELINES USED AND THE ORDER WAS THE SAME AS THE TABLE(10.A.)
COURT FORMS - GUIDELINES USED AND THE ORDER WAS THE SAME AS THE TABLE(10.A.)**

	AVERAGE # OF CHILDREN	AVERAGE MOTHER'S MONTHLY INCOME	AVERAGE FATHER'S MONTHLY INCOME	AVERAGE SPOUSAL SUPPORT	AVERAGE EXTRAORDINARY MEDICAL EXP	AVERAGE WORK RELATED CHILD CARE EXP.	AVERAGE SUPPORT ORDER	AVERAGE AMOUNT PER CHILD
10.A. ADMINISTRATIVE	1.32	214.11	660.05	284.00	25.00	171.93	173.84	140.79
10.A. COURT	1.34	635.82	1170.93	237.88	86.40	192.27	262.26	205.35
% DIFFERENCE BETWEEN ADMINISTRATIVE AND COURT RESPONSES	2%	197%	77%	-16%	246%	12%	51%	46%

IN THE ADMINISTRATIVE FORMS POPULATION

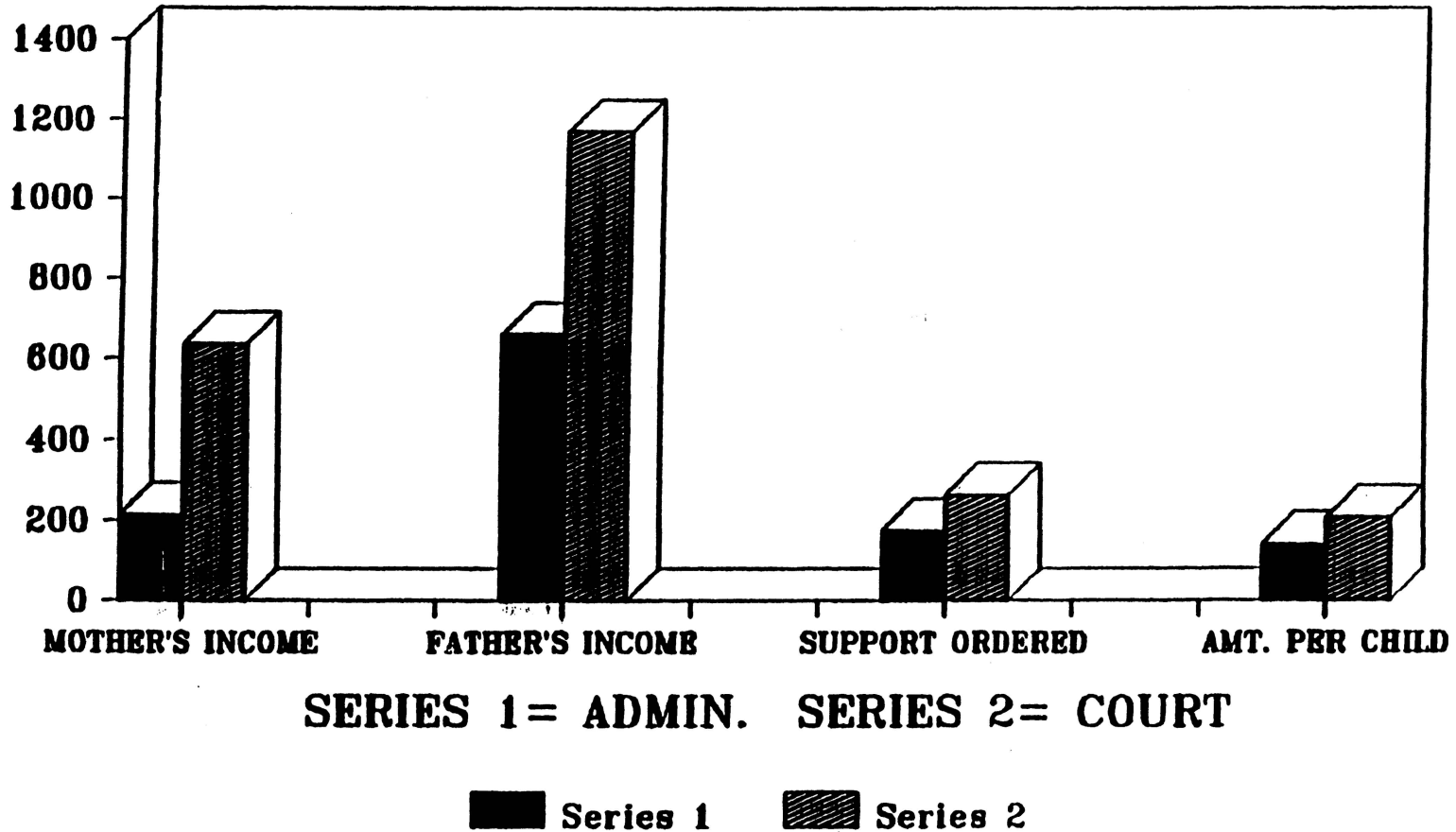
- SPOUSAL SUPPORT WAS NOTED 1 TIME.
- EXTRAORDINARY MEDICAL EXPENSES WAS NOTED 1 TIME.
- WORK RELATED CHILD CARE EXPENSES WAS NOTED 16 TIMES.

IN THE COURT FORMS POPULATION

- SPOUSAL SUPPORT WAS NOTED 8 TIMES.
- EXTRAORDINARY MEDICAL EXPENSES WAS NOTED 28 TIMES.
- WORK RELATED CHILD CARE EXPENSES WAS NOTED 98 TIMES.

AVERAGES FOR SPOUSAL SUPPORT, EXTRAORDINARY MEDICAL EXPENSES AND WORK RELATED CHILD CARE ONLY FOR THOSE SURVEY FORMS THAT STATED AN EXPENSE WAS PRESENT.

ADMINISTRATIVE vs. COURT AVERAGE AMOUNT FOR RESPONSE 10.A.



AVG. # OF CHILDREN- 1.32/1.34 SERIES 1/2

APPENDICES

APPENDIX I-1

§ 20-108.2

DIVORCE, AFFIRMATION AND ANNULMENT

§ 20-108.2

§ 20-108.2. Guideline for determination of child support. — A. In determining the amount of support of a child or children as authorized by § 20-107.2, the court shall consider the factors set out in § 20-107.2 and may also consider the results of computations using the guideline set forth in this section. The results of computations using the guideline set forth in this section shall be considered by the Department of Social Services in ordering child support pursuant to the authority granted to it in Chapters 13 (§ 63.1-249 et seq.) and 14 (§ 63.1-275 et seq.) of Title 63.1.

B. For purposes of application of the guideline, a basic support obligation shall be computed using the schedule set out below. For combined monthly gross income amounts falling between amounts shown in the schedule, basic child support obligation amounts shall be extrapolated. "Number of children" shall mean the number of children for whom the parents share joint legal responsibility and for whom support is being sought. Discretion shall be applied in determining a basic support obligation when the parents' combined gross income exceeds the highest income level set out in the schedule.

SCHEDULE OF
MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

COMBINED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0-599	65	65	65	65	65	65
600	110	111	113	114	115	116
650	138	140	142	143	145	146
700	153	169	170	172	174	176
750	160	197	199	202	204	206
800	168	226	228	231	233	236
850	175	254	257	260	263	266
900	182	281	286	289	292	295
950	189	292	315	318	322	325
1000	196	304	344	348	351	355
1050	203	315	373	377	381	385
1100	210	326	402	406	410	415
1150	217	337	422	435	440	445
1200	225	348	436	465	470	475
1250	232	360	451	497	502	507
1300	241	373	467	526	536	542
1350	249	386	483	545	570	576
1400	257	398	499	563	605	611
1450	265	411	515	581	633	645
1500	274	426	533	602	656	680
1550	282	436	547	617	672	714
1600	289	447	560	632	689	737
1650	295	458	573	647	705	754
1700	302	468	587	662	721	772
1750	309	479	600	676	738	789
1800	315	488	612	690	752	805
1850	321	497	623	702	766	819
1900	326	506	634	714	779	834
1950	332	514	645	727	793	848
2000	338	523	655	739	806	862
2050	343	532	666	751	819	877
2100	349	540	677	763	833	891
2150	355	549	688	776	846	905
2200	360	558	699	788	860	920
2250	366	567	710	800	873	934
2300	371	575	721	812	886	948
2350	377	584	732	825	900	963

APPENDIX I-2

§ 20-108.2

DOMESTIC RELATIONS

§ 20-108.2

COMBINED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2400	383	593	743	837	913	977
2450	388	601	754	849	927	991
2500	394	610	765	862	940	1006
2550	399	619	776	874	954	1020
2600	405	627	787	886	967	1034
2650	410	635	797	897	979	1048
2700	415	643	806	908	991	1060
2750	420	651	816	919	1003	1073
2800	425	658	826	930	1015	1085
2850	430	667	836	941	1027	1098
2900	435	675	846	953	1039	1112
2950	440	683	856	964	1052	1125
3000	445	691	866	975	1064	1138
3050	450	699	876	987	1076	1152
3100	456	707	886	998	1089	1165
3150	461	715	896	1010	1101	1178
3200	466	723	906	1021	1114	1191
3250	471	732	917	1032	1126	1205
3300	476	740	927	1044	1139	1218
3350	481	748	937	1055	1151	1231
3400	486	756	947	1067	1164	1245
3450	492	764	957	1078	1176	1258
3500	497	772	967	1089	1189	1271
3550	502	780	977	1101	1201	1285
3600	507	788	987	1112	1213	1298
3650	512	797	997	1124	1226	1311
3700	518	806	1009	1137	1240	1326
3750	524	815	1020	1150	1254	1342
3800	530	824	1032	1163	1268	1357
3850	536	834	1043	1176	1283	1372
3900	542	843	1055	1189	1297	1387
3950	547	852	1066	1202	1311	1402
4000	553	861	1078	1214	1325	1417
4050	559	871	1089	1227	1339	1432
4100	565	880	1101	1240	1353	1448
4150	571	889	1112	1253	1367	1463
4200	577	898	1124	1266	1382	1478
4250	583	907	1135	1279	1396	1493
4300	589	917	1147	1292	1410	1508
4350	594	926	1158	1305	1424	1523
4400	600	935	1170	1318	1438	1538
4450	606	944	1181	1331	1452	1553
4500	612	954	1193	1344	1467	1569
4550	618	963	1204	1357	1481	1584
4600	624	972	1216	1370	1495	1599
4650	630	981	1227	1383	1509	1614
4700	635	989	1237	1395	1522	1627
4750	641	997	1247	1406	1534	1641
4800	646	1005	1257	1417	1546	1654
4850	651	1013	1267	1428	1558	1667
4900	656	1021	1277	1439	1570	1679
4950	661	1028	1286	1450	1582	1692
5000	666	1036	1295	1460	1593	1704
5050	671	1043	1305	1471	1605	1716
5100	675	1051	1314	1481	1616	1728
5150	680	1058	1323	1492	1628	1741
5200	685	1066	1333	1502	1640	1753
5250	690	1073	1342	1513	1651	1765
5300	695	1081	1351	1524	1663	1778

APPENDIX I-3

§ 20-108.2

DIVORCE, AFFIRMATION AND ANNULMENT

§ 20-108.2

COMBINED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
5350	700	1088	1361	1534	1674	1790
5400	705	1096	1370	1545	1686	1802
5450	710	1103	1379	1555	1697	1815
5500	714	1111	1389	1566	1709	1827
5550	719	1118	1398	1576	1720	1839
5600	724	1126	1407	1587	1732	1851
5650	729	1133	1417	1598	1743	1864
5700	734	1141	1426	1608	1755	1876
5750	739	1148	1435	1619	1766	1888
5800	744	1156	1445	1629	1778	1901
5850	749	1163	1454	1640	1790	1913
5900	753	1171	1463	1650	1801	1925
5950	758	1178	1473	1661	1813	1937
6000	763	1186	1482	1672	1824	1950
6050	768	1193	1491	1682	1836	1962
6100	773	1201	1501	1693	1847	1974
6150	778	1208	1510	1703	1859	1987
6200	783	1216	1519	1714	1870	1999
6250	788	1223	1529	1724	1882	2011
6300	792	1231	1538	1735	1893	2023
6350	797	1238	1547	1745	1905	2036
6400	802	1246	1557	1756	1916	2048
6450	807	1253	1566	1767	1928	2060
6500	812	1261	1575	1777	1940	2073
6550	816	1267	1583	1786	1949	2083
6600	820	1272	1590	1794	1957	2092
6650	823	1277	1597	1801	1965	2100

C. For purposes of this section, "gross income" shall mean all income from all sources, and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards. Gross income shall be subject to deduction of reasonable business expenses for persons with income from self-employment, a partnership, or a closely held business. "Gross income" shall not include benefits from public assistance programs as defined in § 63.1-87 or child support received.

D. Any extraordinary medical and dental expenses for treatment of the child or children shall be added to the basic support obligation. For purposes of this section, extraordinary medical and dental expenses are uninsured expenses in excess of \$100 for a single illness or condition.

E. Any child-care costs incurred on behalf of the child or children due to employment of the custodial parent shall be added to the basic child support obligation. Child-care costs shall not exceed the amount required to provide quality care from a licensed source.

F. A total child support obligation shall be established by adding (i) the basic child support obligation, as determined from the schedule contained in subsection B of this section, (ii) extraordinary medical expenses, and (iii) work-related child care costs and taking into consideration all the factors set forth in subsection B of § 20-108.1. The total child support obligation shall be divided between the parents in the same proportion as their gross incomes bear to their combined gross income. The obligation of each parent shall be computed by multiplying each parent's percentage of the parents' combined gross income by the total child support obligation.

G. The Secretary of Human Resources shall ensure that the guideline set out in this section is reviewed by July 1, 1990, and periodically thereafter, by a panel which includes representatives of the courts, the executive branch, the General Assembly, the bar, custodial and noncustodial parents and child advocates. The panel shall determine the adequacy of the guideline for the support of children by considering current research and data on the cost of and expenditures necessary for rearing children, the findings of the reporting and tracking system established by subsection H of this section, and any other resources it deems relevant to such review. The panel shall report its findings to the General Assembly before it next convenes following such review.

H. The Department of Social Services and the Executive Secretary of the Supreme Court shall cooperate to design and implement a system for reporting and tracking child support orders entered in the Commonwealth to determine the effect of the use of the guideline on the level of support awards. To facilitate this system, the Department and the Executive Secretary shall design a form for use by the courts and the Department in the calculations required by subsection F of this section and in the collection and reporting of data essential for this analysis. The Department and the Executive Secretary shall develop a method for collecting and analyzing the reported data in a central location and shall report to the Governor and the General Assembly by July 1, 1989, and annually thereafter, the findings of the reporting and tracking system. (1988, c. 907.)

§ 20-109. Changing maintenance and support for a spouse; effect of stipulations as to maintenance and support for a spouse; cessation upon remarriage or death. — Upon petition of either party the court may increase, decrease, or terminate spousal support and maintenance that may thereafter accrue, whether previously or hereafter awarded, as the circumstances may make proper. However, if a stipulation or contract signed by the party to whom such relief might otherwise be awarded is filed before entry of a final decree, no decree or order directing the payment of support and maintenance for the spouse, suit money, or counsel fee or establishing or imposing any other condition or consideration, monetary or nonmonetary, shall be entered except in accordance with that stipulation or contract. Upon the death or remarriage of the spouse receiving support, spousal support shall terminate unless otherwise provided by stipulation or contract. If such a stipulation or contract is filed after entry of a final decree and if any party so moves, the court shall modify its decree to conform to such stipulation or contract. (Code 1919, § 5111; 1934, p. 516; 1938, p. 784; 1944, p. 397; 1948, p. 593; 1972, c. 482; 1975, c. 644; 1977, c. 222; 1978, c. 746; 1987, c. 694.)

The 1987 amendment rewrote this section. Law Review.

For comment, "The Enforceability of Arbitration Clauses in Virginia Marital Separation Agreements," see 19 U. Rich. L. Rev. 333 (1985). For 1987 survey of Virginia domestic relations law, see 21 U. Rich. L. Rev. 745 (1987).

Continuing jurisdiction of court to modify award, etc.

If circumstances change and the wife's needs become greater in the future, the court has continuing jurisdiction to make a modification as the circumstances warrant at that time. *Lapidus v. Lapidus*, 226 Va. 575, 311 S.E.2d 786 (1984).

Court retains jurisdiction to modify an

award of payments for support upon a showing that a change of circumstances has occurred, affecting the need for the payments or the ability to make them. *Eichelberger v. Eichelberger*, No. 0002-85 (Ct. of Appeals Jan. 8, 1986).

Reservation of right to revise, etc.

A court of equity has power by a proper reservation to change or modify its decree as to spousal support. The reservation of jurisdiction to change such a decree must be clear and specific. *D'Auria v. D'Auria*, 1 Va. App. 455, 340 S.E.2d 164 (1986).

The silence of the final decree as to spousal support has the effect of foreclosing the wife from petitioning the court, under this section, for a future award in the light of changed

APPENDIX II

102 STAT. 2346

PUBLIC LAW 100-485—OCT. 13, 1988

- 42 USC 666 note. (d) **EFFECTIVE DATE.**—(1) The amendment made by subsection (a) shall become effective on the first day of the 25th month beginning after the date of the enactment of this Act.
- (2) The amendments made by subsection (b) shall become effective on January 1, 1994.
- (3) Subsection (c) shall become effective on the date of the enactment of this Act.

SEC. 102. DISREGARD APPLICABLE TO TIMELY CHILD SUPPORT PAYMENTS.

- 42 USC 602. (a) **IN GENERAL.**—Section 402(a)(8)(A)(vi) of the Social Security Act is amended by striking “of any child support payments received in such month” and inserting in lieu thereof “of any child support payments for such month received in that month, and the first \$50 of child support payments for each prior month received in that month if such payments were made by the absent parent in the month when due.”.

- 42 USC 657. (b) **CONFORMING AMENDMENT.**—Section 457(b)(1) of such Act is amended by striking “the first \$50 of such amounts as are collected periodically which represent monthly support payments” and inserting in lieu thereof “of such amounts as are collected periodically which represent monthly support payments, the first \$50 of any payments for a month received in that month, and the first \$50 of payments for each prior month received in that month which were made by the absent parent in the month when due.”.

- 42 USC 602 note. (c) **EFFECTIVE DATE.**—The amendments made by this section shall become effective on the first day of the first calendar quarter which begins after the date of the enactment of this Act.

SEC. 103. STATE GUIDELINES FOR CHILD SUPPORT AWARD AMOUNTS.

- 42 USC 667. (a) **GUIDELINES TO CREATE REBUTTABLE PRESUMPTION.**—Section 467(b) of the Social Security Act is amended—

(1) by inserting “(1)” after “(b)”;

(2) by striking “, but need not be binding upon such judges or other officials”; and

(3) by adding at the end the following new paragraph:

- Courts, U.S. “(2) There shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of such guidelines is the correct amount of child support to be awarded.

Records. A written finding or specific finding on the record that the application of the guidelines would be unjust or inappropriate in a particular case, as determined under criteria established by the State, shall be sufficient to rebut the presumption in that case.”.

(b) **GUIDELINES TO BE REVIEWED EVERY 4 YEARS.**—Section 467(a) of such Act is amended by inserting “, and shall be reviewed at least once every 4 years to ensure that their application results in the determination of appropriate child support award amounts” after “action”.

- 42 USC 666. (c) **STATE LAW REQUIREMENTS FOR REVIEW OF INDIVIDUAL AWARDS.**—Section 466(a) of such Act is amended by inserting after paragraph (9) the following new paragraph:

Effective date. “(10)(A) Procedures to ensure that, beginning 2 years after the date of the enactment of this paragraph, if the State determines (pursuant to a plan indicating how and when child support orders in effect in the State are to be periodically reviewed and adjusted) that a child support order being enforced under this

1989 SESSION
VIRGINIA ACTS OF ASSEMBLY - CHAPTER

An Act to amend and reenact §§ 20-108.1, 20-108.2, 63.1-250.1 and 63.1-264.2 of the Code of Virginia, relating to child support guidelines.

[H]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-108.1, 20-108.2, 63.1-250.1 and 63.1-264.2 of the Code of Virginia are amended and reenacted as follows:

§ 20-108.1. Determination of child or spousal support.—A. In any proceeding on the issue of determining spousal support, the court shall consider all evidence presented relevant to any issues joined in that proceeding. The court's decision shall be rendered based upon evidence relevant to each individual case.

B. In any proceeding on the issue of determining child support *in the circuit court*, the court shall consider all evidence presented relevant to any issues joined in that proceeding. The court's decision *in any such proceeding* shall be rendered upon evidence relevant to each individual case, and any use by the court of the guidelines set out in § 20-108.2 in determining child support shall be restricted to use only as a guideline, and shall not be binding on the court. In the event the court makes use of the guidelines, it shall consider not only the factors set out in § 20-107.2, but *inter alia*. However, there shall be a rebuttable presumption in any judicial or administrative proceeding for child support that the amount of the award which would result from application of the guidelines set out in § 20-108.2 is the correct amount of child support to be awarded. In order to rebut the presumption, the court shall make written findings in the order, which findings may be incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a particular case as determined by relevant evidence pertaining to the factors set forth in § 20-107.2 and the following factors affecting the obligation and the ability of each party to provide child support:

1. Actual monetary support for other children, other family members or former family members;
2. Arrangements regarding custody of the children;
3. Imputed income to a party who is voluntarily unemployed or voluntarily underemployed; provided that income may not be imputed to the custodial parent when a child is not in school or where child care services are not available and the cost of such care services are not included in the computation;
4. Debts of either party arising during the marriage for the benefit of the child;
5. Debts incurred for production of income;
6. Direct payments ordered by the court for health plan coverage, education expenses or other court-ordered direct payments for the benefit of the child; and
7. Extraordinary capital gains such as capital gains resulting from the sale of marital abode.

§ 20-108.2. Guideline for determination of child support.—A. In determining the amount of support of a child or children as authorized by § 20-107.2, the court shall consider the factors set out in § 20-107.2 and may also consider the results of computations using the guideline set forth in this section. The results of computations using the guideline set forth in this section shall be considered by the Department of Social Services in ordering child support pursuant to the authority granted to it in Chapters 13 (§ 63.1-249 et seq.) and 14 (§ 63.1-275 et seq.) of Title 63.1. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support that the amount of the award which would result from the application of the guidelines set forth in this section is the correct amount of child support to be awarded. In order to rebut the presumption, the court shall make written findings in the order, which findings may be incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a particular case as determined by relevant evidence pertaining to the factors set out in §§ 20-107.2 and 20-108.1. The Department of Social Services shall set child support at the amount resulting from computations using the guidelines set out in this section pursuant to the authority granted to it in Chapter 13 (§ 63.1-249 et seq.) of Title 63.1 and subject to the provisions of § 20-108.1.

B. For purposes of application of the guideline, a basic support obligation shall be computed using the schedule set out below. For combined monthly gross income of

falling between amounts shown in the schedule, basic child support obligation amounts shall be extrapolated. "Number of children" shall mean the number of children for whom the parents share joint legal responsibility and for whom support is being sought. Discretion shall be applied in determining a basic support obligation when the parents' combined gross income exceeds the highest income level set out in the schedule.

SCHEDULE OF
MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

COMBINED MONTHLY GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0-599	65	65	65	65	65	65
600	110	111	113	114	115	116
650	138	140	142	143	145	146
700	153	169	170	172	174	176
750	160	197	199	202	204	206
800	168	226	228	231	233	236
850	175	254	257	260	263	266
900	182	281	286	289	292	295
950	189	292	315	318	322	325
1000	196	304	344	348	351	355
1050	203	315	373	377	381	385
1100	210	326	402	406	410	415
1150	217	337	422	435	440	445
1200	225	348	436	465	470	475
1250	232	360	451	497	502	507
1300	241	373	467	526	536	542
1350	249	386	483	545	570	576
1400	257	398	499	563	605	611
1450	265	411	515	581	633	645
1500	274	426	533	602	656	680
1550	282	436	547	617	672	714
1600	289	447	560	632	689	737
1650	295	468	573	647	705	754
1700	302	468	587	662	721	772
1750	309	479	600	676	738	789
1800	315	488	612	690	752	805
1850	321	497	623	702	766	819
1900	326	506	634	714	779	834
1950	332	514	645	727	793	848
2000	338	523	655	739	806	862
2050	343	532	666	751	819	877
2100	349	540	677	763	833	891
2150	355	549	688	776	846	905
2200	360	558	699	788	860	920
2250	366	567	710	800	873	934
2300	371	575	721	812	886	948
2350	377	584	732	825	900	963
2400	383	593	743	837	913	977
2450	388	601	754	849	927	991
2500	394	610	765	862	940	1006
2550	399	619	776	874	954	1020
2600	405	627	787	886	967	1034
2650	410	635	797	897	979	1048
2700	415	643	806	908	991	1060
2750	420	651	816	919	1003	1073
2800	425	658	826	930	1015	1085
2850	430	667	836	941	1027	1098
2900	435	675	846	953	1039	1112
2950	440	683	856	964	1052	1125
3000	445	691	866	975	1064	1138
3050	450	699	876	987	1076	1152
3100	456	707	886	998	1088	1166

3150	461	715	896	1010	1101	1178
3200	466	723	906	1021	1114	1191
3250	471	732	917	1032	1126	1205
3300	476	740	927	1044	1139	1218
3350	481	748	937	1055	1151	1231
3400	486	756	947	1067	1164	1245
3450	492	764	957	1078	1176	1258
3500	497	772	967	1089	1189	1271
3550	502	780	977	1101	1201	1285
3600	507	788	987	1112	1213	1298
3650	512	797	997	1124	1226	1311
3700	518	806	1009	1137	1240	1326
3750	524	815	1020	1150	1254	1342
3800	530	824	1032	1163	1268	1357
3850	536	834	1043	1176	1283	1372
3900	542	843	1055	1189	1297	1387
3950	547	852	1066	1202	1311	1402
4000	553	861	1078	1214	1325	1417
4050	559	871	1089	1227	1339	1432
4100	565	880	1101	1240	1353	1448
4150	571	889	1112	1253	1367	1463
4200	577	898	1124	1266	1382	1478
4250	583	907	1135	1279	1396	1493
4300	589	917	1147	1292	1410	1508
4350	594	926	1158	1305	1424	1523
4400	600	935	1170	1318	1438	1538
4450	606	944	1181	1331	1452	1553
4500	612	954	1193	1344	1467	1569
4550	618	966	1204	1357	1481	1584
4600	624	972	1216	1370	1495	1599
4650	630	981	1227	1383	1509	1614
4700	635	989	1237	1395	1522	1627
4750	641	997	1247	1406	1534	1641
4800	646	1005	1257	1417	1546	1654
4850	651	1013	1267	1428	1558	1667
4900	656	1021	1277	1439	1570	1679
4950	661	1028	1286	1450	1582	1692
5000	666	1036	1295	1460	1593	1704
5050	671	1043	1305	1471	1605	1716
5100	675	1051	1314	1481	1616	1728
5150	680	1058	1323	1492	1628	1741
5200	685	1066	1333	1502	1640	1753
5250	690	1073	1342	1513	1651	1765
5300	695	1081	1351	1524	1663	1778
5350	700	1088	1361	1534	1674	1790
5400	705	1096	1370	1545	1686	1802
5450	710	1103	1379	1555	1697	1815
5500	714	1111	1389	1566	1709	1827
5550	719	1118	1398	1576	1720	1839
5600	724	1126	1407	1587	1732	1851
5650	729	1133	1417	1598	1743	1864
5700	734	1141	1426	1608	1755	1876
5750	739	1148	1435	1619	1766	1888
5800	744	1156	1445	1629	1778	1901
5850	749	1163	1454	1640	1790	1913
5900	753	1171	1463	1650	1801	1925
5950	758	1178	1473	1661	1813	1937
6000	763	1186	1482	1672	1824	1950
6050	768	1193	1491	1682	1836	1962
6100	773	1201	1501	1693	1847	1974
6150	778	1208	1510	1703	1859	1987
6200	783	1216	1519	1714	1870	1999
6250	788	1223	1529	1724	1882	2011

6300	792	1231	1538	1735	1893	2023
6350	797	1238	1547	1745	1905	2036
6400	802	1246	1557	1756	1916	2048
6450	807	1253	1566	1767	1928	2060
6500	812	1261	1575	1777	1940	2073
6550	816	1267	1583	1786	1949	2083
6600	820	1272	1590	1794	1957	2092
6650	823	1277	1597	1801	1965	2100
6700	827	1283	1604	1809	1974	2109
6750	830	1288	1610	1817	1982	2118
6800	834	1293	1617	1824	1990	2127
6850	837	1299	1624	1832	1999	2136
6900	841	1304	1631	1839	2007	2145
6950	845	1309	1637	1847	2016	2154
7000	848	1315	1644	1855	2024	2163
7050	852	1320	1651	1862	2032	2172
7100	855	1325	1658	1870	2041	2181
7150	859	1331	1665	1878	2049	2190
7200	862	1336	1671	1885	2057	2199
7250	866	1341	1678	1893	2066	2207
7300	870	1347	1685	1900	2074	2216
7350	873	1352	1692	1908	2082	2225
7400	877	1358	1698	1916	2091	2234
7450	880	1363	1705	1923	2099	2243
7500	884	1368	1712	1931	2108	2252
7550	887	1374	1719	1938	2116	2261
7600	891	1379	1725	1946	2124	2270
7650	895	1384	1732	1954	2133	2279
7700	898	1390	1739	1961	2141	2288
7750	902	1395	1746	1969	2149	2297
7800	905	1400	1753	1977	2158	2305
7850	908	1405	1758	1983	2164	2313
7900	910	1409	1764	1989	2171	2320
7950	913	1414	1770	1995	2178	2328
8000	916	1418	1776	2001	2185	2335
8050	918	1423	1781	2007	2192	2343
8100	921	1428	1787	2014	2198	2350
8150	924	1432	1793	2020	2205	2357
8200	927	1437	1799	2026	2212	2365
8250	929	1441	1804	2032	2219	2372
8300	932	1446	1810	2038	2226	2380
8350	935	1450	1816	2045	2232	2387
8400	937	1455	1822	2051	2239	2395
8450	940	1459	1827	2057	2246	2402
8500	943	1464	1833	2063	2253	2410
8550	945	1468	1839	2069	2260	2417
8600	948	1473	1845	2076	2266	2425
8650	951	1478	1850	2082	2273	2432
8700	954	1482	1856	2088	2280	2440
8750	956	1487	1862	2094	2287	2447
8800	959	1491	1868	2100	2294	2455
8850	962	1496	1873	2107	2300	2462
8900	964	1500	1879	2113	2307	2470
8950	967	1505	1885	2119	2314	2477
9000	970	1509	1891	2125	2321	2484
9050	973	1514	1896	2131	2328	2492
9100	975	1517	1901	2137	2334	2498
9150	977	1521	1905	2141	2339	2503
9200	979	1524	1909	2146	2344	2509
9250	982	1527	1914	2151	2349	2514
9300	984	1531	1918	2156	2354	2520
9350	986	1534	1922	2160	2359	2525
9400	988	1537	1926	2165	2365	2531

9450	990	1541	1930	2170	2370	2536
9500	993	1544	1935	2175	2375	2541
9550	995	1547	1939	2179	2380	2547
9600	997	1551	1943	2184	2385	2552
9650	999	1554	1947	2189	2390	2558
9700	1001	1557	1951	2194	2396	2563
9750	1003	1561	1956	2198	2401	2569
9800	1006	1564	1960	2203	2406	2574
9850	1008	1567	1964	2208	2411	2580
9900	1010	1571	1968	2213	2416	2585
9950	1012	1574	1972	2218	2421	2590
10000	1014	1577	1977	2222	2427	2596

C. For purposes of this section, "gross income" shall mean all income from all sources and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, re-employment income, gifts, prizes or awards. Gross income shall be subject to deduction of reasonable business expenses for persons with income from self-employment, a partnership, or a closely held business. "Gross income" shall not include benefits from public assistance programs as defined in § 63.1-87 or child support received. *For purposes of this subsection spousal support included in gross income shall be limited to spousal support paid pursuant to a pre-existing order or written agreement and spousal support shall be deducted from the gross income of the payor when paid pursuant to a pre-existing order or written agreement between the parties to the present proceeding.*

D. Any extraordinary medical and dental expenses for treatment of the child or children shall be added to the basic support obligation. For purposes of this section extraordinary medical and dental expenses are uninsured expenses in excess of \$100 for a single illness or condition and shall include but not be limited to eyeglasses, prescription medication, prostheses, and mental health services whether provided by a social worker, psychologist, psychiatrist, or counselor.

E. Any child-care costs incurred on behalf of the child or children due to employment of the custodial parent shall be added to the basic child support obligation. Child-care costs shall not exceed the amount required to provide quality care from a licensed source.

F. A total *monthly* child support obligation shall be established by adding (i) *monthly* basic child support obligation, as determined from the schedule contained in subsection B of this section, (ii) *all* extraordinary medical expenses, and (iii) work-related child-care costs and taking into consideration all the factors set forth in subsection B of § 20-108.1. The total *monthly* child support obligation shall be divided between the parents in the same proportion as their *monthly* gross incomes bear to their *monthly* combined gross income. The *monthly* obligation of each parent shall be computed by multiplying each parent's percentage of the parents' *monthly* combined gross income by the total *monthly* child support obligation.

G. The Secretary of Health and Human Resources shall ensure that the guideline established in this section is reviewed by July 1, 1990, and periodically every four years thereafter by a panel which includes representatives of the courts, the executive branch, the General Assembly, the bar, custodial and noncustodial parents and child advocates. The panel shall 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 the expenditures necessary for rearing children, the findings of the reporting and tracking system established by subsection H of this section, and any other resources it deems relevant to such review. The panel shall report its findings to the General Assembly before it next convenes following such review.

H. The Department of Social Services and the Executive Secretary of the Supreme Court shall cooperate to design and implement a system for reporting and tracking child support orders entered in the Commonwealth to determine the effect of the use of the guideline on the level of support awards. To facilitate this system, the Department and the Executive Secretary shall design a form for use by the courts and the Department in the calculations required by subsection F of this section and in the collection and reporting of data essential for this analysis. The Department and the Executive Secretary shall develop a method for collecting and analyzing the reported data in a central location and shall report to the Governor and the General Assembly by July 1, 1989, and annually thereafter the findings of the reporting and tracking system.

§ 63.1-250.1. Authority to issue certain orders.—A. In the absence of a court order, the Department of Social Services shall have the authority to issue orders directing the payment of child, and child and spousal support and, if reasonable under all the circumstances, to require a provision for health care coverage for dependent children of the obligor. In ordering the payment of child support, the Department shall ~~consider~~ *set such support at* the amount resulting from computation pursuant to the guideline set out in § 20-108.2 . *subject to the provisions of § 63.1-264.2 .*

B. The Department may order the obligor and payee to notify each other or the Department upon request of current gross income as defined in § 20-108.2 of the Code and any other pertinent information which may affect child support amounts. For good cause shown, the Department may order that such information be provided to the Department and made available to the parties for inspection in lieu of the parties' providing such information directly to each other.

C. The Commissioner and the Director of the Division of Child Support Enforcement shall have the right to subpoena financial records of the responsible person and obligee from any person, firm, corporation, association, or political subdivision or department of the Commonwealth. The power to subpoena financial records shall be exercised only to corroborate the existence of assets previously identified by the Internal Revenue Service of the United States Treasury Department.

§ 63.1-264.2. Scale of suggested minimum contributions.—The Department shall ~~consider~~ *set child support at* the amount resulting from computations pursuant to the guideline set out in § 20-108.2 in determining the required monthly support obligation, the amount of support obligation arrearage, if any, and the amount to be paid periodically against such arrearage and shall specify the circumstances which ~~should~~ *shall* be considered in raising or reducing such contributions . including, but not limited to, earning potential, reasonable necessities, ability to borrow, existence of other dependents or special hardships of the responsible person, as well as the needs of the child and caretaker.

President of the Senate

Speaker of the House of Delegates

Approved:

Governor

CHILD SUPPORT GUIDELINES REPORTING FORM VA. CODE § 20-108.2(H)

Virginia Code § 20-108.2(H) requires the implementation of a reporting and tracking system to determine the effect use of the child support guidelines on the level of child support awards in Virginia. This form is designed to obtain information needed to analyze the effect of the use of such child support guidelines on the level of child support awards. Instructions for completing this form have been made available to each court and District Office. Upon completion of this form in each case in which child support is awarded, send this form to: Support Tracking Office, Division of Child Support Enforcement, P.O. Box K-3, Richmond, Virginia 23288.

1.
 - a. Circuit Court
 - b. Juvenile and Domestic Relations District
 - c. DCSE District Office
2. = Case Number
3. = Number of children for whom father and mother share a legal child support obligation for whom support was awarded.
4. \$..... Mother's Monthly Gross Income. If none, insert NONE. If mother is not a party, insert (Line 2, Work Sheet).
5. \$..... Father's Monthly Gross Income. If none, insert NONE. If father is not a party, insert (Line 2, Work Sheet).
6. a. \$..... Adjustment for spousal support payment (see instructions). If none, insert NONE.
 - b. Mother
 - Father
7. \$..... Extraordinary medical and dental expense, § 20-108.2(D). If none awarded, insert N (Line 6.b., Work Sheet).
8. \$..... Work-related child care costs, § 20-108.2(E). If none awarded, insert NONE (Line 6.c., Work Sheet).
9. \$..... Total amount of child support awarded. (Line 10.e. of Work Sheet if completed; otherwise Line 7 of Work Sheet)
 - a. weekly
 - b. bi-weekly
 - c. semi-monthly
 - d. monthly
10. Were calculations made by anyone in this case using the child support guidelines formula in § 20-108.2(F)?
 - a. Yes and the amount of child support ordered to be paid by the noncustodial parent was the same as the guideline calculation.
 - b. Yes but the amount of child support ordered to be paid by the noncustodial parent was not the same guideline calculation because of the factor(s) described below in Item No. 10, and (check either box).
 - (1) The guideline calculation was used as a general reference point in determining the child support award.
 - (2) The guideline calculation was not used as a general reference point in determining the child support award.
 - c. No, due to the factor(s) described below in Item No. 11.

11. (To be completed if 10.b. or 10.c. is checked)

Reason(s) for not making child support guidelines calculation or for not making a child support award the same as the guidelines calculation (check and complete the applicable blocks):

- a. Actual monetary SUPPORT FOR OTHER children, other family members or former family member: § 20-108.1(B)(1)
- b. Arrangements regarding CUSTODY of the children. § 20-108.1(B)(2)
- c. SUPPORT AGREEMENT BY the parties
- d. IMPUTED INCOME to a party who is voluntarily unemployed or voluntarily underemployed; provided the income may not be imputed to the custodial parent when a child is not in school or where child care services are not available and the cost of such child care services are not included in the computation. § 20-108.1(B)(3)
- e. DEBTS of either party arising during the marriage for the BENEFIT OF THE CHILD. § 20-108.1(B)(4)
- f. DEBTS incurred for PRODUCTION OF INCOME. § 20-108.1 (B)(5)
- g. Direct payments ordered by the court for health plan coverage, education expenses, or other COURT ORDERED DIRECT PAYMENTS for the benefit of the child. § 20-108.1(B)(6)
- h. EXTRAORDINARY CAPITAL GAINS such as capital gains resulting from the sale of the marital abode § 20-108.1(B)(7)
- i. The age, physical and mental CONDITION OF THE CHILD or children, including extraordinary medical or dental expenses, and child-care expenses, § 20-107.2(2)(a)
- The INDEPENDENT FINANCIAL RESOURCES, if any, of the CHILD or children. § 20-107.2(2)(b)
- k. The STANDARD OF LIVING for the family established during the marriage, § 20-107.2(2)(c)
- l. The earning capacity, obligations and needs, and financial RESOURCES OF EACH PARENT. § 20-107.2(2)(d)
- m. The EDUCATION AND TRAINING OF THE PARTIES and the ability and opportunity of the parties to secure such education and training, § 20-107.2(2)(e)
- n. The CONTRIBUTIONS, monetary and nonmonetary, of each party to the WELL-BEING OF THE FAMILY § 20-107.2(2)(f)
- o. The PROVISIONS made with regard to the MATERIAL PROPERTY under § 20-107.3, § 20-107.2(2)(g)
- p. Limited by PLEADINGS
- q. Such OTHER FACTORS, including tax consequence to each party, as are necessary to consider the equities for the parents and children (§ 20-107.2(2)(h) describe briefly)

.....

.....

.....

r. Other:.....

.....

CHILD SUPPORT GUIDELINES REPORTING FORM

Virginia Code Section 20-108.2(H)

Virginia Code Section 20-108.2(H) requires the implementation of a reporting and tracking to determine the effect of the use of the child support guidelines on the level of child awards in Virginia.

Upon completion of the Reporting Form by the court, please attach the Form to the case and send same to the District Child Support Enforcement Office in your area.

District Offices of the Division of Child Support Enforcement are to complete Reporting Forms and process forms received from the courts in accordance with Central Office directives.

1. _____ County/City
 - a. Circuit Court
 - b. Juvenile and Domestic Relations District Court
 - c. DCSE District Office
2. _____ = Case Number
3. _____ = number of children for whom father and mother share a legal child support obligation and for whom support was awarded.
4. a. _____ Adjustment for spousal support payment (See
b. _____ instructions). If none, insert NONE.
5. \$ _____ Mother's Monthly Gross Income, If none, insert NONE. If mother is not a party, insert N/A (Line 2, worksheet).
6. \$ _____ Father's Monthly Gross Income. If none, insert NONE. If father is not a party, insert N/A (Line 2, worksheet).
7. \$ _____ Extraordinary medical and dental expense, 20-108.2(D). If none awarded, insert NONE. (Line 6.b., worksheet)
8. \$ _____ Work-related child care costs, 20-108.2(E). If none awarded, insert NONE. (Line 6.c., worksheet)
9. \$ _____ Total amount of child support awarded. (Line 7 of worksheet if completed; otherwise, Line 10e of worksheet)
 - a. Weekly
 - b. Bi-weekly
 - c. Semi-monthly
 - d. Monthly
10. Were calculations made by anyone in this case using the child support guidelines form 20-108.2(F)?
 - a. Yes and the amount of child support ordered to be paid by the noncustodial parent was the same as the guideline calculation

APPENDIX IV-4

- b. Yes but the amount of child support to be paid by the noncustodial parent was no the same as the guideline calculation because of the factor(s) described below in Item No. 11, and (check either line)
- (1) The guideline calculation was used as a general reference point in determining the child support award.
- (2) The guideline calculation was not used as a general reference point in determining the child support award.
- c. No, due to the factor(s) described below in Item No. 11
- d. No, the obligation was based on the amount of public assistance paid to the non-custodial parent's family.
- e. No, the obligation was based on a default order, as the non-custodial parent failed or refused to cooperate in establishing a non-public assistance support order.

R COURT USE ONLY

- (To be completed if 10b. or 10c. is checked)
Reason(s) for not making child support guidelines calculation or for not making a child support award the same as the guidelines calculation (check and complete the applicable blocks):
- a. Actual monetary SUPPORT FOR OTHER children, other family members or former family members, Section 20-108.1(B)(1)
- Arrangements regarding CUSTODY of the children, Section 20-108.1(B)(2)
- c. SUPPORT AGREEMENT BY the parties
- d. IMPUTED INCOME to a party who is voluntarily unemployed or voluntarily underemployed; provided that income may be imputed to the custodial parent when child is not in school or where child care services are not available and the cost of such child care services are not included in the computation, Section 20-108.1(B)(3)
- e. DEBTS of either party arising during the marriage for the BENEFIT OF THE CHILD, Section 20-108.1(B)(4)
- f. DEBTS incurred for PRODUCTION OF INCOME, Section 20-108.1(B)(1)
- g. Direct payments ordered by the court for health plan coverage, education expenses, or other COURT-ORDERED DIRECT PAYMENTS for the benefits of the child, Section 20-108.1(B)(6)
- h. EXTRAORDINARY CAPITAL GAINS such as capital gains resulting from the sale of the marital abode, Section 20-108(B)(7)
- i. The age, physical and mental CONDITION OF THE CHILD or children, including extraordinary medical or dental expenses, and child-care expenses, Section 20-107.2(2)(a)

