

**REPORT OF THE  
AD HOC SUBCOMMITTEE STUDYING**

# **The Child Support Guideline**

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



**REPORT DOCUMENT NO. 13**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2004**

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# **EXECUTIVE SUMMARY**

## **I. BACKGROUND**

The House Courts of Justice Committee tabled legislation in the 2003 session that amended Virginia's child support guideline in accordance with the recommendations of the 2001-2002 Triennial Review Panel. At session close, the Committee recommended creation of the Ad Hoc Subcommittee Studying the Child Support Guideline ("Ad Hoc Subcommittee") to provide a forum for examining that 2003 legislation in more detail.

The Ad Hoc Subcommittee's members were Delegates Terry G. Kilgore (Subcommittee Chairman), Joseph P. Johnson, Jr., Michele B. McQuigg, and Brian J. Moran; and Senators Harry B. Blevins and Henry L. Marsh, III. Delegate Vivian E. Watts and Senator Frederick M. Quayle were invited guests.

## **II. MEETINGS**

The Ad Hoc Subcommittee held two meetings; summaries of both meetings are available on the Ad Hoc Subcommittee's website at [www.dls.state.va.us/chld\\_support.htm](http://www.dls.state.va.us/chld_support.htm). The October 21, 2003 meeting focused on policy issues; the November 18, 2003 meeting focused on the child support schedule.

Meeting attendees included several members of the 2001-2002 Triennial Panel (Joseph Crane, Assistant Director of Program Administration and Support, Division of Child Support Enforcement (Chairman of the 2001-2002 Panel), Murray Steinberg, Lawrence D. Diehl, Esq., the Honorable A. Ellen White, Judge, Campbell County Juvenile and Domestic Relations Court, the Honorable Patricia West, Virginia Beach Circuit Court); the economic adviser to the Triennial Panel (Dr. William Rodgers); Ray Hartz, Esq., Virginia Poverty Law Center; Richard J. Byrd, Esq., appearing for the Virginia Bar Association Coalition on Family Law Legislation; Uriel Johnson, National Partnership for Community Leadership; members of Fathers for Virginia (Ron Grignol, Archer Crebbs); an expert witness for Fathers for Virginia (Mark Rogers); and non-custodial fathers (Aubrey-Eel, Larry White, Rob Ingalls, Fred Hawkins and Craig Yohn).



### III. KEY ISSUES

1. Virginia's guideline was established in 1988, and is based on data from the 1970s. Although the schedule "self-adjusts" for inflation (by increasing child support payments as income increases), the data may be inherently flawed due to cultural changes and improvements in data collection techniques.

2. No state or the federal government has reliable actual data on the costs of raising a child in a non-intact household. This necessitates the use of data from intact families for developing schedule amounts. The schedule in the 2003 legislation contained a "separate household discount" to reflect the expenditures non-custodial parents make during parenting time and the fixed cost of establishing a second home. Opponents argue that use of data from intact families does not accurately capture actual expenses of non-intact families.

3. The income shares model (which Virginia uses) takes as its basic premise that children should share in a parent's income as though the union still existed, hence the indexing of the child support amounts to income increases. The Melson model is a little-used modified version of the income shares approach. "Cost-sharing" allocates costs on an actual, real-time basis and "income equalization" combines both parents' incomes and divides them equally to assess child support. Neither of the latter two methods is used by any state.

4. From a practice perspective, it appears that most judges routinely use the deviation factor for imputing income. The deviation factors associated with tax issues are less frequently applied because they entail complicated calculations difficult to complete within limited time constraints. The additional deviation factors contained in the proposed legislation are unclear and might be difficult to apply.

5. Specific concerns about the 2003 legislation, as voiced at the Ad Hoc Subcommittee's meetings include:

- Deviations to accommodate local prevailing wages would be difficult to calculate;
- The retroactivity provision has potentially wide-ranging implications;
- The statement regarding 60 - 90 days of visitation makes explicit an assumption and will create more conflict;
- The recitation of economic assumptions are inappropriate and will create more conflict;
- The self-support reserve requires calculations to be conducted in accordance with federal not state law and should be eliminated; and
- The child care benefits depend on an individual's tax status and phase out at higher incomes and should be revised to provide a court with the flexibility to take into consideration tax consequences of child care expenses.
- The amounts in the revised schedule are too high at the lower income levels and too low at higher income levels.

#### IV. RECOMMENDATION

The Division of Child Support Enforcement, the VBA Coalition on Family Law Legislation, and a representative of the Triennial Panel reached a compromise on potential changes to the child support guideline. The compromise proposal contains the following components:

- Provides that "gross income" shall not include income received by the payor parent from a second job that was taken in order to pay off child support arrearages and that cessation of the income is not the basis for a material change in circumstances;
- Replaces the provision for "extraordinary medical and dental expenses" with a requirement that the parents pay in proportion to their incomes any reasonable and necessary unreimbursed medical or dental expenses in excess of \$250 per year per child;
- Directs the court to consider actual tax savings a party derives from the child-care cost deductions or credits;
- Changes the guideline review period from being completed every three years to being completed every four years; and
- Modifies the schedule of child support so that transition between the increases in the support amounts is more gradual.

The Subcommittee recommended that staff prepare legislation based on the compromise proposal so that it would be available in the event someone wished to request legislation. The Subcommittee took no position relative to the model legislation.

In the 2004 General Assembly Session, Senator Quayle introduced legislation (Senate Bill 208) containing all provisions of the model legislation except for the changes to the schedule amounts. Delegate Marrs introduced House Bill 511, which made consistent the treatment of extraordinary medical expenses across all forms of child custody arrangements. The two bills eventually went into conference and were merged so that identical bills, each containing all provisions of the other, were sent to the Governor. Senate Bill 208 also contains some additional necessary conforming amendments offered by the Governor and accepted by the General Assembly. With this successful legislation, the Ad Hoc Subcommittee has completed its work and will not meet in 2004.

# **Report of the Ad Hoc Subcommittee Studying the Child Support Guideline**

TO: The Honorable Mark Warner, Governor of Virginia  
and  
The General Assembly of Virginia

Richmond, Virginia  
May 2004

## **I. INTRODUCTION**

The House Courts of Justice Committee tabled legislation in the 2003 Session of the General Assembly that sought to amend Virginia's child support guideline in accordance with recommendations made by the 2001-2002 Child Support Guideline Review Panel ("2001-2002 Panel"). At session close, the Committee recommended that the Ad Hoc Subcommittee Studying the Child Support Guideline ("Ad Hoc Subcommittee") be convened to examine the 2003 legislation in more detail. The Ad Hoc Subcommittee's members include Delegates Terry G. Kilgore (Chairman), Joseph P. Johnson, Jr., Michele B. McQuigg, and Brian J. Moran; and Senators Harry B. Blevins and Henry L. Marsh, III. Delegate Vivian E. Watts and Senator Frederick M. Quayle sponsored the 2003 legislation and were invited to participate in the Ad Hoc Subcommittee.

### **A. THE CHILD SUPPORT GUIDELINE REVIEW PANEL**

The Child Support Guideline Review Panel is charged under federal and Virginia law to examine Virginia's child support guideline and develop recommendations for presentation to the Secretary of Health and Human Resources and to the General Assembly.

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 and expenditures necessary for rearing children, and any other resources it deems relevant to such review. *Va. Code Ann.* § 20-108.2 H.

By statute, the Guideline Review Panel is newly appointed every three years (the 2001-2002 Panel ceased operations after issuing its October 2002 report), and consists of four members from the General Assembly (who serve terms coincident with their offices) and 11 non-legislative members (including representatives of the judiciary, custodial parents and non-custodial parents) recommended by the Secretary of Health and Human Resources and appointed by the Governor.<sup>1</sup>

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<sup>1</sup> Legislative members appointed to the 2003-2004 Panel are Delegates McQuigg, Barlow and Athey, and Senator Quayle. Non-legislative members had not been appointed at the date this report was completed.

## B. LEGISLATION IN THE 2003 SESSION

At the conclusion of its public hearings and debate, the 2001-2002 Panel recommended several changes to the child support guideline. Those changes were incorporated into identical Senate and House bills that were introduced in the 2003 Session by Delegate Watts and Senator Quayle, both of whom served on the 2001-2002 Panel: House Bill 2261/Senate Bill 1313, House Bill 2262/Senate Bill 1314, and House Bill 2263/Senate Bill 1312.

**Content of Legislation.** House Bill 2263 (Appendix A) and Senate Bill 1312 (Appendix B) are omnibus bills that propose comprehensive policy and schedule changes to the guideline. The remaining bills each contain different portions of the omnibus legislation.

House Bill 2261/Senate Bill 1313 and House Bill 2262/Senate Bill 1314 each contain a portion of House Bill 2263/Senate Bill 1312. House Bill 2261/Senate Bill 1313 incorporated the changes to the schedule and some policy changes contained in the omnibus bill. House Bill 2262/Senate Bill 1314 contained four policy changes excluded from House Bill 2261/Senate Bill 1313.

Both House Bill 2263/Senate Bill 1312 and House Bill 2261/Senate Bill 1313 contained a complete revision of the child support schedule. The child support schedule now in force is based on data dating to the early 1970s. The 2001-2002 Panel engaged an economist from the College of William & Mary, Dr. William Rodgers, to conduct a comprehensive analysis of the child support schedule. Dr. Rodgers found that expenditures related to raising children are substantially higher than those reflected in the current schedule. Dr. Rodgers used information on the costs in Virginia of raising children in non-intact families (*Technical Report: The Cost of Raising Children*, Report of the Joint Legislative Audit and Review Commission, Senate Document No. 9 (2001)) and data from the 2001 United States Department of Agriculture Consumer Expenditures Survey to adjust the schedule amounts.

For various reasons, including a recognition of the costs to the noncustodial parent in maintaining a separate household, a belief that the baseline figures for intact families used to help develop the schedule amounts may have been underestimated, and the substantial impact the increase indicated by the data would have on existing child support cases, the 2001-2002 Panel decided not to apply the full percentage increase indicated by the data:

For example, for parents with a combined monthly gross income of \$3550 with one child, a new schedule would require 24% of that combined income. The current schedule requires 14% of the combined income. Thus, basing a new schedule on the estimated current costs would consume an additional ten percent (10%) of the combined monthly income. The Panel deemed such an increase not feasible.

*Report to the Secretary and General Assembly, Review of Child Support Guideline, Secretary's Triennial Child Support Guideline Review Panel, October 31, 2002, page 8.*

**House Action.** The Civil Law Subcommittee ("Subcommittee") to the House Courts of Justice Committee was scheduled to hear House Bill 2261, House Bill 2262 and House Bill 2263 on January 22, 2003. The Subcommittee discussed only House Bill 2263 and agreed to retain the bill for further consideration. Subsequent to that meeting, a substitute bill incorporating several amendments discussed by the Subcommittee was prepared (Appendix C).

On January 29, 2003, the Subcommittee voted unanimously to pass by indefinitely the substitute for House Bill 2263. On January 31, 2003, the House Courts of Justice Committee voted 14-7 to table the substitute for House Bill 2263. The Subcommittee never heard testimony on House Bill 2261 or House Bill 2262. On January 31, 2003, the House Courts of Justice Committee struck House Bill 2261 at the patron's request and tabled House Bill 2262.

**Senate Action.** On February 2, 2003, the Senate Courts of Justice Committee struck Senate Bill 1313 and Senate Bill 1314 at the patron's request, and unanimously reported a substitute to Senate Bill 1312. On February 4, 2003, the Senate voted unanimously to pass the substitute, with three additional amendments (Appendix D). On February 5, 2003, the bill was placed on the House Calendar, read for the first time, and referred to the House Courts of Justice Committee.

The Subcommittee heard Senate Bill 1312 on February 12, 2003, voted to amend the bill, and then voted unanimously to table it.<sup>2</sup> In tabling Senate Bill 1312, the Subcommittee noted that it had tabled House Bill 2263, and that it did not have sufficient time to consider Senate Bill 1312. It recommended establishing the Ad Hoc Subcommittee to consider the legislation in more detail. On February 17, 2003, the House Courts of Justice Committee voted unanimously to table Senate Bill 1312 and the Committee Chairman announced the proposed formation of the Ad Hoc Subcommittee.

## II. ACTIVITIES OF THE AD HOC SUBCOMMITTEE

The Ad Hoc Subcommittee held two meetings: the October 21, 2003 meeting focused on policy issues; the November 18, 2003 meeting focused on the child support schedule. Meeting agendas, witness testimony, and complete meeting summaries may be accessed on the Ad Hoc Subcommittee's website ([dls.state.va.us/chld\\_support.htm](http://dls.state.va.us/chld_support.htm)).

### A. MEETING OF OCTOBER 21, 2003

**Testimony by Invited Speakers.** Joseph Crane, Assistant Director of Program Administration and Support, Division of Child Support Enforcement, and Chairman of the 2001-2002 Panel, provided an overview of issues related to child support and noted that a pivotal question is the nature and extent of a parent's responsibilities. The income shares model takes as its basic premise that children should share in a parent's income as though the union still existed; hence the indexing of the child support amounts to income increases. The Melson model is a little-used modified version of the income shares approach. "Cost-sharing" allocates costs on an

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<sup>2</sup> The amendment struck a provision requiring that a child support obligation shall not reduce the residual income of noncustodial parent to less than 150 percent of the poverty level and also directing that recalculation would not reduce or create a support obligation that would seriously impair economically either party.

actual, real-time basis and "income equalization" combines both parents' incomes and divides them equally to assess child support. Neither of the latter two methods is used by any state.

No state or the federal government has reliable actual data on the costs of raising a child in a single parent household, thus necessitating analysis of data on intact families. Virginia's guideline was last revised in 1987, and is based on data from the 1970s. The 2001-2002 Panel followed the recommendations of the Joint Legislative Audit and Review Commission in hiring an economist and retaining the income shares approach. Virginia's actual child support amounts are close to the overall national average. The Panel's economist, Dr. William Rodgers of the College of William & Mary, used data from the consumer expenditure surveys to prepare the revised schedule, then applied a 70 percent discount to provide for a more graduated increase in the schedule amounts.

Any failure by Virginia to review the guideline in accordance with federal law could result in financial consequences. The review could be simplified by returning to a quadrennial review of the child support guideline, with the report due in the last full year of an administration. If this change were to be implemented, a new Panel would prepare its report for publication in 2006, which would be in accordance with the basic federal requirements (that a report be issued at least every four years).

Murray Steinberg (Member, 2001-2002 Review Panel) stated that Virginia's basic framework for child support is decent if applied properly. The problem is that courts rarely apply the 18 factors they may use to deviate from the presumptive amounts. The amount of child support calculated solely by application of the schedule is not a presumptive amount but is the only amount. For example, the courts do not consider the expenses that noncustodial parents incur, including housing, food, clothing and transportation. Nor do courts consider tax consequences. There are no breakdowns for the specific costs associated with child-rearing, and no data on any child care costs where the children are being raised in two separate households, making it impossible for a judge to estimate accurately the costs and expenses on either side. It will be impossible to make any changes to Virginia's child support guideline until those data are available. Change is unnecessary in any event because the schedule is self-regulating: as gross income increases, schedule amounts increase. From a policy perspective, although the system is designed to establish each parent's obligation, in reality the system only tracks and accounts for the non-custodial parent's income. The system demands the non-custodial parent's payment but does not demand the custodial parent's payment. If changes proposed to the schedule by the 2003 legislation were made, Virginia would move into a position in the top three most expensive states for child support.

Senator Frederick Quayle (Member, 2001-2002 Review Panel) observed that there was not complete accord between the noncustodial and custodial parents, but that the Panel attempted to treat both sets of parents, and their children, as fairly as possible. There were no cost data in 1988 either, yet the schedule was amended to its current status. There are inherent difficulties in developing a set of data as a basis for a child support schedule upon which everyone would agree, but the schedule developed by Dr. Rodgers was formed in an open and fair process.

Delegate Vivian Watts (Member, 2001-2002 Review Panel) noted that the process used by the Panel was fair and fully participatory, but that regardless of the process used, given the subject, there would always be issues raised by different groups. With respect to Dr. Rodgers's report: one reason for the 70 percent discount was in part to adjust for the lack of specific data on two-parent households, and it may be necessary to adjust the schedule to make a better fit at lower income levels. Of value in that respect is the minimal base set for child support (at \$65) and the self-support reserve. Remaining equity issues include accommodating the fact that costs increase as children age and accurately accounting for increased parental incomes.

Lawrence D. Diehl, Esq. (Member, 2001-2002 Review Panel) summarized the way in which child support costs originally were calculated: they were established based on a 1971 - 1972 study of the costs of raising children in low-income households in Kansas that were receiving some form of social services assistance. Neither the federal government nor any other state has conducted a survey of the actual costs of two-household families, nor have they attempted what Virginia has done in terms of updating the underlying household data upon which the child support guideline is based, and applying economic analysis to make that data reflect actual costs as accurately as possible. It is only because other states have not attempted such an overhaul that Virginia's revised schedule amounts might be high relative to other states.

Use of gross income as opposed to net income precludes the necessity for potentially complicated tax computations. The overarching goal is to have both parents spend time with their children. Since passage of the 90-day statute (which reduced the "cliff effect" associated with the amount of child support payable based on the number of days the child stayed with the non-custodial parent), there have been only two appellate cases regarding that issue. Most judges routinely use the deviation factor for imputing income and consider it a mandatory factor to apply. The factors associated with tax issues are not used as much. There are some "bumps" in the proposed revised schedule at different income levels and the Virginia Bar Association Coalition on Family Law Legislation has recommended smoothing the transitions among support levels.

The Honorable A. Ellen White, Judge, Campbell County Juvenile and Domestic Relations Court (Member, 2001-2002 Review Panel) testified that she served on the last two Triennial Panels, and that both panels shared a concern to be fair. Although the Panel was concerned about the lack of data on non-intact families, the revised guideline offers several benefits, including increased accuracy of the data, a new presumption of 60 to 90 days visitation with the non-custodial parent, and the streamlined approach to "extraordinary" medical expenses.

There is some concern in the judiciary regarding the addition in the proposed legislation of deviation factor in subdivision B 18 of § 20-108.1 of the Code of Virginia that provides for consideration of income received from a second job or from overtime: would a person lose the flexibility to discontinue the second job or decrease his work hours if the income associated with those were factored into the child support payment? This was seen as having a potentially detrimental effect on a person trying to decrease his work hours in order to spend more time with his children or other family members. The factor in subdivision B 19 of § 20-108.1 of the 2003 legislation, which would authorize deviations necessary to accommodate local

prevailing wages and costs, also was seen as problematic given the potential for inconsistent application of such deviations. The provisions for imputation of income in the 2003 legislation also are seen as vague and therefore problematic.

**Other Testimony.** Ray Hartz, Esq., Virginia Poverty Law Center, testified that it is vital that the guideline be updated. The main principle underlying the guideline is that children should live at the same level as the parents and that child support is for the protection of the child. The debate has centered on the parents, however, including, for example, the new provisions for a self-support reserve. Mr. Hartz agreed with the Chairman that it is important that the noncustodial parent have incentives and the ability to remain involved with his children. But when there is only so much money to go around, the focus should be on the children. Given wage withholding, lower payment amounts will have no impact on collection of child support. The lower income custodial parent should receive more in support than the revised schedule provides.

The Chairman clarified, in response to a comment by Mr. Hartz, that the changes to the schedule as proposed in the legislation would not be retroactive; that a person would not be able to obtain an order from the court lowering child support payments based solely on enactment of a revised schedule. A further modification was proposed that would provide that where reconsideration under the new schedule resulted in a reduction of the child support amount, the former amount would be retained.

Richard J. Byrd, Esq., appearing for the Virginia Bar Association Coalition on Family Law Legislation, testified that deviations to accommodate local prevailing wages would be difficult to calculate; the retroactivity provision should be removed; the statement regarding 60 - 90 days of visitation makes explicit an assumption that will lead to more conflict and debate; the recitation of economic assumptions is inappropriate and will lead to more conflict and debate; the self-support reserve requires calculations to be conducted in accordance with federal not state law and should be eliminated; and the child care benefits depend on an individual's tax status and phase out at higher incomes and should be revised to provide a court with the flexibility to take into consideration tax consequences of child care expenses. Mr. Byrd supported the modification to extraordinary medical expenses and supported excluding secondary employment income obtained to pay off child support arrearages.

The amounts in the revised schedule are too high at the lower income levels and too low at higher income levels. The Coalition has prepared a revised schedule that smoothes the transition between the increases in the support amounts. There is no problem with the old data being out of date due to inflation because the table automatically adjusts at higher incomes because of higher support amounts. This is a problem, however, at the lower income levels because there is no indexing below gross income of \$599 month. Most cases are settled and so do not involve court-established deviations from the schedule amounts. In cases that are tried, the courts apply the deviations for imputed income where those are justified. The courts are less comfortable with deviations requiring complicated calculations and are generally less likely to apply deviations involving tax consequences.



Ron Grignol, Fathers for Virginia, claimed that child support pushes things in marginal situations, creating disincentives where child support is hard to meet. The application of the child support guideline should not be affected by the sex of the parents. There is a move toward shared parenting, under which each parent is awarded one-third custody of the children. Changes to the child support guideline would increase incentives for family breakup.

Uriel Johnson, National Partnership for Community Leadership, testified about his efforts to assist low-income fathers. Collection of child support payments increases where the father is involved in the child's life. The base child support amount of \$83 is not a problem, but after that, the amounts increase sharply. He noted the importance of realistic child support orders that accurately reflect the payor's income, the importance of establishing paternity, the link between arrearages and incarceration, and development of the expanded opportunity project.

Fred Hawkins, a noncustodial father, testified that wage inflation is greater than cost inflation and that the schedule is erroneous. Modifying the schedule would encourage people from outside of Virginia to come to Virginia to get child support. The data upon which the revised schedule is based is from 1988 and only adjusted, not newly collected. It is impossible to adjust the costs for an intact household to reflect the actual costs borne by two separate households. Craig Yohn, a noncustodial father, testified regarding the personal circumstances of his divorce and custody proceedings. The answer to the current problems with the system is shared custody. Mr. Yohn stated that he is a Christian father, that God made man head of the household, that the child support guideline is having a negative impact on man's status as head of the household, and that his lawyer did not argue for any deviations. Rob Ingalls, a noncustodial father, discussed shared custody child support. Larry White, a noncustodial father, testified regarding the deficiencies in the child support guideline. Aubrey-Eel claimed that a systemic overhaul of child support and domestic relations law is necessary, that the Division of Child Support Enforcement is taking money from individuals, and that the law is being unconstitutionally applied.

## **B. MEETING OF NOVEMBER 18, 2003**

**Testimony by Invited Speakers.** Dr. William Rodgers, economic adviser to the Triennial Panel, appeared before the Ad Hoc Subcommittee via telephone. Dr. Rodgers emphasized that (i) the "separate household discount" acknowledges that non-custodial parents make expenditures during parenting time and have as a fixed cost the cost of establishing a second home; (ii) the current Virginia schedule of child support is based on data from the 1970s, Virginia is one of 11 states whose schedules are tied to 1970s data, and the Bureau of Labor Statistics has made significant improvements in its data collection techniques; (iii) one of the rationales for utilizing costs associated with two-parent households is to ensure the child is no worse off after the family is no longer intact; (iv) one challenge in calculating the figures for the revised schedule of child support was to determine which expenditures went entirely to children and which had to be prorated among family members; and (v) the schedule reflects significant relief for payor parents at lower income levels.

In response to questions from the Chairman, Dr. Rodgers noted that (i) the Consumer Expenditure Survey data are appropriate for use in the schedule despite some

problems in the sample size; and (ii) with respect to the issue of whether the schedule is "self-adjusting," the problem is that the data are inherently flawed due to cultural changes and improvements in data collection techniques. In response to questions from Delegate McQuigg, Dr. Rodgers explained that the 70 percent discount corresponds to the share of the fixed cost items (i.e., 70 percent of the expenditures made correspond to fixed cost items). Dr. Rodgers also stated that he is open to modifications to the schedule to smooth some of the sharper transitions among support amounts as identified by the Virginia Bar Association Coalition on Family Law Legislation.

The Honorable Patricia L. West, Judge, Virginia Beach Circuit Court (member, 2001-2002 Triennial Panel) identified issues of concern in the proposed legislation: the adjustment for local prevailing wages, the provisions for secondary employment, and assessing tax consequences. The issue of assessing tax consequences as is currently required by Virginia law also poses concerns to judges. Judge West noted that these concerns had been expressed by only a few judges and could not be assumed to be a comprehensive statement.

**Other Testimony.** Joseph Crane, Division of Child Support Enforcement, Chairman, 2001-2002 Triennial Panel, testified that several interested parties had reached tentative agreement regarding modifications to the child support guideline (*see Part IV, infra*).

Mark Rogers testified on behalf of Fathers of Virginia in opposition to changes to the child support guideline. Mr. Rogers claimed that if the schedule amounts are not adjusted for the 70 percent discount, the guideline would be subject to challenge; in typical cases a custodial parent has a higher standard of living than a noncustodial parent; economically the guidelines are too high; the standards of living are compared by examining the after-tax income of each parent in relation to the poverty threshold; 18 states specifically mention tax consequences; and he could not remember how other states approach self-support reserves.

Ray Hartz, Virginia Poverty Law Center, reiterated his position relative to the importance of placing the children first. He noted that some had suggested that the custodial parents were not complaining about the guideline and child support amounts. That is due in many cases to the fact that they are in poverty and struggling to get by. Current support is too low for low-income people. The focus is on the noncustodial parent. There are unintended costs to the Commonwealth when people are forced onto the welfare rolls; lowering the incomes of families increases welfare dependency.

**Subcommittee Discussion.** Delegate McQuigg questioned whether inaction might be preferable to action. Delegate Moran noted that Richard Byrd's comments are compelling, as are Ray Hartz's data on the impact on the very poor. He is not convinced of the need to change anything in the existing guideline and questioned whether changes would result in benefits to children. Senator Quayle noted that the Panel had spent a lot of time considering issues, that Dr. Rodgers's figures were high, that he put stock in what the VBA stated, but that nevertheless the schedule might be inadequate (given the age of the data upon which it is based).

Senator Blevins noted that Dick Byrd's presentation was more in line with needed changes and that he is concerned that if the guideline were revised as proposed, Virginia would

move into the top three states vis-à-vis its child support schedule. Chairman Kilgore noted that at lower levels of income, there was injury to children in the decrease in child support. Delegate Moran stated that patrons were free to submit their bills again. Senator Blevins noted the addition of the change to a quadrennial review and Chairman Kilgore noted the addition of the policy changes, including those addressing extraordinary medical expenses.

### **III. SUMMARY OF KEY ISSUES**

1. Virginia's guideline was established in 1987 and is based on data from the 1970s. Although the schedule "self-adjusts" for inflation (by increasing child support payments as income increases), the data may be inherently flawed due to cultural changes and improvements in data collection techniques.

2. No state or the federal government has reliable actual data on the costs of raising a child in a household that is not intact. This necessitates the use of data from intact families for developing schedule amounts. The schedule in the 2003 legislation contained a "separate household discount" to reflect the expenditures noncustodial parents make during parenting time and the fixed cost of establishing a second home. Opponents argue that data from intact households do not accurately capture actual expenses of households that are not intact, and cannot be modified to reflect those expenses.

3. The income shares model (which Virginia uses) takes as its basic premise that children should share in a parent's income as though the union still existed, hence the indexing of the child support amounts to income increases. The Melson model is a little-used modified version of the income shares approach. "Cost-sharing" allocates costs on an actual, real-time basis and "income equalization" combines both parents' incomes and divides them equally to assess child support. Neither of the latter two methods is used by any state.

4. Most judges appear to routinely use the deviation factor for imputing income. The deviation factors associated with tax issues are less frequently applied because they entail complicated calculations difficult to complete within limited time constraints. The additional deviation factors contained in the proposed legislation are unclear and might be difficult to apply.

5. Specific concerns about the 2003 legislation included:

- Deviations to accommodate local prevailing wages would be difficult to calculate;
- The retroactivity provision has potentially wide-ranging implications;
- The statement regarding 60 - 90 days of visitation makes explicit an assumption and will create more conflict;
- The recitation of economic assumptions are inappropriate and will create more conflict;
- The self-support reserve requires calculations to be conducted in accordance with federal not state law and should be eliminated;
- The child care benefits depend on an individual's tax status and phase out at higher incomes and should be revised to provide a court with the flexibility to take into consideration tax consequences of child care expenses; and

- The amounts in the revised schedule are too high at the lower income levels and too low at higher income levels.

#### **IV. RECOMMENDATION OF THE AD HOC SUBCOMMITTEE**

At the Ad Hoc Subcommittee's second meeting, the Division of Child Support Enforcement, the VBA Coalition on Family Law Legislation, and a representative of the 2001-2002 Panel struck a compromise. The text of the proposed compromise (Appendix E) and a chart mapping iterations of the child support schedule, are available on the Ad Hoc Subcommittee's webpage. The compromise proposal contains the following components:

- Provides that "gross income" shall not include income received by the payor parent from a second job that was taken in order to pay off child support arrearages and that cessation of the income is not the basis for a material change in circumstances;
- Replaces the provision for "extraordinary medical and dental expenses" with a requirement that the parents pay in proportion to their incomes any reasonable and necessary unreimbursed medical or dental expenses in excess of \$250 per year per child;
- Directs the court to consider actual tax savings a party derives from the child-care cost deductions or credits;
- Changes the guideline review period from being completed every three years to being completed every four years; and
- Modifies the schedule of child support so that the transitions among child support levels are more gradual.

The Ad Hoc Subcommittee recommended that staff prepare legislation based on the compromise proposal but took no position relative to the legislation.

#### **V. LEGISLATION IN THE 2004 SESSION**

In the 2004 General Assembly Session, Senator Quayle introduced legislation (Senate Bill 208) containing all provisions of the model legislation except for the changes to the schedule amounts (Appendix F). Delegate Marrs introduced House Bill 511, which made consistent the treatment of extraordinary medical expenses across all forms of child custody arrangements (Appendix G). The two bills eventually went into conference, and the final bills that emerged were identical to one another: both bills contain all the changes recommended by Senate Bill 208 along with the provisions in House Bill 511 that made consistent the treatment of medical expenses, now referred to as "unreimbursed" medical expenses, and limited to \$250 per child per year, across all forms of custody arrangements. Senate Bill 208 also contains some additional necessary conforming amendments offered by the Governor and accepted by the General Assembly. Because it was signed after House Bill 511, Senate Bill 208 is the governing law. A copy of House Bill 511 as enacted is contained in Appendix H. A copy of Senate Bill 208 as enacted is contained in Appendix I.

## VI. CONCLUSION

The Ad Hoc Subcommittee was convened to examine failed child support guideline legislation from the 2003 Session in greater detail, and to facilitate informed debate on potential needed revisions to the child support guideline. To educate stakeholders in the issues, a website was established, two public meetings were held, and an executive summary of findings was published before the start of the 2004 Session. The Ad Hoc Subcommittee's sole recommendation, the preparation of model legislation, ultimately resulted in General Assembly passage of two bills, both containing all but one of the provisions in that model legislation. Both were enacted into law, and will significantly strengthen and streamline Virginia's child support program in accordance with principles surfaced during the Ad Hoc Subcommittee's proceedings.

The Ad Hoc Subcommittee has completed its work and will not meet in 2004. The Ad Hoc Subcommittee thanks the meeting participants, speakers and other interested parties for their hard work in crafting a successful compromise on this complicated issue.

Respectfully submitted,

Delegate Terry G. Kilgore, Chairman  
Senator Harry B. Blevins  
Delegate Joseph P. Johnson, Jr.  
Senator Henry L. Marsh, III  
Delegate Michele B. McQuigg  
Delegate Brian J. Moran

2003 SESSION

035983980

HOUSE BILL NO. 2263

Offered January 8, 2003

Prefiled January 8, 2003

A BILL to amend and reenact §§ 20-108.1 and 20-108.2 of the Code of Virginia, relating to child support.

Patrons—Watts and Petersen

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-108.1 and 20-108.2 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 the evidence relevant to each individual case.

B. In any proceeding on the issue of determining child support under this title or Title 16.1 or Title 63.2, 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 the evidence relevant to each individual case. However, there shall be a rebuttable presumption in any judicial or administrative proceeding for child support, including cases involving split custody or shared custody, that the amount of the award which would result from the application of the guidelines guideline set out in § 20-108.2 is the correct amount of child support to be awarded. Liability for support shall be determined retroactively for the period measured from the date that the proceeding was commenced by the filing of an action with the court provided the complainant exercised due diligence in the service of the respondent or, if earlier, the date an order of the Department of Social Services entered pursuant to Title 63.2 and directing payment of support was delivered to the sheriff or process server for service on the obligor.

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 such guidelines guideline would be unjust or inappropriate in a particular case. The finding that rebuts the guidelines guideline shall state the amount of support that would have been required under the guidelines guideline, shall give a justification of why the order varies from the guidelines guideline, and shall be determined by relevant evidence pertaining to the following factors affecting the obligation, the ability of each party to provide child support, and the best interests of the child:

1. Actual monetary support for 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 under-employed; provided that income may not be imputed to the custodial parent when a child is not in school, child care services are not available and the cost of such child 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 care coverage, maintaining life insurance coverage pursuant to subsection D, education expenses, or other court-ordered direct payments for the benefit of the child and costs related to the provision of health care coverage pursuant to subdivision 7 of § 20-60.3;
7. Extraordinary capital gains such as capital gains resulting from the sale of the marital abode;
8. Age, physical and mental condition of the child or children, including extraordinary medical or dental expenses, and child-care expenses;
9. Independent financial resources, if any, of the child or children;
10. Standard of living for the family established during the marriage;
11. Earning capacity, obligations and needs, and financial resources of each parent;
12. Education and training of the parties and the ability and opportunity of the parties to secure

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54 such education and training;

55 13. Contributions, monetary and nonmonetary, of each party to the well-being of the family;

56 14. Provisions made with regard to the marital property under § 20-107.3;

57 15. Tax consequences to the parties regarding claims for dependent children and child care

58 expenses;

59 16. A written agreement between the parties which includes the amount of child support;

60 17. A pendente lite decree, which includes the amount of child support, agreed to by both parties

61 or by counsel for the parties; and

62 18. Such other factors, including tax consequences to each party, as are necessary to consider the

63 equities for the parents and children; and

64 19. *Income of the parties obtained from overtime employment or a second job, which income may*

65 *be considered for inclusion or noninclusion based on the history of receipt of that income, the*

66 *purpose of that income, and any agreement of the parties related to that income.*

67 *B1. In considering the imputation of income to either party pursuant to subdivision B 3, the court*

68 *shall consider (i) the earning capacity, including the skills, education and training of the party; (ii)*

69 *the current employment opportunities for persons possessing such earning capacity; (iii) the extent to*

70 *which the age, physical or mental condition, or special circumstances of any child of the parties*

71 *makes it appropriate that a party not seek employment outside of the home; and (iv) the decisions*

72 *regarding employment, career, economics, education, and parenting arrangements made by the*

73 *parties, and their effect on present and future earning potential, including the length of time 1 or both*

74 *of the parties have been absent from the job market.*

75 C. In any proceeding under this title or Title 16.1 or Title 63.2 on the issue of determining child

76 support, the court shall have the authority to order a party to provide health care coverage, as defined

77 in § ~~63.1-250~~ 63.2-1900, for dependent children if reasonable under all the circumstances and health

78 care coverage for a spouse or former spouse.

79 D. In any proceeding under this title, Title 16.1 or Title 63.2 on the issue of determining child

80 support, the court shall have the authority to order a party to (i) maintain any existing life insurance

81 policy on the life of either party provided the party so ordered has the right to designate a beneficiary

82 and (ii) designate a child or children of the parties as the beneficiary of all or a portion of such life

83 insurance for so long as the party so ordered has a statutory obligation to pay child support for the

84 child or children.

85 E. Except when the parties have otherwise agreed, in any proceeding under this title, Title 16.1 or

86 Title 63.2 on the issue of determining child support, the court shall have the authority to and may, in

87 its discretion, order one party to execute all appropriate tax forms or waivers to grant to the other

88 party the right to take the income tax dependency exemption for any tax year or future years, for any

89 child or children of the parties for federal and state income tax purposes.

90 F. *Notwithstanding any other provision of law, any modifications to this section shall not be*

91 *retroactive to a date before enactment, and shall not be the basis for a material change in*

92 *circumstances upon which a modification of child support may be based.*

93 § 20-108.2. Guideline for determination of child support.

94 A. *The Schedule of Monthly Basic Child Support Obligations ("Schedule") is based on (i) the*

95 *rationale that there are fixed housing and utility costs and variable transportation costs, and (ii) the*

96 *assumption of "exercised" visitation by the noncustodial parent of 60 to 90 days annually. There shall*

97 *be a rebuttable presumption in any judicial or administrative proceeding for child support under this*

98 *title or Title 16.1 or 63.2, including cases involving split custody or shared custody, that the amount*

99 *of the award which would result from the application of the ~~guidelines~~ guideline set forth in this*

100 *section is the correct amount of child support to be awarded. In order to rebut the presumption, the*

101 *court shall make written findings in the order as set out in § 20-108.1, which findings may be*

102 *incorporated by reference, that the application of the ~~guidelines~~ guideline would be unjust or*

103 *inappropriate in a particular case as determined by relevant evidence pertaining to the factors set out*

104 *in §§ 20-107.2 and 20-108.1. The Department of Social Services shall set child support at the amount*

105 *resulting from computations using the ~~guidelines~~ guideline set out in this section pursuant to the*

106 *authority granted to it in Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions*

107 *of § 63.2-1918.*

108 *A1. Economic Assumptions. The Schedule in this section should be applied in individual cases with*  
 109 *consideration of the following economic assumptions:*

110 *1. The guideline, including the Schedule amounts, is designed to establish child support levels as a*  
 111 *specified proportion of an obligor's gross monthly income. The Schedule is in gross income for 3*  
 112 *reasons:*

113 *a. Use of gross income simplifies the use of the child support guideline because it avoids use of a*  
 114 *complex gross to net calculation in individual cases;*

115 *b. Use of gross income is more equitable because it avoids noncomparable deductions; and*

116 *c. Use of gross income avoids an increase in child support when an obligor acquires additional*  
 117 *dependents, claims more exemptions, and therefore has a higher net income for a given level of gross*  
 118 *income.*

119 *2. The Schedule incorporates a "self-support reserve" for obligors. The reserve allows low-income*  
 120 *obligors to retain enough income after payment of taxes and child support to maintain at least a*  
 121 *subsistence level of living.*

122 *3. The Schedule is based on economic data that represent estimates of total expenditures on*  
 123 *child-rearing costs up to age 18. The major categories of expenditures include food, housing, home*  
 124 *furnishings, utilities, transportation, clothing, education, and recreation. The Schedule amounts do not*  
 125 *include average expenditures for childcare, children's extraordinary medical care, and the children's*  
 126 *share of health insurance. These costs are deducted from the base amounts used to establish the*  
 127 *Schedule because they are added to child support obligations as actually incurred in individual cases.*  
 128 *Deducting these expenditures from the base amounts avoids counting them twice in the child support*  
 129 *calculation.*

130 *4. The Schedule amounts include expenditures on ordinary medical care of \$250 per child per*  
 131 *year. This amount is based on the assumption that parents will make expenditures on behalf of the*  
 132 *children's medical care that is not covered by insurance.*

133 *5. The Schedule is based on modified versions of the Joint Legislative Audit and Review*  
 134 *Committee's (i) average use applied to fixed transportation costs for 1 and 2 children, and (ii) per*  
 135 *capita approach for 3 or more children. These analytic approaches are described in "Technical*  
 136 *Report: The Costs of Raising Children" (Senate Document No. 9, 2001). Child expenditures for*  
 137 *households with 4, 5, and 6 children are constructed by multiplying the obligations of households*  
 138 *with 3 children by 1.1274, 1.2293, and 1.3142.*

139 *6. A "separate household discount" serves 2 purposes. First, it reserves income for the*  
 140 *noncustodial parent to spend directly on his children during the 60 to 90 days of visitation. Second, it*  
 141 *provides the noncustodial parent income to cover the "fixed cost" of operating a second household.*  
 142 *Fixed cost is defined as expenditures on shelter, household equipment and fixed transportation (net*  
 143 *outlays on new and used cars and trucks, vehicle insurance and vehicle finance charges).*

144 *7. Gross monthly income excludes Supplemental Security Income (SSI) and income from*  
 145 *Temporary Assistance to Needy Families. This maintains consistency with the Commonwealth's*  
 146 *practice of excluding these components of income.*

147 *B. For purposes of application of the guideline, a basic child support obligation shall be computed*  
 148 *using the schedule set out below. For combined monthly gross income amounts falling between*  
 149 *amounts shown in the schedule, basic child support obligation amounts shall be extrapolated.*  
 150 *However, unless one of the following exemptions applies where the sole custody child support*  
 151 *obligation as computed pursuant to subdivision G. 1. is less than \$65 per month, there shall be a*  
 152 *presumptive minimum child support obligation of \$65 per month payable by the payor parent.*  
 153 *Exemptions from this presumptive minimum monthly child support obligation shall include: parents*  
 154 *unable to pay child support because they lack sufficient assets from which to pay child support and*  
 155 *who, in addition, are institutionalized in a psychiatric facility; are imprisoned with no chance of*  
 156 *parole; are medically verified to be totally and permanently disabled with no evidence of potential for*  
 157 *paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise*  
 158 *involuntarily unable to produce income. "Number of children" means the number of children for*  
 159 *whom the parents share joint legal responsibility and for whom support is being sought.*

160 **SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS**

161 **COMBINED**



<del>162</del>	<del>MONTHLY</del>						
<del>163</del>	<del>GROSS</del>	<del>ONE</del>	<del>TWO</del>	<del>THREE</del>	<del>FOUR</del>	<del>FIVE</del>	<del>SIX</del>
<del>164</del>	<del>INCOME</del>	<del>CHILD</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>
<del>165</del>	<del>0 599</del>	<del>65</del>	<del>65</del>	<del>65</del>	<del>65</del>	<del>65</del>	<del>65</del>
<del>166</del>	<del>600</del>	<del>110</del>	<del>111</del>	<del>113</del>	<del>114</del>	<del>115</del>	<del>116</del>
<del>167</del>	<del>650</del>	<del>138</del>	<del>140</del>	<del>142</del>	<del>143</del>	<del>145</del>	<del>146</del>
<del>168</del>	<del>700</del>	<del>153</del>	<del>169</del>	<del>170</del>	<del>172</del>	<del>174</del>	<del>176</del>
<del>169</del>	<del>750</del>	<del>160</del>	<del>197</del>	<del>199</del>	<del>202</del>	<del>204</del>	<del>206</del>
<del>170</del>	<del>800</del>	<del>168</del>	<del>226</del>	<del>228</del>	<del>231</del>	<del>233</del>	<del>236</del>
<del>171</del>	<del>850</del>	<del>175</del>	<del>254</del>	<del>257</del>	<del>260</del>	<del>263</del>	<del>266</del>
<del>172</del>	<del>900</del>	<del>182</del>	<del>281</del>	<del>286</del>	<del>289</del>	<del>292</del>	<del>295</del>
<del>173</del>	<del>950</del>	<del>189</del>	<del>292</del>	<del>315</del>	<del>318</del>	<del>322</del>	<del>325</del>
<del>174</del>	<del>1000</del>	<del>196</del>	<del>304</del>	<del>344</del>	<del>348</del>	<del>351</del>	<del>355</del>
<del>175</del>	<del>1050</del>	<del>203</del>	<del>315</del>	<del>373</del>	<del>377</del>	<del>381</del>	<del>385</del>
<del>176</del>	<del>1100</del>	<del>210</del>	<del>326</del>	<del>402</del>	<del>406</del>	<del>410</del>	<del>415</del>
<del>177</del>	<del>1150</del>	<del>217</del>	<del>337</del>	<del>422</del>	<del>425</del>	<del>440</del>	<del>445</del>
<del>178</del>	<del>1200</del>	<del>225</del>	<del>348</del>	<del>436</del>	<del>465</del>	<del>470</del>	<del>475</del>
<del>179</del>	<del>1250</del>	<del>232</del>	<del>360</del>	<del>451</del>	<del>497</del>	<del>502</del>	<del>507</del>
<del>180</del>	<del>1300</del>	<del>241</del>	<del>373</del>	<del>467</del>	<del>526</del>	<del>536</del>	<del>542</del>
<del>181</del>	<del>1350</del>	<del>249</del>	<del>386</del>	<del>483</del>	<del>545</del>	<del>570</del>	<del>576</del>
<del>182</del>	<del>1400</del>	<del>257</del>	<del>398</del>	<del>499</del>	<del>563</del>	<del>605</del>	<del>611</del>
<del>183</del>	<del>1450</del>	<del>265</del>	<del>411</del>	<del>515</del>	<del>581</del>	<del>633</del>	<del>645</del>
<del>184</del>	<del>1500</del>	<del>274</del>	<del>426</del>	<del>533</del>	<del>602</del>	<del>656</del>	<del>680</del>
<del>185</del>	<del>1550</del>	<del>282</del>	<del>436</del>	<del>547</del>	<del>617</del>	<del>672</del>	<del>714</del>
<del>186</del>	<del>1600</del>	<del>289</del>	<del>447</del>	<del>560</del>	<del>632</del>	<del>689</del>	<del>737</del>
<del>187</del>	<del>1650</del>	<del>295</del>	<del>458</del>	<del>573</del>	<del>647</del>	<del>705</del>	<del>754</del>
<del>188</del>	<del>1700</del>	<del>302</del>	<del>468</del>	<del>587</del>	<del>662</del>	<del>721</del>	<del>772</del>
<del>189</del>	<del>1750</del>	<del>309</del>	<del>479</del>	<del>600</del>	<del>676</del>	<del>738</del>	<del>789</del>
<del>190</del>	<del>1800</del>	<del>315</del>	<del>488</del>	<del>612</del>	<del>690</del>	<del>752</del>	<del>805</del>
<del>191</del>	<del>1850</del>	<del>321</del>	<del>497</del>	<del>623</del>	<del>702</del>	<del>766</del>	<del>819</del>
<del>192</del>	<del>1900</del>	<del>326</del>	<del>506</del>	<del>634</del>	<del>714</del>	<del>779</del>	<del>834</del>
<del>193</del>	<del>1950</del>	<del>332</del>	<del>514</del>	<del>645</del>	<del>727</del>	<del>793</del>	<del>848</del>
<del>194</del>	<del>2000</del>	<del>338</del>	<del>523</del>	<del>655</del>	<del>739</del>	<del>806</del>	<del>862</del>
<del>195</del>	<del>2050</del>	<del>343</del>	<del>532</del>	<del>666</del>	<del>751</del>	<del>819</del>	<del>877</del>
<del>196</del>	<del>2100</del>	<del>349</del>	<del>540</del>	<del>677</del>	<del>763</del>	<del>833</del>	<del>891</del>
<del>197</del>	<del>2150</del>	<del>355</del>	<del>549</del>	<del>688</del>	<del>776</del>	<del>846</del>	<del>905</del>
<del>198</del>	<del>2200</del>	<del>360</del>	<del>558</del>	<del>699</del>	<del>788</del>	<del>860</del>	<del>920</del>
<del>199</del>	<del>2250</del>	<del>366</del>	<del>567</del>	<del>710</del>	<del>800</del>	<del>873</del>	<del>934</del>
<del>200</del>	<del>2300</del>	<del>371</del>	<del>575</del>	<del>721</del>	<del>812</del>	<del>886</del>	<del>948</del>
<del>201</del>	<del>2350</del>	<del>377</del>	<del>584</del>	<del>732</del>	<del>825</del>	<del>900</del>	<del>963</del>
<del>202</del>	<del>2400</del>	<del>383</del>	<del>593</del>	<del>743</del>	<del>837</del>	<del>913</del>	<del>977</del>
<del>203</del>	<del>2450</del>	<del>388</del>	<del>601</del>	<del>754</del>	<del>849</del>	<del>927</del>	<del>991</del>
<del>204</del>	<del>2500</del>	<del>394</del>	<del>610</del>	<del>765</del>	<del>862</del>	<del>940</del>	<del>1006</del>
<del>205</del>	<del>2550</del>	<del>399</del>	<del>619</del>	<del>776</del>	<del>874</del>	<del>954</del>	<del>1020</del>
<del>206</del>	<del>2600</del>	<del>405</del>	<del>627</del>	<del>787</del>	<del>886</del>	<del>967</del>	<del>1034</del>
<del>207</del>	<del>2650</del>	<del>410</del>	<del>635</del>	<del>797</del>	<del>897</del>	<del>979</del>	<del>1048</del>
<del>208</del>	<del>2700</del>	<del>415</del>	<del>643</del>	<del>806</del>	<del>908</del>	<del>991</del>	<del>1060</del>
<del>209</del>	<del>2750</del>	<del>420</del>	<del>651</del>	<del>816</del>	<del>919</del>	<del>1003</del>	<del>1073</del>
<del>210</del>	<del>2800</del>	<del>425</del>	<del>658</del>	<del>826</del>	<del>930</del>	<del>1015</del>	<del>1085</del>
<del>211</del>	<del>2850</del>	<del>430</del>	<del>667</del>	<del>836</del>	<del>941</del>	<del>1027</del>	<del>1098</del>
<del>212</del>	<del>2900</del>	<del>435</del>	<del>675</del>	<del>846</del>	<del>953</del>	<del>1039</del>	<del>1112</del>
<del>213</del>	<del>2950</del>	<del>440</del>	<del>683</del>	<del>856</del>	<del>964</del>	<del>1052</del>	<del>1125</del>
<del>214</del>	<del>3000</del>	<del>445</del>	<del>691</del>	<del>866</del>	<del>975</del>	<del>1064</del>	<del>1138</del>
<del>215</del>	<del>3050</del>	<del>450</del>	<del>699</del>	<del>876</del>	<del>987</del>	<del>1076</del>	<del>1152</del>

216	3100	456	707	886	998	1089	1165
217	3150	461	715	896	1010	1101	1178
218	3200	466	723	906	1021	1114	1191
219	3250	471	732	917	1032	1126	1205
220	3300	476	740	927	1044	1139	1218
221	3350	481	748	937	1055	1151	1231
222	3400	486	756	947	1067	1164	1245
223	3450	492	764	957	1078	1176	1258
224	3500	497	772	967	1089	1189	1271
225	3550	502	780	977	1101	1201	1285
226	3600	507	788	987	1112	1213	1298
227	3650	512	797	997	1124	1226	1311
228	3700	518	806	1009	1137	1240	1326
229	3750	524	815	1020	1150	1254	1342
230	3800	530	824	1032	1163	1268	1357
231	3850	536	834	1043	1176	1283	1372
232	3900	542	843	1055	1189	1297	1387
233	3950	547	852	1066	1202	1311	1402
234	4000	553	861	1078	1214	1325	1417
235	4050	559	871	1089	1227	1339	1432
236	4100	565	880	1101	1240	1353	1448
237	4150	571	889	1112	1253	1367	1463
238	4200	577	898	1124	1266	1382	1478
239	4250	583	907	1135	1279	1396	1493
240	4300	589	917	1147	1292	1410	1508
241	4350	594	926	1158	1305	1424	1523
242	4400	600	935	1170	1318	1438	1538
243	4450	606	944	1181	1331	1452	1553
244	4500	612	954	1193	1344	1467	1569
245	4550	618	963	1204	1357	1481	1584
246	4600	624	972	1216	1370	1495	1599
247	4650	630	981	1227	1383	1509	1614
248	4700	635	989	1237	1395	1522	1627
249	4750	641	997	1247	1406	1534	1641
250	4800	646	1005	1257	1417	1546	1654
251	4850	651	1013	1267	1428	1558	1667
252	4900	656	1021	1277	1439	1570	1679
253	4950	661	1028	1286	1450	1582	1692
254	5000	666	1036	1295	1460	1593	1704
255	5050	671	1043	1305	1471	1605	1716
256	5100	675	1051	1314	1481	1616	1728
257	5150	680	1058	1323	1492	1628	1741
258	5200	685	1066	1333	1502	1640	1753
259	5250	690	1073	1342	1513	1651	1765
260	5300	695	1081	1351	1524	1663	1778
261	5350	700	1088	1361	1534	1674	1790
262	5400	705	1096	1370	1545	1686	1802
263	5450	710	1103	1379	1555	1697	1815
264	5500	714	1111	1389	1566	1709	1827
265	5550	719	1118	1398	1576	1720	1839
266	5600	724	1126	1407	1587	1732	1851
267	5650	729	1133	1417	1598	1743	1864
268	5700	734	1141	1426	1608	1755	1876
269	5750	739	1148	1435	1619	1766	1888

270	5800	744	1156	1445	1629	1778	1901
271	5850	749	1163	1454	1640	1790	1913
272	5900	753	1171	1463	1650	1801	1925
273	5950	758	1178	1473	1661	1813	1937
274	6000	763	1186	1482	1672	1824	1950
275	6050	768	1193	1491	1682	1836	1962
276	6100	773	1201	1501	1693	1847	1974
277	6150	778	1208	1510	1703	1859	1987
278	6200	783	1216	1519	1714	1870	1999
279	6250	788	1223	1529	1724	1882	2011
280	6300	792	1231	1538	1735	1893	2023
281	6350	797	1238	1547	1745	1905	2036
282	6400	802	1246	1557	1756	1916	2048
283	6450	807	1253	1566	1767	1928	2060
284	6500	812	1261	1575	1777	1940	2073
285	6550	816	1267	1583	1786	1949	2083
286	6600	820	1272	1590	1794	1957	2092
287	6650	823	1277	1597	1801	1965	2100
288	6700	827	1283	1604	1809	1974	2109
289	6750	830	1288	1610	1817	1982	2118
290	6800	834	1293	1617	1824	1990	2127
291	6850	837	1299	1624	1832	1999	2136
292	6900	841	1304	1631	1839	2007	2145
293	6950	845	1309	1637	1847	2016	2154
294	7000	848	1315	1644	1855	2024	2163
295	7050	852	1320	1651	1862	2032	2172
296	7100	855	1325	1658	1870	2041	2181
297	7150	859	1331	1665	1878	2049	2190
298	7200	862	1336	1671	1885	2057	2199
299	7250	866	1341	1678	1893	2066	2207
300	7300	870	1347	1685	1900	2074	2216
301	7350	873	1352	1692	1908	2082	2225
302	7400	877	1358	1698	1916	2091	2234
303	7450	880	1363	1705	1923	2099	2243
304	7500	884	1368	1712	1931	2108	2252
305	7550	887	1374	1719	1938	2116	2261
306	7600	891	1379	1725	1946	2124	2270
307	7650	895	1384	1732	1954	2133	2279
308	7700	898	1390	1739	1961	2141	2288
309	7750	902	1395	1746	1969	2149	2297
310	7800	905	1400	1753	1977	2158	2305
311	7850	908	1405	1758	1983	2164	2313
312	7900	910	1409	1764	1989	2171	2320
313	7950	913	1414	1770	1995	2178	2328
314	8000	916	1418	1776	2001	2185	2335
315	8050	918	1423	1781	2007	2192	2343
316	8100	921	1428	1787	2014	2198	2350
317	8150	924	1432	1793	2020	2205	2357
318	8200	927	1437	1799	2026	2212	2365
319	8250	929	1441	1804	2032	2219	2372
320	8300	932	1446	1810	2038	2226	2380
321	8350	935	1450	1816	2045	2232	2387
322	8400	937	1455	1822	2051	2239	2395
323	8450	940	1459	1827	2057	2246	2402

324	<del>8500</del>	<del>943</del>	<del>1464</del>	<del>1833</del>	<del>2063</del>	<del>2253</del>	<del>2410</del>
325	<del>8550</del>	<del>945</del>	<del>1468</del>	<del>1839</del>	<del>2069</del>	<del>2260</del>	<del>2417</del>
326	<del>8600</del>	<del>948</del>	<del>1473</del>	<del>1845</del>	<del>2076</del>	<del>2266</del>	<del>2425</del>
327	<del>8650</del>	<del>951</del>	<del>1478</del>	<del>1850</del>	<del>2082</del>	<del>2273</del>	<del>2432</del>
328	<del>8700</del>	<del>954</del>	<del>1482</del>	<del>1856</del>	<del>2088</del>	<del>2280</del>	<del>2440</del>
329	<del>8750</del>	<del>956</del>	<del>1487</del>	<del>1862</del>	<del>2094</del>	<del>2287</del>	<del>2447</del>
330	<del>8800</del>	<del>959</del>	<del>1491</del>	<del>1868</del>	<del>2100</del>	<del>2294</del>	<del>2455</del>
331	<del>8850</del>	<del>962</del>	<del>1496</del>	<del>1873</del>	<del>2107</del>	<del>2300</del>	<del>2462</del>
332	<del>8900</del>	<del>964</del>	<del>1500</del>	<del>1879</del>	<del>2113</del>	<del>2307</del>	<del>2470</del>
333	<del>8950</del>	<del>967</del>	<del>1505</del>	<del>1885</del>	<del>2119</del>	<del>2314</del>	<del>2477</del>
334	<del>9000</del>	<del>970</del>	<del>1509</del>	<del>1891</del>	<del>2125</del>	<del>2321</del>	<del>2484</del>
335	<del>9050</del>	<del>973</del>	<del>1514</del>	<del>1896</del>	<del>2131</del>	<del>2328</del>	<del>2492</del>
336	<del>9100</del>	<del>975</del>	<del>1517</del>	<del>1901</del>	<del>2137</del>	<del>2334</del>	<del>2498</del>
337	<del>9150</del>	<del>977</del>	<del>1521</del>	<del>1905</del>	<del>2141</del>	<del>2339</del>	<del>2503</del>
338	<del>9200</del>	<del>979</del>	<del>1524</del>	<del>1909</del>	<del>2146</del>	<del>2344</del>	<del>2509</del>
339	<del>9250</del>	<del>982</del>	<del>1527</del>	<del>1914</del>	<del>2151</del>	<del>2349</del>	<del>2514</del>
340	<del>9300</del>	<del>984</del>	<del>1531</del>	<del>1918</del>	<del>2156</del>	<del>2354</del>	<del>2520</del>
341	<del>9350</del>	<del>986</del>	<del>1534</del>	<del>1922</del>	<del>2160</del>	<del>2359</del>	<del>2525</del>
342	<del>9400</del>	<del>988</del>	<del>1537</del>	<del>1926</del>	<del>2165</del>	<del>2365</del>	<del>2531</del>
343	<del>9450</del>	<del>990</del>	<del>1541</del>	<del>1930</del>	<del>2170</del>	<del>2370</del>	<del>2536</del>
344	<del>9500</del>	<del>993</del>	<del>1544</del>	<del>1935</del>	<del>2175</del>	<del>2375</del>	<del>2541</del>
345	<del>9550</del>	<del>995</del>	<del>1547</del>	<del>1939</del>	<del>2179</del>	<del>2380</del>	<del>2547</del>
346	<del>9600</del>	<del>997</del>	<del>1551</del>	<del>1943</del>	<del>2184</del>	<del>2385</del>	<del>2552</del>
347	<del>9650</del>	<del>999</del>	<del>1554</del>	<del>1947</del>	<del>2189</del>	<del>2390</del>	<del>2558</del>
348	<del>9700</del>	<del>1001</del>	<del>1557</del>	<del>1951</del>	<del>2194</del>	<del>2396</del>	<del>2563</del>
349	<del>9750</del>	<del>1003</del>	<del>1561</del>	<del>1956</del>	<del>2198</del>	<del>2401</del>	<del>2569</del>
350	<del>9800</del>	<del>1006</del>	<del>1564</del>	<del>1960</del>	<del>2203</del>	<del>2406</del>	<del>2574</del>
351	<del>9850</del>	<del>1008</del>	<del>1567</del>	<del>1964</del>	<del>2208</del>	<del>2411</del>	<del>2580</del>
352	<del>9900</del>	<del>1010</del>	<del>1571</del>	<del>1968</del>	<del>2213</del>	<del>2416</del>	<del>2585</del>
353	<del>9950</del>	<del>1012</del>	<del>1574</del>	<del>1972</del>	<del>2218</del>	<del>2421</del>	<del>2590</del>
354	<del>10000</del>	<del>1014</del>	<del>1577</del>	<del>1977</del>	<del>2222</del>	<del>2427</del>	<del>2596</del>

355 For gross monthly income between \$10,000 and \$20,000, add the amount of child support for  
 356 \$10,000 to the following percentages of gross income above \$10,000:

357	<del>ONE</del>	<del>TWO</del>	<del>THREE</del>	<del>FOUR</del>	<del>FIVE</del>	<del>SIX</del>
358	<del>CHILD</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>
359	<del>3.1%</del>	<del>5.1%</del>	<del>6.8%</del>	<del>7.8%</del>	<del>8.8%</del>	<del>9.5%</del>

360 For gross monthly income between \$20,000 and \$50,000, add the amount of child support for  
 361 \$20,000 to the following percentages of gross income above \$20,000:

362	<del>ONE</del>	<del>TWO</del>	<del>THREE</del>	<del>FOUR</del>	<del>FIVE</del>	<del>SIX</del>
363	<del>CHILD</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>
364	<del>2%</del>	<del>3.5%</del>	<del>5%</del>	<del>6%</del>	<del>6.9%</del>	<del>7.8%</del>

365 For gross monthly income over \$50,000, add the amount of child support for \$50,000 to the  
 366 following percentages of gross income above \$50,000:

367	<del>ONE</del>	<del>TWO</del>	<del>THREE</del>	<del>FOUR</del>	<del>FIVE</del>	<del>SIX</del>
368	<del>CHILD</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>
369	<del>1%</del>	<del>2%</del>	<del>3%</del>	<del>4%</del>	<del>5%</del>	<del>6%</del>

### 370 SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

#### 371 COMBINED

#### 372 MONTHLY

373	GROSS	ONE	TWO	THREE	FOUR	FIVE	SIX
374	INCOME	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
375	1200	83	84	85	96	104	112
376	1250	111	113	114	129	140	150
377	1300	139	142	143	161	176	188

<b>378</b>	1350	167	171	172	194	211	226
<b>379</b>	1400	195	200	201	227	247	264
<b>380</b>	1450	223	229	230	259	283	302
<b>381</b>	1500	251	258	259	292	318	340
<b>382</b>	1550	279	287	288	325	354	378
<b>383</b>	1600	293	316	317	357	390	417
<b>384</b>	1650	307	345	346	390	425	455
<b>385</b>	1700	321	374	375	423	461	493
<b>386</b>	1750	329	403	404	455	497	531
<b>387</b>	1800	338	423	433	488	523	569
<b>388</b>	1850	346	461	462	521	568	607
<b>389</b>	1900	355	490	491	554	604	645
<b>390</b>	1950	363	519	520	586	639	683
<b>391</b>	2000	371	548	549	619	675	721
<b>392</b>	2050	380	577	578	652	711	760
<b>393</b>	2100	388	606	607	684	746	798
<b>394</b>	2150	396	623	636	717	782	836
<b>395</b>	2200	404	636	665	750	817	874
<b>396</b>	2250	412	648	694	782	853	912
<b>397</b>	2300	420	660	723	815	889	950
<b>398</b>	2350	428	672	752	848	924	988
<b>399</b>	2400	436	684	781	880	960	1026
<b>400</b>	2450	444	696	810	913	996	1065
<b>401</b>	2500	452	707	839	946	1031	1103
<b>402</b>	2550	459	719	868	979	1067	1141
<b>403</b>	2600	467	731	897	1011	1103	1179
<b>404</b>	2650	475	742	926	1044	1138	1217
<b>405</b>	2700	482	753	955	1077	1174	1255
<b>406</b>	2750	490	764	972	1095	1194	1277
<b>407</b>	2800	497	776	986	1111	1212	1296
<b>408</b>	2850	505	787	1000	1127	1229	1314
<b>409</b>	2900	512	797	1014	1143	1247	1333
<b>410</b>	2950	520	808	1028	1159	1264	1351
<b>411</b>	3000	527	819	1042	1175	1281	1369
<b>412</b>	3050	534	830	1056	1190	1298	1387
<b>413</b>	3100	541	840	1069	1205	1314	1405
<b>414</b>	3150	549	850	1083	1221	1331	1423
<b>415</b>	3200	556	861	1096	1236	1347	1440
<b>416</b>	3250	563	871	1109	1250	1364	1458
<b>417</b>	3300	570	881	1122	1265	1380	1475
<b>418</b>	3350	577	891	1135	1280	1396	1492
<b>419</b>	3400	584	901	1148	1294	1411	1509
<b>420</b>	3450	590	911	1161	1309	1427	1526
<b>421</b>	3500	597	920	1173	1323	1443	1542
<b>422</b>	3550	604	930	1186	1337	1458	1559
<b>423</b>	3600	610	938	1195	1347	1469	1570
<b>424</b>	3650	616	946	1204	1358	1480	1582
<b>425</b>	3700	622	954	1213	1368	1491	1594
<b>426</b>	3750	629	962	1222	1377	1502	1606
<b>427</b>	3800	635	969	1230	1387	1512	1617
<b>428</b>	3850	641	976	1239	1396	1523	1628
<b>429</b>	3900	647	984	1247	1405	1532	1638
<b>430</b>	3950	653	991	1255	1414	1542	1649
<b>431</b>	4000	658	998	1262	1423	1552	1659

432	4050	664	1004	1270	1431	1561	1669
433	4100	670	1011	1277	1440	1570	1678
434	4150	676	1018	1284	1448	1578	1687
435	4200	681	1024	1291	1455	1587	1696
436	4250	687	1030	1298	1463	1595	1705
437	4300	692	1036	1304	1470	1603	1714
438	4350	698	1042	1310	1477	1611	1722
439	4400	703	1048	1316	1484	1618	1730
440	4450	708	1054	1322	1491	1625	1737
441	4500	714	1059	1328	1497	1632	1745
442	4550	719	1065	1333	1503	1639	1752
443	4600	724	1073	1344	1515	1652	1766
444	4650	730	1081	1354	1526	1664	1779
445	4700	735	1089	1364	1538	1677	1793
446	4750	740	1097	1374	1549	1689	1806
447	4800	746	1105	1384	1561	1702	1819
448	4850	751	1112	1394	1572	1714	1832
449	4900	756	1120	1404	1583	1726	1845
450	4950	761	1128	1414	1594	1738	1858
451	5000	766	1135	1423	1605	1750	1871
452	5050	771	1143	1433	1616	1762	1883
453	5100	776	1150	1442	1626	1773	1896
454	5150	781	1157	1452	1637	1785	1908
455	5200	786	1165	1461	1647	1796	1920
456	5250	790	1172	1470	1658	1807	1932
457	5300	795	1179	1479	1668	1819	1944
458	5350	800	1186	1488	1678	1830	1956
459	5400	804	1193	1497	1688	1841	1968
460	5450	809	1200	1506	1698	1852	1979
461	5500	813	1206	1515	1708	1862	1991
462	5550	818	1213	1524	1718	1873	2002
463	5600	822	1220	1532	1727	1883	2014
464	5650	827	1226	1541	1737	1894	2025
465	5700	831	1233	1549	1746	1904	2036
466	5750	835	1239	1557	1756	1914	2047
467	5800	839	1245	1565	1765	1924	2057
468	5850	843	1251	1574	1774	1934	2068
469	5900	848	1258	1581	1783	1944	2078
470	5950	852	1264	1589	1792	1954	2089
471	6000	855	1270	1597	1801	1963	2099
472	6050	859	1276	1605	1809	1973	2109
473	6100	863	1281	1613	1818	1982	2119
474	6150	867	1287	1620	1826	1992	2129
475	6200	871	1293	1628	1835	2001	2139
476	6250	875	1298	1635	1843	2010	2149
477	6300	878	1304	1642	1851	2019	2158
478	6350	882	1309	1649	1859	2027	2168
479	6400	885	1315	1656	1867	2036	2177
480	6450	889	1320	1663	1875	2045	2186
481	6500	892	1325	1670	1883	2053	2195
482	6550	896	1330	1677	1891	2062	2204
483	6600	899	1335	1684	1898	2070	2213
484	6650	902	1340	1690	1906	2078	2221
485	6700	905	1345	1697	1913	2086	2230

486	6750	909	1350	1703	1920	2094	2238
487	6800	912	1355	1710	1927	2102	2247
488	6850	915	1360	1716	1934	2109	2255
489	6900	918	1364	1722	1941	2117	2263
490	6950	921	1369	1728	1948	2124	2271
491	7000	924	1373	1734	1955	2132	2279
492	7050	926	1378	1740	1962	2139	2287
493	7100	929	1382	1746	1968	2146	2294
494	7150	932	1386	1751	1975	2153	2302
495	7200	935	1390	1757	1981	2160	2309
496	7250	937	1394	1762	1987	2167	2316
497	7300	940	1398	1768	1993	2173	2323
498	7350	942	1402	1773	1999	2180	2330
499	7400	945	1406	1778	2005	2186	2337
500	7450	947	1410	1784	2011	2193	2344
501	7500	950	1413	1789	2016	2199	2351
502	7550	952	1417	1794	2022	2205	2357
503	7600	954	1420	1798	2028	2211	2363
504	7650	957	1424	1803	2033	2217	2370
505	7700	959	1427	1808	2038	2222	2376
506	7750	961	1431	1812	2043	2228	2382
507	7800	963	1434	1817	2048	2234	2388
508	7850	965	1437	1821	2053	2239	2394
509	7900	967	1440	1826	2058	2244	2399
510	7950	969	1443	1830	2063	2249	2405
511	8000	971	1446	1834	2068	2254	2410
512	8050	972	1449	1838	2072	2259	2415
513	8100	974	1451	1842	2077	2264	2421
514	8150	976	1454	1846	2081	2269	2426
515	8200	977	1457	1849	2085	2274	2431
516	8250	979	1459	1853	2089	2278	2435
517	8300	980	1462	1857	2093	2282	2440
518	8350	982	1464	1860	2097	2287	2445
519	8400	983	1466	1864	2101	2291	2449
520	8450	985	1468	1867	2105	2295	2453
521	8500	986	1470	1870	2108	2299	2458
522	8550	992	1479	1878	2117	2308	2468
523	8600	996	1485	1886	2126	2318	2478
524	8650	1001	1492	1893	2134	2327	2488
525	8700	1005	1498	1901	2143	2337	2498
526	8750	1009	1504	1909	2152	2346	2508
527	8800	1014	1511	1916	2160	2355	2518
528	8850	1018	1517	1924	2169	2365	2528
529	8900	1022	1523	1931	2177	2374	2538
530	8950	1027	1529	1939	2186	2383	2548
531	9000	1031	1535	1946	2194	2392	2558
532	9050	1035	1541	1953	2202	2401	2567
533	9100	1039	1547	1961	2211	2410	2577
534	9150	1044	1553	1968	2219	2419	2587
535	9200	1048	1559	1975	2227	2428	2596
536	9250	1052	1565	1983	2235	2437	2606
537	9300	1056	1571	1990	2243	2446	2615
538	9350	1060	1577	1997	2252	2455	2625
539	9400	1065	1583	2004	2260	2464	2634

540	9450	1069	1589	2011	2268	2473	2643
541	9500	1073	1595	2018	2276	2481	2653
542	9550	1077	1601	2025	2283	2490	2662
543	9600	1081	1607	2032	2291	2498	2671
544	9650	1085	1612	2039	2299	2507	2680
545	9700	1089	1618	2046	2307	2515	2689
546	9750	1093	1624	2053	2315	2524	2698
547	9800	1097	1629	2060	2322	2532	2707
548	9850	1101	1635	2067	2330	2541	2716
549	9900	1105	1641	2074	2338	2549	2725
550	9950	1109	1646	2080	2345	2557	2734
551	10000	1113	1652	2087	2353	2565	2743

552 For gross monthly income between \$10,000 and \$20,000, add the amount of child support for  
 553 \$10,000 to the following percentages of gross income above \$10,000:

554	ONE	TWO	THREE	FOUR	FIVE	SIX
555	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
556	3.1%	5.1%	6.8%	7.8%	8.8%	9.5%

557 For gross monthly income between \$20,000 and \$50,000, add the amount of child support for  
 558 \$20,000 to the following percentages of gross income above \$20,000:

559	ONE	TWO	THREE	FOUR	FIVE	SIX
560	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
561	2%	3.5%	5%	6%	6.9%	7.8%

562 For gross monthly income over \$50,000, add the amount of child support for \$50,000 to the  
 563 following percentages of gross income above \$50,000:

564	ONE	TWO	THREE	FOUR	FIVE	SIX
565	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
566	1%	2%	3%	4%	5%	6%

567 C. For purposes of this section, "gross income" means all income from all sources, and shall  
 568 include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses,  
 569 dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security  
 570 benefits except as listed below, workers' compensation benefits, unemployment insurance benefits,  
 571 disability insurance benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards.  
 572 If a parent's gross income includes disability insurance benefits, it shall also include any amounts  
 573 paid to or for the child who is the subject of the order and derived by the child from the parent's  
 574 entitlement to disability insurance benefits. To the extent that such derivative benefits are included in  
 575 a parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child  
 576 support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic  
 577 child support obligations, the credit may be used to reduce arrearages.

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

- 581 ~~benefits~~ 1. Benefits from public assistance and social services programs as defined in § 63.2-100;
- 582 ~~federal~~ 2. Federal supplemental security income benefits;
- 583 ~~or child~~ 3. Child support received; or
- 584 4. Income received by the payor from secondary employment income, whether from an additional  
 585 job, from self-employment, or from overtime income not previously included in "gross income," where  
 586 such income has been obtained in a good faith effort by the payor to discharge a child-support  
 587 arrearage established by a court or administrative order relating to the child or children who are  
 588 subject to the proceeding, and such parent is paying the arrearage pursuant to the order. Such  
 589 secondary income, or the cessation of such income upon the payment of the arrearage, shall not be  
 590 the basis for a material change in circumstances upon which a modification of child support may be  
 591 based.

592 For purposes of this subsection: (i) spousal support received shall be included in gross income and  
 593 spousal support paid shall be deducted from gross income when paid pursuant to an order or written



594 agreement and (ii) one-half of any self-employment tax paid shall be deducted from gross income.

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

600 Where a party to the proceeding has a natural or adopted child or children in the party's household  
601 or primary physical custody, and the child or children are not the subject of the present proceeding,  
602 there is a presumption that there shall be deducted from the gross income of that party the amount as  
603 shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that  
604 represents that party's support obligation based solely on that party's income as being the total income  
605 available for the natural or adopted child or children in the party's household or primary physical  
606 custody, who are not the subject of the present proceeding. Provided, however, that the existence of a  
607 party's financial responsibility for such a child or children shall not of itself constitute a material  
608 change in circumstances for modifying a previous order of child support in any modification  
609 proceeding. Any adjustment to gross income under this subsection shall not create or reduce a support  
610 obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal  
611 adequate housing and provide other basic necessities for the child, as determined by the court.

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

614 *An obligation of child support under this title shall not reduce the residual income of the*  
615 *noncustodial parent to an amount less than 150 percent of the federal poverty level as established by*  
616 *the United States Department of Health and Human Services. However, any calculation under this*  
617 *subsection shall not create or reduce a support obligation to an amount which seriously impairs*  
618 *either party's ability to maintain minimal adequate housing for himself and provide other basic*  
619 *necessities for the child.*

620 D. Any extraordinary medical and dental expenses for treatment of the child or children shall be  
621 added to the basic child support obligation. For purposes of this section, extraordinary medical and  
622 dental expenses are uninsured expenses in excess of \$100 for a single illness or condition and shall  
623 include but not be limited to eyeglasses, prescription medication, prostheses, and mental health  
624 services whether provided by a social worker, psychologist, psychiatrist, or counselor. *Except for good*  
625 *cause shown or the agreement of the parties, in addition to any other child support obligations made*  
626 *pursuant to this section, any child support order shall provide that the parents pay in proportion to*  
627 *their gross incomes, as used for calculating the monthly support obligation, any reasonable and*  
628 *necessary uninsured medical or dental expenses which are in excess of the sum of \$250 for any*  
629 *calendar year for each child who is the subject of the obligation. For the purposes of this section,*  
630 *medical or dental expenses shall include but not be limited to eyeglasses, prescription medication,*  
631 *prosthetics, orthodontics, and mental health or developmental disabilities services, including but not*  
632 *limited to services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.*

633 E. Any costs for health care coverage as defined in § 63.2-1900 and dental care coverage, when  
634 actually being paid by a parent, to the extent such costs are directly allocable to the child or children,  
635 and which are the extra costs of covering the child or children beyond whatever coverage the parent  
636 providing the coverage would otherwise have, shall be added to the basic child support obligation.

637 F. Any child-care costs incurred on behalf of the child or children due to employment of the  
638 custodial parent shall be added to the basic child support obligation, as follows:

639 1. *When the monthly gross income of the custodial parent paying such costs falls below (i) \$1,100*  
640 *for 1 child; (ii) \$1,500 for 2 children; (iii) \$1,700 for 3 children; (iv) \$1,900 for 4 children; (v)*  
641 *\$2,100 for 5 children; or (vi) \$2,300 for 6 children, 100 percent of the child-care costs shall be*  
642 *added to the basic child support obligations.*

643 2. *When the monthly gross income of the custodial parent paying such costs exceeds the level set*  
644 *forth in subdivision F 1, 75 percent of the child-care costs shall be added to the basic child support*  
645 *obligation. The sum of 100 percent of the child-care costs exceeding the amount allowed the custodial*  
646 *parent as a child-care tax credit shall be added to the basic child support obligation. The court or*  
647 *administrative agency shall consider tax returns or any other relevant evidence presented in order to*

648 *rebut the presumption of the percentage of child-care costs to be used.*

649 3. Child-care costs shall not exceed the amount required to provide quality care from a licensed  
650 source. When requested by the noncustodial parent, the court may require the custodial parent to  
651 present documentation to verify the costs incurred for child care under this subsection. Where  
652 appropriate, the court shall consider the willingness and availability of the noncustodial parent to  
653 provide child care personally in determining whether child-care costs are necessary or excessive.

654 G. 1. Sole custody support. The sole custody total monthly child support obligation shall be  
655 established by adding (i) the monthly basic child support obligation, as determined from the schedule  
656 contained in subsection B, (ii) all extraordinary medical expenses, (iii) costs for health care coverage  
657 to the extent allowable by subsection E, and (iv) work-related child-care costs and taking into  
658 consideration all the factors set forth in subsection B of § 20-108.1. The total monthly child support  
659 obligation shall be divided between the parents in the same proportion as their monthly gross incomes  
660 bear to their monthly combined gross income. The monthly obligation of each parent shall be  
661 computed by multiplying each parent's percentage of the parents' monthly combined gross income by  
662 the total monthly child support obligation.

663 However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health  
664 care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent.

665 2. Split custody support. In cases involving split custody, the amount of child support to be paid  
666 shall be the difference between the amounts owed by each parent as a noncustodial parent, computed  
667 in accordance with subdivision 1, with the noncustodial parent owing the larger amount paying the  
668 difference to the other parent.

669 For the purpose of this section and § 20-108.1, split custody shall be limited to those situations  
670 where each parent has physical custody of a child or children born of the parents, born of either  
671 parent and adopted by the other parent or adopted by both parents. For the purposes of calculating a  
672 child support obligation where split custody exists, a separate family unit exists for each parent, and  
673 child support for that family unit shall be calculated upon the number of children in that family unit  
674 who are born of the parents, born of either parent and adopted by the other parent or adopted by both  
675 parents. Where split custody exists, a parent is a custodial parent to the children in that parent's  
676 family unit and is a noncustodial parent to the children in the other parent's family unit.

677 3. Shared custody support.

678 (a) Where a party has custody or visitation of a child or children for more than ninety days of the  
679 year, as such days are defined in subdivision G 3 (c), a shared custody child support amount based on  
680 the ratio in which the parents share the custody and visitation of any child or children shall be  
681 calculated in accordance with this subdivision. The presumptive support to be paid shall be the shared  
682 custody support amount, unless a party affirmatively shows that the sole custody support amount  
683 calculated as provided in subdivision G 1 is less than the shared custody support amount. If so, the  
684 lesser amount shall be the support to be paid. For the purposes of this subsection, the following shall  
685 apply:

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

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

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

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

702 accordance with subdivision G 1.

703 (b) Support to be paid. The shared support need of the shared child or children shall be calculated  
704 pursuant to subdivision G 3 (a) (iii). This amount shall then be multiplied by the other parent's  
705 custody share. To that sum for each parent shall be added the other parent's cost of health care  
706 coverage to the extent allowable by subsection E, plus the other parent's work-related child-care costs  
707 to the extent allowable by subsection F. This total for each parent shall be multiplied by that parent's  
708 income share. The support amounts thereby calculated that each parent owes the other shall be  
709 subtracted one from the other and the difference shall be the shared custody support one parent owes  
710 to the other, with the payor parent being the one whose shared support is the larger. Any  
711 extraordinary medical and dental expenses, to the extent allowable by subsection D, shall be shared  
712 directly by the parents in accordance with their income shares, and shall not be adjusted by the  
713 custody share. The parents shall pay their respective shares of these extraordinary medical expenses as  
714 they are incurred, and they are not added to each party's shared custody support owed to the other  
715 party. The method of payment of said allowable expenses shall be contained in the support order.  
716 When the shared support is compared to the sole custody support to determine which is the lesser  
717 support, pursuant to subdivision G 3 (a), the extraordinary medical expenses shall not enter into either  
718 calculation.

719 (c) Definition of a day. For the purposes of this section, "day" means a period of twenty-four  
720 hours; however, where the parent who has the fewer number of overnight periods during the year has  
721 an overnight period with a child, but has physical custody of the shared child for less than  
722 twenty-four hours during such overnight period, there is a presumption that each parent shall be  
723 allocated one-half of a day of custody for that period.

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

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

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

738 H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this  
739 section is reviewed by October 31, 2001, and every three years thereafter, by a panel that includes a  
740 representative of a juvenile and domestic relations court and a circuit court, a representative of the  
741 executive branch, a member of the House of Delegates, a member of the Senate to be appointed by  
742 the chairmen of the House and Senate Committees for Courts of Justice, members of the bar, two  
743 custodial and two noncustodial parents and a child advocate. The panel shall determine the adequacy  
744 of the guideline for the determination of appropriate awards for the support of children by considering  
745 current research and data on the cost of and expenditures necessary for rearing children, and any other  
746 resources it deems relevant to such review. The panel shall report its findings to the General  
747 Assembly before it next convenes following such review.

748 I. *Notwithstanding any other provision of law, any modifications to this section shall not be*  
749 *retroactive to a date before enactment, and shall not be the basis for a material change in*  
750 *circumstances upon which a modification of child support may be based.*

2003 SESSION

036105520

SENATE BILL NO. 1312

Offered January 17, 2003

A BILL to amend and reenact §§ 20-108.1 and 20-108.2 of the Code of Virginia, relating to child support.

Patron—Quayle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-108.1 and 20-108.2 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 the evidence relevant to each individual case.

B. In any proceeding on the issue of determining child support under this title or Title 16.1 or Title 63.2, 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 the evidence relevant to each individual case. However, there shall be a rebuttable presumption in any judicial or administrative proceeding for child support, including cases involving split custody or shared custody, that the amount of the award which would result from the application of the guidelines guideline set out in § 20-108.2 is the correct amount of child support to be awarded. Liability for support shall be determined retroactively for the period measured from the date that the proceeding was commenced by the filing of an action with the court provided the complainant exercised due diligence in the service of the respondent or, if earlier, the date an order of the Department of Social Services entered pursuant to Title 63.2 and directing payment of support was delivered to the sheriff or process server for service on the obligor.

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 such guidelines guideline would be unjust or inappropriate in a particular case. The finding that rebuts the guidelines guideline shall state the amount of support that would have been required under the guidelines guideline, shall give a justification of why the order varies from the guidelines guideline, and shall be determined by relevant evidence pertaining to the following factors affecting the obligation, the ability of each party to provide child support, and the best interests of the child:

1. Actual monetary support for 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 under-employed; provided that income may not be imputed to the custodial parent when a child is not in school, child care services are not available and the cost of such child 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 care coverage, maintaining life insurance coverage pursuant to subsection D, education expenses, or other court-ordered direct payments for the benefit of the child and costs related to the provision of health care coverage pursuant to subdivision 7 of § 20-60.3;

7. Extraordinary capital gains such as capital gains resulting from the sale of the marital abode;

8. Age, physical and mental condition of the child or children, including extraordinary medical or dental expenses, and child-care expenses;

9. Independent financial resources, if any, of the child or children;

10. Standard of living for the family established during the marriage;

11. Earning capacity, obligations and needs, and financial resources of each parent;

12. Education and training of the parties and the ability and opportunity of the parties to secure such education and training;

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- 54 13. Contributions, monetary and nonmonetary, of each party to the well-being of the family;  
 55 14. Provisions made with regard to the marital property under § 20-107.3;  
 56 15. Tax consequences to the parties regarding claims for dependent children and child care  
 57 expenses;  
 58 16. A written agreement between the parties which includes the amount of child support;  
 59 17. A pendente lite decree, which includes the amount of child support, agreed to by both parties  
 60 or by counsel for the parties; and  
 61 18. Such other factors, including tax consequences to each party, as are necessary to consider the  
 62 equities for the parents and children; and  
 63 19. *Income of the parties obtained from overtime employment or a second job, which income may*  
 64 *be considered for inclusion or noninclusion based on the history of receipt of that income, the*  
 65 *purpose of that income, and any agreement of the parties related to that income.*  
 66 *B1. In considering the imputation of income to either party pursuant to subdivision B 3, the court*  
 67 *shall consider (i) the earning capacity, including the skills, education and training of the party; (ii)*  
 68 *the current employment opportunities for persons possessing such earning capacity; (iii) the extent to*  
 69 *which the age, physical or mental condition, or special circumstances of any child of the parties*  
 70 *makes it appropriate that a party not seek employment outside of the home; and (iv) the decisions*  
 71 *regarding employment, career, economics, education, and parenting arrangements made by the*  
 72 *parties, and their effect on present and future earning potential, including the length of time 1 or both*  
 73 *of the parties have been absent from the job market.*  
 74 C. In any proceeding under this title or Title 16.1 or Title 63.2 on the issue of determining child  
 75 support, the court shall have the authority to order a party to provide health care coverage, as defined  
 76 in § ~~63.1-250~~ 63.2-1900, for dependent children if reasonable under all the circumstances and health  
 77 care coverage for a spouse or former spouse.  
 78 D. In any proceeding under this title, Title 16.1 or Title 63.2 on the issue of determining child  
 79 support, the court shall have the authority to order a party to (i) maintain any existing life insurance  
 80 policy on the life of either party provided the party so ordered has the right to designate a beneficiary  
 81 and (ii) designate a child or children of the parties as the beneficiary of all or a portion of such life  
 82 insurance for so long as the party so ordered has a statutory obligation to pay child support for the  
 83 child or children.  
 84 E. Except when the parties have otherwise agreed, in any proceeding under this title, Title 16.1 or  
 85 Title 63.2 on the issue of determining child support, the court shall have the authority to and may, in  
 86 its discretion, order one party to execute all appropriate tax forms or waivers to grant to the other  
 87 party the right to take the income tax dependency exemption for any tax year or future years, for any  
 88 child or children of the parties for federal and state income tax purposes.  
 89 *F. Notwithstanding any other provision of law, any modifications to this section shall not be*  
 90 *retroactive to a date before enactment, and shall not be the basis for a material change in*  
 91 *circumstances upon which a modification of child support may be based.*  
 92 § 20-108.2. Guideline for determination of child support.  
 93 A. *The Schedule of Monthly Basic Child Support Obligations ("Schedule") is based on (i) the*  
 94 *rationale that there are fixed housing and utility costs and variable transportation costs, and (ii) the*  
 95 *assumption of "exercised" visitation by the noncustodial parent of 60 to 90 days annually. There shall*  
 96 *be a rebuttable presumption in any judicial or administrative proceeding for child support under this*  
 97 *title or Title 16.1 or 63.2, including cases involving split custody or shared custody, that the amount*  
 98 *of the award which would result from the application of the guidelines guideline set forth in this*  
 99 *section is the correct amount of child support to be awarded. In order to rebut the presumption, the*  
 100 *court shall make written findings in the order as set out in § 20-108.1, which findings may be*  
 101 *incorporated by reference, that the application of the guidelines guideline would be unjust or*  
 102 *inappropriate in a particular case as determined by relevant evidence pertaining to the factors set out*  
 103 *in §§ 20-107.2 and 20-108.1. The Department of Social Services shall set child support at the amount*  
 104 *resulting from computations using the guidelines guideline set out in this section pursuant to the*  
 105 *authority granted to it in Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions*  
 106 *of § 63.2-1918.*  
 107 *A1. Economic Assumptions. The Schedule in this section should be applied in individual cases with*

108 *consideration of the following economic assumptions:*

109 *1. The guideline, including the Schedule amounts, is designed to establish child support levels as a*  
 110 *specified proportion of an obligor's gross monthly income. The Schedule is in gross income for 3*  
 111 *reasons:*

112 *a. Use of gross income simplifies the use of the child support guideline because it avoids use of a*  
 113 *complex gross to net calculation in individual cases;*

114 *b. Use of gross income is more equitable because it avoids noncomparable deductions; and*

115 *c. Use of gross income avoids an increase in child support when an obligor acquires additional*  
 116 *dependents, claims more exemptions, and therefore has a higher net income for a given level of gross*  
 117 *income.*

118 *2. The Schedule incorporates a "self-support reserve" for obligors. The reserve allows low-income*  
 119 *obligors to retain enough income after payment of taxes and child support to maintain at least a*  
 120 *subsistence level of living.*

121 *3. The Schedule is based on economic data that represent estimates of total expenditures on*  
 122 *child-rearing costs up to age 18. The major categories of expenditures include food, housing, home*  
 123 *furnishings, utilities, transportation, clothing, education, and recreation. The Schedule amounts do not*  
 124 *include average expenditures for childcare, children's extraordinary medical care, and the children's*  
 125 *share of health insurance. These costs are deducted from the base amounts used to establish the*  
 126 *Schedule because they are added to child support obligations as actually incurred in individual cases.*  
 127 *Deducting these expenditures from the base amounts avoids counting them twice in the child support*  
 128 *calculation.*

129 *4. The Schedule amounts include expenditures on ordinary medical care of \$250 per child per*  
 130 *year. This amount is based on the assumption that parents will make expenditures on behalf of the*  
 131 *children's medical care that is not covered by insurance.*

132 *5. The Schedule is based on modified versions of the Joint Legislative Audit and Review*  
 133 *Committee's (i) average use applied to fixed transportation costs for 1 and 2 children, and (ii) per*  
 134 *capita approach for 3 or more children. These analytic approaches are described in "Technical*  
 135 *Report: The Costs of Raising Children" (Senate Document No. 9, 2001). Child expenditures for*  
 136 *households with 4, 5, and 6 children are constructed by multiplying the obligations of households*  
 137 *with 3 children by 1.1274, 1.2293, and 1.3142.*

138 *6. A "separate household discount" serves 2 purposes. First, it reserves income for the*  
 139 *noncustodial parent to spend directly on his children during the 60 to 90 days of visitation. Second, it*  
 140 *provides the noncustodial parent income to cover the "fixed cost" of operating a second household.*  
 141 *Fixed cost is defined as expenditures on shelter, household equipment and fixed transportation (net*  
 142 *outlays on new and used cars and trucks, vehicle insurance and vehicle finance charges).*

143 *7. Gross monthly income excludes Supplemental Security Income (SSI) and income from*  
 144 *Temporary Assistance to Needy Families. This maintains consistency with the Commonwealth's*  
 145 *practice of excluding these components of income.*

146 *B. For purposes of application of the guideline, a basic child support obligation shall be computed*  
 147 *using the schedule set out below. For combined monthly gross income amounts falling between*  
 148 *amounts shown in the schedule, basic child support obligation amounts shall be extrapolated.*  
 149 *However, unless one of the following exemptions applies where the sole custody child support*  
 150 *obligation as computed pursuant to subdivision G. 1. is less than \$65 per month, there shall be a*  
 151 *presumptive minimum child support obligation of \$65 per month payable by the payor parent.*  
 152 *Exemptions from this presumptive minimum monthly child support obligation shall include: parents*  
 153 *unable to pay child support because they lack sufficient assets from which to pay child support and*  
 154 *who, in addition, are institutionalized in a psychiatric facility; are imprisoned with no chance of*  
 155 *parole; are medically verified to be totally and permanently disabled with no evidence of potential for*  
 156 *paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise*  
 157 *involuntarily unable to produce income. "Number of children" means the number of children for*  
 158 *whom the parents share joint legal responsibility and for whom support is being sought.*

159 **SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS**

160 **COMBINED**

161 **—MONTHLY**

<del>162</del>	<del>GROSS</del>	<del>ONE</del>	<del>TWO</del>	<del>THREE</del>	<del>FOUR</del>	<del>FIVE</del>	<del>SIX</del>
<del>163</del>	<del>INCOME</del>	<del>CHILD</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>
<del>164</del>	<del>0-599</del>	<del>65</del>	<del>65</del>	<del>65</del>	<del>65</del>	<del>65</del>	<del>65</del>
<del>165</del>	<del>600</del>	<del>110</del>	<del>111</del>	<del>113</del>	<del>114</del>	<del>115</del>	<del>116</del>
<del>166</del>	<del>650</del>	<del>138</del>	<del>140</del>	<del>142</del>	<del>143</del>	<del>145</del>	<del>146</del>
<del>167</del>	<del>700</del>	<del>153</del>	<del>169</del>	<del>170</del>	<del>172</del>	<del>174</del>	<del>176</del>
<del>168</del>	<del>750</del>	<del>160</del>	<del>197</del>	<del>199</del>	<del>202</del>	<del>204</del>	<del>206</del>
<del>169</del>	<del>800</del>	<del>168</del>	<del>226</del>	<del>228</del>	<del>231</del>	<del>233</del>	<del>236</del>
<del>170</del>	<del>850</del>	<del>175</del>	<del>254</del>	<del>257</del>	<del>260</del>	<del>263</del>	<del>266</del>
<del>171</del>	<del>900</del>	<del>182</del>	<del>281</del>	<del>286</del>	<del>289</del>	<del>292</del>	<del>295</del>
<del>172</del>	<del>950</del>	<del>189</del>	<del>292</del>	<del>315</del>	<del>318</del>	<del>322</del>	<del>325</del>
<del>173</del>	<del>1000</del>	<del>196</del>	<del>304</del>	<del>344</del>	<del>348</del>	<del>351</del>	<del>355</del>
<del>174</del>	<del>1050</del>	<del>203</del>	<del>315</del>	<del>373</del>	<del>377</del>	<del>381</del>	<del>385</del>
<del>175</del>	<del>1100</del>	<del>210</del>	<del>326</del>	<del>402</del>	<del>406</del>	<del>410</del>	<del>415</del>
<del>176</del>	<del>1150</del>	<del>217</del>	<del>337</del>	<del>422</del>	<del>435</del>	<del>440</del>	<del>445</del>
<del>177</del>	<del>1200</del>	<del>225</del>	<del>348</del>	<del>436</del>	<del>465</del>	<del>470</del>	<del>475</del>
<del>178</del>	<del>1250</del>	<del>232</del>	<del>360</del>	<del>451</del>	<del>497</del>	<del>502</del>	<del>507</del>
<del>179</del>	<del>1300</del>	<del>241</del>	<del>373</del>	<del>467</del>	<del>526</del>	<del>536</del>	<del>542</del>
<del>180</del>	<del>1350</del>	<del>249</del>	<del>386</del>	<del>483</del>	<del>545</del>	<del>570</del>	<del>576</del>
<del>181</del>	<del>1400</del>	<del>257</del>	<del>398</del>	<del>499</del>	<del>563</del>	<del>605</del>	<del>611</del>
<del>182</del>	<del>1450</del>	<del>265</del>	<del>411</del>	<del>515</del>	<del>581</del>	<del>633</del>	<del>645</del>
<del>183</del>	<del>1500</del>	<del>274</del>	<del>426</del>	<del>533</del>	<del>602</del>	<del>656</del>	<del>680</del>
<del>184</del>	<del>1550</del>	<del>282</del>	<del>436</del>	<del>547</del>	<del>617</del>	<del>672</del>	<del>714</del>
<del>185</del>	<del>1600</del>	<del>289</del>	<del>447</del>	<del>560</del>	<del>632</del>	<del>689</del>	<del>737</del>
<del>186</del>	<del>1650</del>	<del>295</del>	<del>458</del>	<del>573</del>	<del>647</del>	<del>705</del>	<del>754</del>
<del>187</del>	<del>1700</del>	<del>302</del>	<del>468</del>	<del>587</del>	<del>662</del>	<del>721</del>	<del>772</del>
<del>188</del>	<del>1750</del>	<del>309</del>	<del>479</del>	<del>600</del>	<del>676</del>	<del>738</del>	<del>789</del>
<del>189</del>	<del>1800</del>	<del>315</del>	<del>488</del>	<del>612</del>	<del>690</del>	<del>752</del>	<del>805</del>
<del>190</del>	<del>1850</del>	<del>321</del>	<del>497</del>	<del>623</del>	<del>702</del>	<del>766</del>	<del>819</del>
<del>191</del>	<del>1900</del>	<del>326</del>	<del>506</del>	<del>634</del>	<del>714</del>	<del>779</del>	<del>834</del>
<del>192</del>	<del>1950</del>	<del>332</del>	<del>514</del>	<del>645</del>	<del>727</del>	<del>793</del>	<del>848</del>
<del>193</del>	<del>2000</del>	<del>338</del>	<del>523</del>	<del>655</del>	<del>739</del>	<del>806</del>	<del>862</del>
<del>194</del>	<del>2050</del>	<del>343</del>	<del>532</del>	<del>666</del>	<del>751</del>	<del>819</del>	<del>877</del>
<del>195</del>	<del>2100</del>	<del>349</del>	<del>540</del>	<del>677</del>	<del>763</del>	<del>833</del>	<del>891</del>
<del>196</del>	<del>2150</del>	<del>355</del>	<del>549</del>	<del>688</del>	<del>776</del>	<del>846</del>	<del>905</del>
<del>197</del>	<del>2200</del>	<del>360</del>	<del>558</del>	<del>699</del>	<del>788</del>	<del>860</del>	<del>920</del>
<del>198</del>	<del>2250</del>	<del>366</del>	<del>567</del>	<del>710</del>	<del>800</del>	<del>873</del>	<del>934</del>
<del>199</del>	<del>2300</del>	<del>371</del>	<del>575</del>	<del>721</del>	<del>812</del>	<del>886</del>	<del>948</del>
<del>200</del>	<del>2350</del>	<del>377</del>	<del>584</del>	<del>732</del>	<del>825</del>	<del>900</del>	<del>963</del>
<del>201</del>	<del>2400</del>	<del>383</del>	<del>593</del>	<del>743</del>	<del>837</del>	<del>913</del>	<del>977</del>
<del>202</del>	<del>2450</del>	<del>388</del>	<del>601</del>	<del>754</del>	<del>849</del>	<del>927</del>	<del>991</del>
<del>203</del>	<del>2500</del>	<del>394</del>	<del>610</del>	<del>765</del>	<del>862</del>	<del>940</del>	<del>1006</del>
<del>204</del>	<del>2550</del>	<del>399</del>	<del>619</del>	<del>776</del>	<del>874</del>	<del>954</del>	<del>1020</del>
<del>205</del>	<del>2600</del>	<del>405</del>	<del>627</del>	<del>787</del>	<del>886</del>	<del>967</del>	<del>1034</del>
<del>206</del>	<del>2650</del>	<del>410</del>	<del>635</del>	<del>797</del>	<del>897</del>	<del>979</del>	<del>1048</del>
<del>207</del>	<del>2700</del>	<del>415</del>	<del>643</del>	<del>806</del>	<del>908</del>	<del>991</del>	<del>1060</del>
<del>208</del>	<del>2750</del>	<del>420</del>	<del>651</del>	<del>816</del>	<del>919</del>	<del>1003</del>	<del>1073</del>
<del>209</del>	<del>2800</del>	<del>425</del>	<del>658</del>	<del>826</del>	<del>930</del>	<del>1015</del>	<del>1085</del>
<del>210</del>	<del>2850</del>	<del>430</del>	<del>667</del>	<del>836</del>	<del>941</del>	<del>1027</del>	<del>1098</del>
<del>211</del>	<del>2900</del>	<del>435</del>	<del>675</del>	<del>846</del>	<del>953</del>	<del>1039</del>	<del>1112</del>
<del>212</del>	<del>2950</del>	<del>440</del>	<del>683</del>	<del>856</del>	<del>964</del>	<del>1052</del>	<del>1125</del>
<del>213</del>	<del>3000</del>	<del>445</del>	<del>691</del>	<del>866</del>	<del>975</del>	<del>1064</del>	<del>1138</del>
<del>214</del>	<del>3050</del>	<del>450</del>	<del>699</del>	<del>876</del>	<del>987</del>	<del>1076</del>	<del>1152</del>
<del>215</del>	<del>3100</del>	<del>456</del>	<del>707</del>	<del>886</del>	<del>998</del>	<del>1089</del>	<del>1165</del>

<del>216</del>	<del>3150</del>	<del>461</del>	<del>715</del>	<del>896</del>	<del>1010</del>	<del>1101</del>	<del>1178</del>
<del>217</del>	<del>3200</del>	<del>466</del>	<del>723</del>	<del>906</del>	<del>1021</del>	<del>1114</del>	<del>1191</del>
<del>218</del>	<del>3250</del>	<del>471</del>	<del>732</del>	<del>917</del>	<del>1032</del>	<del>1126</del>	<del>1205</del>
<del>219</del>	<del>3300</del>	<del>476</del>	<del>740</del>	<del>927</del>	<del>1044</del>	<del>1139</del>	<del>1218</del>
<del>220</del>	<del>3350</del>	<del>481</del>	<del>748</del>	<del>937</del>	<del>1055</del>	<del>1151</del>	<del>1231</del>
<del>221</del>	<del>3400</del>	<del>486</del>	<del>756</del>	<del>947</del>	<del>1067</del>	<del>1164</del>	<del>1245</del>
<del>222</del>	<del>3450</del>	<del>492</del>	<del>764</del>	<del>957</del>	<del>1078</del>	<del>1176</del>	<del>1258</del>
<del>223</del>	<del>3500</del>	<del>497</del>	<del>772</del>	<del>967</del>	<del>1089</del>	<del>1189</del>	<del>1271</del>
<del>224</del>	<del>3550</del>	<del>502</del>	<del>780</del>	<del>977</del>	<del>1101</del>	<del>1201</del>	<del>1285</del>
<del>225</del>	<del>3600</del>	<del>507</del>	<del>788</del>	<del>987</del>	<del>1112</del>	<del>1213</del>	<del>1298</del>
<del>226</del>	<del>3650</del>	<del>512</del>	<del>797</del>	<del>997</del>	<del>1124</del>	<del>1226</del>	<del>1311</del>
<del>227</del>	<del>3700</del>	<del>518</del>	<del>806</del>	<del>1009</del>	<del>1137</del>	<del>1240</del>	<del>1326</del>
<del>228</del>	<del>3750</del>	<del>524</del>	<del>815</del>	<del>1020</del>	<del>1150</del>	<del>1254</del>	<del>1342</del>
<del>229</del>	<del>3800</del>	<del>530</del>	<del>824</del>	<del>1032</del>	<del>1163</del>	<del>1268</del>	<del>1357</del>
<del>230</del>	<del>3850</del>	<del>536</del>	<del>834</del>	<del>1043</del>	<del>1176</del>	<del>1283</del>	<del>1372</del>
<del>231</del>	<del>3900</del>	<del>542</del>	<del>843</del>	<del>1055</del>	<del>1189</del>	<del>1297</del>	<del>1387</del>
<del>232</del>	<del>3950</del>	<del>547</del>	<del>852</del>	<del>1066</del>	<del>1202</del>	<del>1311</del>	<del>1402</del>
<del>233</del>	<del>4000</del>	<del>553</del>	<del>861</del>	<del>1078</del>	<del>1214</del>	<del>1325</del>	<del>1417</del>
<del>234</del>	<del>4050</del>	<del>559</del>	<del>871</del>	<del>1089</del>	<del>1227</del>	<del>1339</del>	<del>1432</del>
<del>235</del>	<del>4100</del>	<del>565</del>	<del>880</del>	<del>1101</del>	<del>1240</del>	<del>1353</del>	<del>1448</del>
<del>236</del>	<del>4150</del>	<del>571</del>	<del>889</del>	<del>1112</del>	<del>1253</del>	<del>1367</del>	<del>1463</del>
<del>237</del>	<del>4200</del>	<del>577</del>	<del>898</del>	<del>1124</del>	<del>1266</del>	<del>1382</del>	<del>1478</del>
<del>238</del>	<del>4250</del>	<del>583</del>	<del>907</del>	<del>1135</del>	<del>1279</del>	<del>1396</del>	<del>1493</del>
<del>239</del>	<del>4300</del>	<del>589</del>	<del>917</del>	<del>1147</del>	<del>1292</del>	<del>1410</del>	<del>1508</del>
<del>240</del>	<del>4350</del>	<del>594</del>	<del>926</del>	<del>1158</del>	<del>1305</del>	<del>1424</del>	<del>1523</del>
<del>241</del>	<del>4400</del>	<del>600</del>	<del>935</del>	<del>1170</del>	<del>1318</del>	<del>1438</del>	<del>1538</del>
<del>242</del>	<del>4450</del>	<del>606</del>	<del>944</del>	<del>1181</del>	<del>1331</del>	<del>1452</del>	<del>1553</del>
<del>243</del>	<del>4500</del>	<del>612</del>	<del>954</del>	<del>1193</del>	<del>1344</del>	<del>1467</del>	<del>1569</del>
<del>244</del>	<del>4550</del>	<del>618</del>	<del>963</del>	<del>1204</del>	<del>1357</del>	<del>1481</del>	<del>1584</del>
<del>245</del>	<del>4600</del>	<del>624</del>	<del>972</del>	<del>1216</del>	<del>1370</del>	<del>1495</del>	<del>1599</del>
<del>246</del>	<del>4650</del>	<del>630</del>	<del>981</del>	<del>1227</del>	<del>1383</del>	<del>1509</del>	<del>1614</del>
<del>247</del>	<del>4700</del>	<del>635</del>	<del>989</del>	<del>1237</del>	<del>1395</del>	<del>1522</del>	<del>1627</del>
<del>248</del>	<del>4750</del>	<del>641</del>	<del>997</del>	<del>1247</del>	<del>1406</del>	<del>1534</del>	<del>1641</del>
<del>249</del>	<del>4800</del>	<del>646</del>	<del>1005</del>	<del>1257</del>	<del>1417</del>	<del>1546</del>	<del>1654</del>
<del>250</del>	<del>4850</del>	<del>651</del>	<del>1013</del>	<del>1267</del>	<del>1428</del>	<del>1558</del>	<del>1667</del>
<del>251</del>	<del>4900</del>	<del>656</del>	<del>1021</del>	<del>1277</del>	<del>1439</del>	<del>1570</del>	<del>1679</del>
<del>252</del>	<del>4950</del>	<del>661</del>	<del>1028</del>	<del>1286</del>	<del>1450</del>	<del>1582</del>	<del>1692</del>
<del>253</del>	<del>5000</del>	<del>666</del>	<del>1036</del>	<del>1295</del>	<del>1460</del>	<del>1593</del>	<del>1704</del>
<del>254</del>	<del>5050</del>	<del>671</del>	<del>1043</del>	<del>1305</del>	<del>1471</del>	<del>1605</del>	<del>1716</del>
<del>255</del>	<del>5100</del>	<del>675</del>	<del>1051</del>	<del>1314</del>	<del>1481</del>	<del>1616</del>	<del>1728</del>
<del>256</del>	<del>5150</del>	<del>680</del>	<del>1058</del>	<del>1323</del>	<del>1492</del>	<del>1628</del>	<del>1741</del>
<del>257</del>	<del>5200</del>	<del>685</del>	<del>1066</del>	<del>1333</del>	<del>1502</del>	<del>1640</del>	<del>1753</del>
<del>258</del>	<del>5250</del>	<del>690</del>	<del>1073</del>	<del>1342</del>	<del>1513</del>	<del>1651</del>	<del>1765</del>
<del>259</del>	<del>5300</del>	<del>695</del>	<del>1081</del>	<del>1351</del>	<del>1524</del>	<del>1663</del>	<del>1778</del>
<del>260</del>	<del>5350</del>	<del>700</del>	<del>1088</del>	<del>1361</del>	<del>1534</del>	<del>1674</del>	<del>1790</del>
<del>261</del>	<del>5400</del>	<del>705</del>	<del>1096</del>	<del>1370</del>	<del>1545</del>	<del>1686</del>	<del>1802</del>
<del>262</del>	<del>5450</del>	<del>710</del>	<del>1103</del>	<del>1379</del>	<del>1555</del>	<del>1697</del>	<del>1815</del>
<del>263</del>	<del>5500</del>	<del>714</del>	<del>1111</del>	<del>1389</del>	<del>1566</del>	<del>1709</del>	<del>1827</del>
<del>264</del>	<del>5550</del>	<del>719</del>	<del>1118</del>	<del>1398</del>	<del>1576</del>	<del>1720</del>	<del>1839</del>
<del>265</del>	<del>5600</del>	<del>724</del>	<del>1126</del>	<del>1407</del>	<del>1587</del>	<del>1732</del>	<del>1851</del>
<del>266</del>	<del>5650</del>	<del>729</del>	<del>1133</del>	<del>1417</del>	<del>1598</del>	<del>1743</del>	<del>1864</del>
<del>267</del>	<del>5700</del>	<del>734</del>	<del>1141</del>	<del>1426</del>	<del>1608</del>	<del>1755</del>	<del>1876</del>
<del>268</del>	<del>5750</del>	<del>739</del>	<del>1148</del>	<del>1435</del>	<del>1619</del>	<del>1766</del>	<del>1888</del>
<del>269</del>	<del>5800</del>	<del>744</del>	<del>1156</del>	<del>1445</del>	<del>1629</del>	<del>1778</del>	<del>1901</del>



<del>270</del>	<del>5850</del>	<del>749</del>	<del>1163</del>	<del>1454</del>	<del>1640</del>	<del>1790</del>	<del>1913</del>
<del>271</del>	<del>5900</del>	<del>753</del>	<del>1171</del>	<del>1463</del>	<del>1650</del>	<del>1801</del>	<del>1925</del>
<del>272</del>	<del>5950</del>	<del>758</del>	<del>1178</del>	<del>1473</del>	<del>1661</del>	<del>1813</del>	<del>1937</del>
<del>273</del>	<del>6000</del>	<del>763</del>	<del>1186</del>	<del>1482</del>	<del>1672</del>	<del>1824</del>	<del>1950</del>
<del>274</del>	<del>6050</del>	<del>768</del>	<del>1193</del>	<del>1491</del>	<del>1682</del>	<del>1836</del>	<del>1962</del>
<del>275</del>	<del>6100</del>	<del>773</del>	<del>1201</del>	<del>1501</del>	<del>1693</del>	<del>1847</del>	<del>1974</del>
<del>276</del>	<del>6150</del>	<del>778</del>	<del>1208</del>	<del>1510</del>	<del>1703</del>	<del>1859</del>	<del>1987</del>
<del>277</del>	<del>6200</del>	<del>783</del>	<del>1216</del>	<del>1519</del>	<del>1714</del>	<del>1870</del>	<del>1999</del>
<del>278</del>	<del>6250</del>	<del>788</del>	<del>1223</del>	<del>1529</del>	<del>1724</del>	<del>1882</del>	<del>2011</del>
<del>279</del>	<del>6300</del>	<del>792</del>	<del>1231</del>	<del>1538</del>	<del>1735</del>	<del>1893</del>	<del>2023</del>
<del>280</del>	<del>6350</del>	<del>797</del>	<del>1238</del>	<del>1547</del>	<del>1745</del>	<del>1905</del>	<del>2036</del>
<del>281</del>	<del>6400</del>	<del>802</del>	<del>1246</del>	<del>1557</del>	<del>1756</del>	<del>1916</del>	<del>2048</del>
<del>282</del>	<del>6450</del>	<del>807</del>	<del>1253</del>	<del>1566</del>	<del>1767</del>	<del>1928</del>	<del>2060</del>
<del>283</del>	<del>6500</del>	<del>812</del>	<del>1261</del>	<del>1575</del>	<del>1777</del>	<del>1940</del>	<del>2073</del>
<del>284</del>	<del>6550</del>	<del>816</del>	<del>1267</del>	<del>1583</del>	<del>1786</del>	<del>1949</del>	<del>2083</del>
<del>285</del>	<del>6600</del>	<del>820</del>	<del>1272</del>	<del>1590</del>	<del>1794</del>	<del>1957</del>	<del>2092</del>
<del>286</del>	<del>6650</del>	<del>823</del>	<del>1277</del>	<del>1597</del>	<del>1801</del>	<del>1965</del>	<del>2100</del>
<del>287</del>	<del>6700</del>	<del>827</del>	<del>1283</del>	<del>1604</del>	<del>1809</del>	<del>1974</del>	<del>2109</del>
<del>288</del>	<del>6750</del>	<del>830</del>	<del>1288</del>	<del>1610</del>	<del>1817</del>	<del>1982</del>	<del>2118</del>
<del>289</del>	<del>6800</del>	<del>834</del>	<del>1293</del>	<del>1617</del>	<del>1824</del>	<del>1990</del>	<del>2127</del>
<del>290</del>	<del>6850</del>	<del>837</del>	<del>1299</del>	<del>1624</del>	<del>1832</del>	<del>1999</del>	<del>2136</del>
<del>291</del>	<del>6900</del>	<del>841</del>	<del>1304</del>	<del>1631</del>	<del>1839</del>	<del>2007</del>	<del>2145</del>
<del>292</del>	<del>6950</del>	<del>845</del>	<del>1309</del>	<del>1637</del>	<del>1847</del>	<del>2016</del>	<del>2154</del>
<del>293</del>	<del>7000</del>	<del>848</del>	<del>1315</del>	<del>1644</del>	<del>1855</del>	<del>2024</del>	<del>2163</del>
<del>294</del>	<del>7050</del>	<del>852</del>	<del>1320</del>	<del>1651</del>	<del>1862</del>	<del>2032</del>	<del>2172</del>
<del>295</del>	<del>7100</del>	<del>855</del>	<del>1325</del>	<del>1658</del>	<del>1870</del>	<del>2041</del>	<del>2181</del>
<del>296</del>	<del>7150</del>	<del>859</del>	<del>1331</del>	<del>1665</del>	<del>1878</del>	<del>2049</del>	<del>2190</del>
<del>297</del>	<del>7200</del>	<del>862</del>	<del>1336</del>	<del>1671</del>	<del>1885</del>	<del>2057</del>	<del>2199</del>
<del>298</del>	<del>7250</del>	<del>866</del>	<del>1341</del>	<del>1678</del>	<del>1893</del>	<del>2066</del>	<del>2207</del>
<del>299</del>	<del>7300</del>	<del>870</del>	<del>1347</del>	<del>1685</del>	<del>1900</del>	<del>2074</del>	<del>2216</del>
<del>300</del>	<del>7350</del>	<del>873</del>	<del>1352</del>	<del>1692</del>	<del>1908</del>	<del>2082</del>	<del>2225</del>
<del>301</del>	<del>7400</del>	<del>877</del>	<del>1358</del>	<del>1698</del>	<del>1916</del>	<del>2091</del>	<del>2234</del>
<del>302</del>	<del>7450</del>	<del>880</del>	<del>1363</del>	<del>1705</del>	<del>1923</del>	<del>2099</del>	<del>2243</del>
<del>303</del>	<del>7500</del>	<del>884</del>	<del>1368</del>	<del>1712</del>	<del>1931</del>	<del>2108</del>	<del>2252</del>
<del>304</del>	<del>7550</del>	<del>887</del>	<del>1374</del>	<del>1719</del>	<del>1938</del>	<del>2116</del>	<del>2261</del>
<del>305</del>	<del>7600</del>	<del>891</del>	<del>1379</del>	<del>1725</del>	<del>1946</del>	<del>2124</del>	<del>2270</del>
<del>306</del>	<del>7650</del>	<del>895</del>	<del>1384</del>	<del>1732</del>	<del>1954</del>	<del>2133</del>	<del>2279</del>
<del>307</del>	<del>7700</del>	<del>898</del>	<del>1390</del>	<del>1739</del>	<del>1961</del>	<del>2141</del>	<del>2288</del>
<del>308</del>	<del>7750</del>	<del>902</del>	<del>1395</del>	<del>1746</del>	<del>1969</del>	<del>2149</del>	<del>2297</del>
<del>309</del>	<del>7800</del>	<del>905</del>	<del>1400</del>	<del>1753</del>	<del>1977</del>	<del>2158</del>	<del>2305</del>
<del>310</del>	<del>7850</del>	<del>908</del>	<del>1405</del>	<del>1758</del>	<del>1983</del>	<del>2164</del>	<del>2313</del>
<del>311</del>	<del>7900</del>	<del>910</del>	<del>1409</del>	<del>1764</del>	<del>1989</del>	<del>2171</del>	<del>2320</del>
<del>312</del>	<del>7950</del>	<del>913</del>	<del>1414</del>	<del>1770</del>	<del>1995</del>	<del>2178</del>	<del>2328</del>
<del>313</del>	<del>8000</del>	<del>916</del>	<del>1418</del>	<del>1776</del>	<del>2001</del>	<del>2185</del>	<del>2335</del>
<del>314</del>	<del>8050</del>	<del>918</del>	<del>1423</del>	<del>1781</del>	<del>2007</del>	<del>2192</del>	<del>2343</del>
<del>315</del>	<del>8100</del>	<del>921</del>	<del>1428</del>	<del>1787</del>	<del>2014</del>	<del>2198</del>	<del>2350</del>
<del>316</del>	<del>8150</del>	<del>924</del>	<del>1432</del>	<del>1793</del>	<del>2020</del>	<del>2205</del>	<del>2357</del>
<del>317</del>	<del>8200</del>	<del>927</del>	<del>1437</del>	<del>1799</del>	<del>2026</del>	<del>2212</del>	<del>2365</del>
<del>318</del>	<del>8250</del>	<del>929</del>	<del>1441</del>	<del>1804</del>	<del>2032</del>	<del>2219</del>	<del>2372</del>
<del>319</del>	<del>8300</del>	<del>932</del>	<del>1446</del>	<del>1810</del>	<del>2038</del>	<del>2226</del>	<del>2380</del>
<del>320</del>	<del>8350</del>	<del>935</del>	<del>1450</del>	<del>1816</del>	<del>2045</del>	<del>2232</del>	<del>2387</del>
<del>321</del>	<del>8400</del>	<del>937</del>	<del>1455</del>	<del>1822</del>	<del>2051</del>	<del>2239</del>	<del>2395</del>
<del>322</del>	<del>8450</del>	<del>940</del>	<del>1459</del>	<del>1827</del>	<del>2057</del>	<del>2246</del>	<del>2402</del>
<del>323</del>	<del>8500</del>	<del>943</del>	<del>1464</del>	<del>1833</del>	<del>2063</del>	<del>2253</del>	<del>2410</del>

324	<del>8550</del>	<del>945</del>	<del>1468</del>	<del>1839</del>	<del>2069</del>	<del>2260</del>	<del>2417</del>
325	<del>8600</del>	<del>948</del>	<del>1473</del>	<del>1845</del>	<del>2076</del>	<del>2266</del>	<del>2425</del>
326	<del>8650</del>	<del>951</del>	<del>1478</del>	<del>1850</del>	<del>2082</del>	<del>2273</del>	<del>2432</del>
327	<del>8700</del>	<del>954</del>	<del>1482</del>	<del>1856</del>	<del>2088</del>	<del>2280</del>	<del>2440</del>
328	<del>8750</del>	<del>956</del>	<del>1487</del>	<del>1862</del>	<del>2094</del>	<del>2287</del>	<del>2447</del>
329	<del>8800</del>	<del>959</del>	<del>1491</del>	<del>1868</del>	<del>2100</del>	<del>2294</del>	<del>2455</del>
330	<del>8850</del>	<del>962</del>	<del>1496</del>	<del>1873</del>	<del>2107</del>	<del>2300</del>	<del>2462</del>
331	<del>8900</del>	<del>964</del>	<del>1500</del>	<del>1879</del>	<del>2113</del>	<del>2307</del>	<del>2470</del>
332	<del>8950</del>	<del>967</del>	<del>1505</del>	<del>1885</del>	<del>2119</del>	<del>2314</del>	<del>2477</del>
333	<del>9000</del>	<del>970</del>	<del>1509</del>	<del>1891</del>	<del>2125</del>	<del>2321</del>	<del>2484</del>
334	<del>9050</del>	<del>973</del>	<del>1514</del>	<del>1896</del>	<del>2131</del>	<del>2328</del>	<del>2492</del>
335	<del>9100</del>	<del>975</del>	<del>1517</del>	<del>1901</del>	<del>2137</del>	<del>2334</del>	<del>2498</del>
336	<del>9150</del>	<del>977</del>	<del>1521</del>	<del>1905</del>	<del>2141</del>	<del>2339</del>	<del>2503</del>
337	<del>9200</del>	<del>979</del>	<del>1524</del>	<del>1909</del>	<del>2146</del>	<del>2344</del>	<del>2509</del>
338	<del>9250</del>	<del>982</del>	<del>1527</del>	<del>1914</del>	<del>2151</del>	<del>2349</del>	<del>2514</del>
339	<del>9300</del>	<del>984</del>	<del>1531</del>	<del>1918</del>	<del>2156</del>	<del>2354</del>	<del>2520</del>
340	<del>9350</del>	<del>986</del>	<del>1534</del>	<del>1922</del>	<del>2160</del>	<del>2359</del>	<del>2525</del>
341	<del>9400</del>	<del>988</del>	<del>1537</del>	<del>1926</del>	<del>2165</del>	<del>2365</del>	<del>2531</del>
342	<del>9450</del>	<del>990</del>	<del>1541</del>	<del>1930</del>	<del>2170</del>	<del>2370</del>	<del>2536</del>
343	<del>9500</del>	<del>993</del>	<del>1544</del>	<del>1935</del>	<del>2175</del>	<del>2375</del>	<del>2541</del>
344	<del>9550</del>	<del>995</del>	<del>1547</del>	<del>1939</del>	<del>2179</del>	<del>2380</del>	<del>2547</del>
345	<del>9600</del>	<del>997</del>	<del>1551</del>	<del>1943</del>	<del>2184</del>	<del>2385</del>	<del>2552</del>
346	<del>9650</del>	<del>999</del>	<del>1554</del>	<del>1947</del>	<del>2189</del>	<del>2390</del>	<del>2558</del>
347	<del>9700</del>	<del>1001</del>	<del>1557</del>	<del>1951</del>	<del>2194</del>	<del>2396</del>	<del>2563</del>
348	<del>9750</del>	<del>1003</del>	<del>1561</del>	<del>1956</del>	<del>2198</del>	<del>2401</del>	<del>2569</del>
349	<del>9800</del>	<del>1006</del>	<del>1564</del>	<del>1960</del>	<del>2203</del>	<del>2406</del>	<del>2574</del>
350	<del>9850</del>	<del>1008</del>	<del>1567</del>	<del>1964</del>	<del>2208</del>	<del>2411</del>	<del>2580</del>
351	<del>9900</del>	<del>1010</del>	<del>1571</del>	<del>1968</del>	<del>2213</del>	<del>2416</del>	<del>2585</del>
352	<del>9950</del>	<del>1012</del>	<del>1574</del>	<del>1972</del>	<del>2218</del>	<del>2421</del>	<del>2590</del>
353	<del>10000</del>	<del>1014</del>	<del>1577</del>	<del>1977</del>	<del>2222</del>	<del>2427</del>	<del>2596</del>

354 For gross monthly income between \$10,000 and \$20,000, add the amount of child support for  
 355 \$10,000 to the following percentages of gross income above \$10,000:

356	<del>ONE</del>	<del>TWO</del>	<del>THREE</del>	<del>FOUR</del>	<del>FIVE</del>	<del>SIX</del>
357	<del>CHILD</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>
358	<del>3.1%</del>	<del>5.1%</del>	<del>6.8%</del>	<del>7.8%</del>	<del>8.8%</del>	<del>9.5%</del>

359 For gross monthly income between \$20,000 and \$50,000, add the amount of child support for  
 360 \$20,000 to the following percentages of gross income above \$20,000:

361	<del>ONE</del>	<del>TWO</del>	<del>THREE</del>	<del>FOUR</del>	<del>FIVE</del>	<del>SIX</del>
362	<del>CHILD</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>
363	<del>2%</del>	<del>3.5%</del>	<del>5%</del>	<del>6%</del>	<del>6.9%</del>	<del>7.8%</del>

364 For gross monthly income over \$50,000, add the amount of child support for \$50,000 to the  
 365 following percentages of gross income above \$50,000:

366	<del>ONE</del>	<del>TWO</del>	<del>THREE</del>	<del>FOUR</del>	<del>FIVE</del>	<del>SIX</del>
367	<del>CHILD</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>
368	<del>1%</del>	<del>2%</del>	<del>3%</del>	<del>4%</del>	<del>5%</del>	<del>6%</del>

369 **SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS**

370 **COMBINED**

371 **MONTHLY**

372	<b>GROSS</b>	<b>ONE</b>	<b>TWO</b>	<b>THREE</b>	<b>FOUR</b>	<b>FIVE</b>	<b>SIX</b>
373	<b>INCOME</b>	<b>CHILD</b>	<b>CHILDREN</b>	<b>CHILDREN</b>	<b>CHILDREN</b>	<b>CHILDREN</b>	<b>CHILDREN</b>
374	1200	83	84	85	96	104	112
375	1250	111	113	114	129	140	150
376	1300	139	142	143	161	176	188
377	1350	167	171	172	194	211	226

378	1400	195	200	201	227	247	264
379	1450	223	229	230	259	283	302
380	1500	251	258	259	292	318	340
381	1550	279	287	288	325	354	378
382	1600	293	316	317	357	390	417
383	1650	307	345	346	390	425	455
384	1700	321	374	375	423	461	493
385	1750	329	403	404	455	497	531
386	1800	338	423	433	488	523	569
387	1850	346	461	462	521	568	607
388	1900	355	490	491	554	604	645
389	1950	363	519	520	586	639	683
390	2000	371	548	549	619	675	721
391	2050	380	577	578	652	711	760
392	2100	388	606	607	684	746	798
393	2150	396	623	636	717	782	836
394	2200	404	636	665	750	817	874
395	2250	412	648	694	782	853	912
396	2300	420	660	723	815	889	950
397	2350	428	672	752	848	924	988
398	2400	436	684	781	880	960	1026
399	2450	444	696	810	913	996	1065
400	2500	452	707	839	946	1031	1103
401	2550	459	719	868	979	1067	1141
402	2600	467	731	897	1011	1103	1179
403	2650	475	742	926	1044	1138	1217
404	2700	482	753	955	1077	1174	1255
405	2750	490	764	972	1095	1194	1277
406	2800	497	776	986	1111	1212	1296
407	2850	505	787	1000	1127	1229	1314
408	2900	512	797	1014	1143	1247	1333
409	2950	520	808	1028	1159	1264	1351
410	3000	527	819	1042	1175	1281	1369
411	3050	534	830	1056	1190	1298	1387
412	3100	541	840	1069	1205	1314	1405
413	3150	549	850	1083	1221	1331	1423
414	3200	556	861	1096	1236	1347	1440
415	3250	563	871	1109	1250	1364	1458
416	3300	570	881	1122	1265	1380	1475
417	3350	577	891	1135	1280	1396	1492
418	3400	584	901	1148	1294	1411	1509
419	3450	590	911	1161	1309	1427	1526
420	3500	597	920	1173	1323	1443	1542
421	3550	604	930	1186	1337	1458	1559
422	3600	610	938	1195	1347	1469	1570
423	3650	616	946	1204	1358	1480	1582
424	3700	622	954	1213	1368	1491	1594
425	3750	629	962	1222	1377	1502	1606
426	3800	635	969	1230	1387	1512	1617
427	3850	641	976	1239	1396	1523	1628
428	3900	647	984	1247	1405	1532	1638
429	3950	653	991	1255	1414	1542	1649
430	4000	658	998	1262	1423	1552	1659
431	4050	664	1004	1270	1431	1561	1669

<b>432</b>	4100	670	1011	1277	1440	1570	1678
<b>433</b>	4150	676	1018	1284	1448	1578	1687
<b>434</b>	4200	681	1024	1291	1455	1587	1696
<b>435</b>	4250	687	1030	1298	1463	1595	1705
<b>436</b>	4300	692	1036	1304	1470	1603	1714
<b>437</b>	4350	698	1042	1310	1477	1611	1722
<b>438</b>	4400	703	1048	1316	1484	1618	1730
<b>439</b>	4450	708	1054	1322	1491	1625	1737
<b>440</b>	4500	714	1059	1328	1497	1632	1745
<b>441</b>	4550	719	1065	1333	1503	1639	1752
<b>442</b>	4600	724	1073	1344	1515	1652	1766
<b>443</b>	4650	730	1081	1354	1526	1664	1779
<b>444</b>	4700	735	1089	1364	1538	1677	1793
<b>445</b>	4750	740	1097	1374	1549	1689	1806
<b>446</b>	4800	746	1105	1384	1561	1702	1819
<b>447</b>	4850	751	1112	1394	1572	1714	1832
<b>448</b>	4900	756	1120	1404	1583	1726	1845
<b>449</b>	4950	761	1128	1414	1594	1738	1858
<b>450</b>	5000	766	1135	1423	1605	1750	1871
<b>451</b>	5050	771	1143	1433	1616	1762	1883
<b>452</b>	5100	776	1150	1442	1626	1773	1896
<b>453</b>	5150	781	1157	1452	1637	1785	1908
<b>454</b>	5200	786	1165	1461	1647	1796	1920
<b>455</b>	5250	790	1172	1470	1658	1807	1932
<b>456</b>	5300	795	1179	1479	1668	1819	1944
<b>457</b>	5350	800	1186	1488	1678	1830	1956
<b>458</b>	5400	804	1193	1497	1688	1841	1968
<b>459</b>	5450	809	1200	1506	1698	1852	1979
<b>460</b>	5500	813	1206	1515	1708	1862	1991
<b>461</b>	5550	818	1213	1524	1718	1873	2002
<b>462</b>	5600	822	1220	1532	1727	1883	2014
<b>463</b>	5650	827	1226	1541	1737	1894	2025
<b>464</b>	5700	831	1233	1549	1746	1904	2036
<b>465</b>	5750	835	1239	1557	1756	1914	2047
<b>466</b>	5800	839	1245	1565	1765	1924	2057
<b>467</b>	5850	843	1251	1574	1774	1934	2068
<b>468</b>	5900	848	1258	1581	1783	1944	2078
<b>469</b>	5950	852	1264	1589	1792	1954	2089
<b>470</b>	6000	855	1270	1597	1801	1963	2099
<b>471</b>	6050	859	1276	1605	1809	1973	2109
<b>472</b>	6100	863	1281	1613	1818	1982	2119
<b>473</b>	6150	867	1287	1620	1826	1992	2129
<b>474</b>	6200	871	1293	1628	1835	2001	2139
<b>475</b>	6250	875	1298	1635	1843	2010	2149
<b>476</b>	6300	878	1304	1642	1851	2019	2158
<b>477</b>	6350	882	1309	1649	1859	2027	2168
<b>478</b>	6400	885	1315	1656	1867	2036	2177
<b>479</b>	6450	889	1320	1663	1875	2045	2186
<b>480</b>	6500	892	1325	1670	1883	2053	2195
<b>481</b>	6550	896	1330	1677	1891	2062	2204
<b>482</b>	6600	899	1335	1684	1898	2070	2213
<b>483</b>	6650	902	1340	1690	1906	2078	2221
<b>484</b>	6700	905	1345	1697	1913	2086	2230
<b>485</b>	6750	909	1350	1703	1920	2094	2238

486	6800	912	1355	1710	1927	2102	2247
487	6850	915	1360	1716	1934	2109	2255
488	6900	918	1364	1722	1941	2117	2263
489	6950	921	1369	1728	1948	2124	2271
490	7000	924	1373	1734	1955	2132	2279
491	7050	926	1378	1740	1962	2139	2287
492	7100	929	1382	1746	1968	2146	2294
493	7150	932	1386	1751	1975	2153	2302
494	7200	935	1390	1757	1981	2160	2309
495	7250	937	1394	1762	1987	2167	2316
496	7300	940	1398	1768	1993	2173	2323
497	7350	942	1402	1773	1999	2180	2330
498	7400	945	1406	1778	2005	2186	2337
499	7450	947	1410	1784	2011	2193	2344
500	7500	950	1413	1789	2016	2199	2351
501	7550	952	1417	1794	2022	2205	2357
502	7600	954	1420	1798	2028	2211	2363
503	7650	957	1424	1803	2033	2217	2370
504	7700	959	1427	1808	2038	2222	2376
505	7750	961	1431	1812	2043	2228	2382
506	7800	963	1434	1817	2048	2234	2388
507	7850	965	1437	1821	2053	2239	2394
508	7900	967	1440	1826	2058	2244	2399
509	7950	969	1443	1830	2063	2249	2405
510	8000	971	1446	1834	2068	2254	2410
511	8050	972	1449	1838	2072	2259	2415
512	8100	974	1451	1842	2077	2264	2421
513	8150	976	1454	1846	2081	2269	2426
514	8200	977	1457	1849	2085	2274	2431
515	8250	979	1459	1853	2089	2278	2435
516	8300	980	1462	1857	2093	2282	2440
517	8350	982	1464	1860	2097	2287	2445
518	8400	983	1466	1864	2101	2291	2449
519	8450	985	1468	1867	2105	2295	2453
520	8500	986	1470	1870	2108	2299	2458
521	8550	992	1479	1878	2117	2308	2468
522	8600	996	1485	1886	2126	2318	2478
523	8650	1001	1492	1893	2134	2327	2488
524	8700	1005	1498	1901	2143	2337	2498
525	8750	1009	1504	1909	2152	2346	2508
526	8800	1014	1511	1916	2160	2355	2518
527	8850	1018	1517	1924	2169	2365	2528
528	8900	1022	1523	1931	2177	2374	2538
529	8950	1027	1529	1939	2186	2383	2548
530	9000	1031	1535	1946	2194	2392	2558
531	9050	1035	1541	1953	2202	2401	2567
532	9100	1039	1547	1961	2211	2410	2577
533	9150	1044	1553	1968	2219	2419	2587
534	9200	1048	1559	1975	2227	2428	2596
535	9250	1052	1565	1983	2235	2437	2606
536	9300	1056	1571	1990	2243	2446	2615
537	9350	1060	1577	1997	2252	2455	2625
538	9400	1065	1583	2004	2260	2464	2634
539	9450	1069	1589	2011	2268	2473	2643

540	9500	1073	1595	2018	2276	2481	2653
541	9550	1077	1601	2025	2283	2490	2662
542	9600	1081	1607	2032	2291	2498	2671
543	9650	1085	1612	2039	2299	2507	2680
544	9700	1089	1618	2046	2307	2515	2689
545	9750	1093	1624	2053	2315	2524	2698
546	9800	1097	1629	2060	2322	2532	2707
547	9850	1101	1635	2067	2330	2541	2716
548	9900	1105	1641	2074	2338	2549	2725
549	9950	1109	1646	2080	2345	2557	2734
550	10000	1113	1652	2087	2353	2565	2743

551 For gross monthly income between \$10,000 and \$20,000, add the amount of child support for  
 552 \$10,000 to the following percentages of gross income above \$10,000:

553	ONE	TWO	THREE	FOUR	FIVE	SIX
554	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
555	3.1%	5.1%	6.8%	7.8%	8.8%	9.5%

556 For gross monthly income between \$20,000 and \$50,000, add the amount of child support for  
 557 \$20,000 to the following percentages of gross income above \$20,000:

558	ONE	TWO	THREE	FOUR	FIVE	SIX
559	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
560	2%	3.5%	5%	6%	6.9%	7.8%

561 For gross monthly income over \$50,000, add the amount of child support for \$50,000 to the  
 562 following percentages of gross income above \$50,000:

563	ONE	TWO	THREE	FOUR	FIVE	SIX
564	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
565	1%	2%	3%	4%	5%	6%

566 C. For purposes of this section, "gross income" means all income from all sources, and shall  
 567 include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses,  
 568 dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security  
 569 benefits except as listed below, workers' compensation benefits, unemployment insurance benefits,  
 570 disability insurance benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards.

571 If a parent's gross income includes disability insurance benefits, it shall also include any amounts  
 572 paid to or for the child who is the subject of the order and derived by the child from the parent's  
 573 entitlement to disability insurance benefits. To the extent that such derivative benefits are included in  
 574 a parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child  
 575 support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic  
 576 child support obligations, the credit may be used to reduce arrearages.

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

- 580 benefits 1. Benefits from public assistance and social services programs as defined in § 63.2-100,;
- 581 federal 2. Federal supplemental security income benefits,;
- 582 or child 3. Child support received; or
- 583 4. Income received by the payor from secondary employment income, whether from an additional  
 584 job, from self-employment, or from overtime income not previously included in "gross income," where  
 585 such income has been obtained in a good faith effort by the payor to discharge a child-support  
 586 arrearage established by a court or administrative order relating to the child or children who are  
 587 subject to the proceeding, and such parent is paying the arrearage pursuant to the order. Such  
 588 secondary income, or the cessation of such income upon the payment of the arrearage, shall not be  
 589 the basis for a material change in circumstances upon which a modification of child support may be  
 590 based.

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

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

599 Where a party to the proceeding has a natural or adopted child or children in the party's household  
600 or primary physical custody, and the child or children are not the subject of the present proceeding,  
601 there is a presumption that there shall be deducted from the gross income of that party the amount as  
602 shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that  
603 represents that party's support obligation based solely on that party's income as being the total income  
604 available for the natural or adopted child or children in the party's household or primary physical  
605 custody, who are not the subject of the present proceeding. Provided, however, that the existence of a  
606 party's financial responsibility for such a child or children shall not of itself constitute a material  
607 change in circumstances for modifying a previous order of child support in any modification  
608 proceeding. Any adjustment to gross income under this subsection shall not create or reduce a support  
609 obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal  
610 adequate housing and provide other basic necessities for the child, as determined by the court.

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

613 *An obligation of child support under this title shall not reduce the residual income of the*  
614 *noncustodial parent to an amount less than 150 percent of the federal poverty level as established by*  
615 *the United States Department of Health and Human Services. However, any calculation under this*  
616 *subsection shall not create or reduce a support obligation to an amount which seriously impairs*  
617 *either party's ability to maintain minimal adequate housing for himself and provide other basic*  
618 *necessities for the child.*

619 D. Any extraordinary medical and dental expenses for treatment of the child or children shall be  
620 added to the basic child support obligation. For purposes of this section, extraordinary medical and  
621 dental expenses are uninsured expenses in excess of \$100 for a single illness or condition and shall  
622 include but not be limited to eyeglasses, prescription medication, prostheses, and mental health  
623 services whether provided by a social worker, psychologist, psychiatrist, or counselor Except for good  
624 cause shown or the agreement of the parties, in addition to any other child support obligations made  
625 pursuant to this section, any child support order shall provide that the parents pay in proportion to  
626 their gross incomes, as used for calculating the monthly support obligation, any reasonable and  
627 necessary uninsured medical or dental expenses which are in excess of the sum of \$250 for any  
628 calendar year for each child who is the subject of the obligation. For the purposes of this section,  
629 medical or dental expenses shall include but not be limited to eyeglasses, prescription medication,  
630 prosthetics, orthodontics, and mental health or developmental disabilities services, including but not  
631 limited to services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.

632 E. Any costs for health care coverage as defined in § 63.2-1900 and dental care coverage, when  
633 actually being paid by a parent, to the extent such costs are directly allocable to the child or children,  
634 and which are the extra costs of covering the child or children beyond whatever coverage the parent  
635 providing the coverage would otherwise have, shall be added to the basic child support obligation.

636 F. Any child-care costs incurred on behalf of the child or children due to employment of the  
637 custodial parent shall be added to the basic child support obligation: as follows:

638 1. When the monthly gross income of the custodial parent paying such costs falls below (i) \$1,100  
639 for 1 child; (ii) \$1,500 for 2 children; (iii) \$1,700 for 3 children; (iv) \$1,900 for 4 children; (v)  
640 \$2,100 for 5 children; or (vi) \$2,300 for 6 children, 100 percent of the child-care costs shall be  
641 added to the basic child support obligations.

642 2. When the monthly gross income of the custodial parent paying such costs exceeds the level set  
643 forth in subdivision F 1, 75 percent of the child-care costs shall be added to the basic child support  
644 obligation. The sum of 100 percent of the child-care costs exceeding the amount allowed the custodial  
645 parent as a child-care tax credit shall be added to the basic child support obligation. The court or  
646 administrative agency shall consider tax returns or any other relevant evidence presented in order to  
647 rebut the presumption of the percentage of child-care costs to be used.

648 3. Child-care costs shall not exceed the amount required to provide quality care from a licensed  
649 source. When requested by the noncustodial parent, the court may require the custodial parent to  
650 present documentation to verify the costs incurred for child care under this subsection. Where  
651 appropriate, the court shall consider the willingness and availability of the noncustodial parent to  
652 provide child care personally in determining whether child-care costs are necessary or excessive.

653 G. 1. Sole custody support. The sole custody total monthly child support obligation shall be  
654 established by adding (i) the monthly basic child support obligation, as determined from the schedule  
655 contained in subsection B, (ii) all extraordinary medical expenses, (iii) costs for health care coverage  
656 to the extent allowable by subsection E, and (iv) work-related child-care costs and taking into  
657 consideration all the factors set forth in subsection B of § 20-108.1. The total monthly child support  
658 obligation shall be divided between the parents in the same proportion as their monthly gross incomes  
659 bear to their monthly combined gross income. The monthly obligation of each parent shall be  
660 computed by multiplying each parent's percentage of the parents' monthly combined gross income by  
661 the total monthly child support obligation.

662 However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health  
663 care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent.

664 2. Split custody support. In cases involving split custody, the amount of child support to be paid  
665 shall be the difference between the amounts owed by each parent as a noncustodial parent, computed  
666 in accordance with subdivision 1, with the noncustodial parent owing the larger amount paying the  
667 difference to the other parent.

668 For the purpose of this section and § 20-108.1, split custody shall be limited to those situations  
669 where each parent has physical custody of a child or children born of the parents, born of either  
670 parent and adopted by the other parent or adopted by both parents. For the purposes of calculating a  
671 child support obligation where split custody exists, a separate family unit exists for each parent, and  
672 child support for that family unit shall be calculated upon the number of children in that family unit  
673 who are born of the parents, born of either parent and adopted by the other parent or adopted by both  
674 parents. Where split custody exists, a parent is a custodial parent to the children in that parent's  
675 family unit and is a noncustodial parent to the children in the other parent's family unit.

676 3. Shared custody support.

677 (a) Where a party has custody or visitation of a child or children for more than ninety days of the  
678 year, as such days are defined in subdivision G 3 (c), a shared custody child support amount based on  
679 the ratio in which the parents share the custody and visitation of any child or children shall be  
680 calculated in accordance with this subdivision. The presumptive support to be paid shall be the shared  
681 custody support amount, unless a party affirmatively shows that the sole custody support amount  
682 calculated as provided in subdivision G 1 is less than the shared custody support amount. If so, the  
683 lesser amount shall be the support to be paid. For the purposes of this subsection, the following shall  
684 apply:

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

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

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

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



702 (b) Support to be paid. The shared support need of the shared child or children shall be calculated  
703 pursuant to subdivision G 3 (a) (iii). This amount shall then be multiplied by the other parent's  
704 custody share. To that sum for each parent shall be added the other parent's cost of health care  
705 coverage to the extent allowable by subsection E, plus the other parent's work-related child-care costs  
706 to the extent allowable by subsection F. This total for each parent shall be multiplied by that parent's  
707 income share. The support amounts thereby calculated that each parent owes the other shall be  
708 subtracted one from the other and the difference shall be the shared custody support one parent owes  
709 to the other, with the payor parent being the one whose shared support is the larger. Any  
710 extraordinary medical and dental expenses, to the extent allowable by subsection D, shall be shared  
711 directly by the parents in accordance with their income shares, and shall not be adjusted by the  
712 custody share. The parents shall pay their respective shares of these extraordinary medical expenses as  
713 they are incurred, and they are not added to each party's shared custody support owed to the other  
714 party. The method of payment of said allowable expenses shall be contained in the support order.  
715 When the shared support is compared to the sole custody support to determine which is the lesser  
716 support, pursuant to subdivision G 3 (a), the extraordinary medical expenses shall not enter into either  
717 calculation.

718 (c) Definition of a day. For the purposes of this section, "day" means a period of twenty-four  
719 hours; however, where the parent who has the fewer number of overnight periods during the year has  
720 an overnight period with a child, but has physical custody of the shared child for less than  
721 twenty-four hours during such overnight period, there is a presumption that each parent shall be  
722 allocated one-half of a day of custody for that period.

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

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

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

737 H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this  
738 section is reviewed by October 31, 2001, and every three years thereafter, by a panel that includes a  
739 representative of a juvenile and domestic relations court and a circuit court, a representative of the  
740 executive branch, a member of the House of Delegates, a member of the Senate to be appointed by  
741 the chairmen of the House and Senate Committees for Courts of Justice, members of the bar, two  
742 custodial and two noncustodial parents and a child advocate. The panel shall determine the adequacy  
743 of the guideline for the determination of appropriate awards for the support of children by considering  
744 current research and data on the cost of and expenditures necessary for rearing children, and any other  
745 resources it deems relevant to such review. The panel shall report its findings to the General  
746 Assembly before it next convenes following such review.

747 I. *Notwithstanding any other provision of law, any modifications to this section shall not be*  
748 *retroactive to a date before enactment, and shall not be the basis for a material change in*  
749 *circumstances upon which a modification of child support may be based.*

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Ellen Bowyer

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HOUSE BILL NO. 2263  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee for Courts of Justice  
on \_\_\_\_\_)  
(Patrons Prior to Substitute--Delegate Watts; Delegate Petersen)

A BILL to amend and reenact §§ 20-108.1 and 20-108.2 of the Code of Virginia, relating to child support.

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

**1. That §§ 20-108.1 and 20-108.2 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 the evidence relevant to each individual case.

B. In any proceeding on the issue of determining child support under this title or Title 16.1 or Title 63.2, 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 the evidence relevant to each individual case. However, there shall be a rebuttable presumption in any judicial or administrative proceeding for child support, including cases involving split custody or shared custody, that the amount of the award which would result from the application of the ~~guidelines~~ guideline set out in § 20-108.2 is the correct amount of child support to be awarded. Liability for support shall be determined retroactively for the period measured from the date that the proceeding was commenced by the filing of an action with the court provided the complainant exercised due diligence in the service of the respondent or, if earlier, the date an order of the Department of Social Services entered pursuant to Title 63.2

1 and directing payment of support was delivered to the sheriff or process server for service on  
2 the obligor.

3 In order to rebut the presumption, the court shall make written findings in the order,  
4 which findings may be incorporated by reference, that the application of such ~~guidelines~~  
5 guideline would be unjust or inappropriate in a particular case. The finding that rebuts the  
6 ~~guidelines~~ guideline shall state the amount of support that would have been required under the  
7 ~~guidelines~~ guideline, shall give a justification of why the order varies from the ~~guidelines~~  
8 guideline, and shall be determined by relevant evidence pertaining to the following factors  
9 affecting the obligation, the ability of each party to provide child support, and the best interests  
10 of the child:

- 11 1. Actual monetary support for other family members or former family members;
- 12 2. Arrangements regarding custody of the children;
- 13 3. Imputed income to a party who is voluntarily unemployed or voluntarily under-  
14 employed; provided that income may not be imputed to the custodial parent when a child is not  
15 in school, child care services are not available and the cost of such child care services are not  
16 included in the computation;
- 17 4. Debts of either party arising during the marriage for the benefit of the child;
- 18 5. Debts incurred for production of income;
- 19 6. Direct payments ordered by the court for health care coverage, maintaining life  
20 insurance coverage pursuant to subsection D, education expenses, or other court-ordered  
21 direct payments for the benefit of the child and costs related to the provision of health care  
22 coverage pursuant to subdivision 7 of § 20-60.3;
- 23 7. Extraordinary capital gains such as capital gains resulting from the sale of the marital  
24 abode;
- 25 8. Age, physical and mental condition of the child or children, including extraordinary  
26 medical or dental expenses, and child-care expenses;
- 27 9. Independent financial resources, if any, of the child or children;

- 1           10. Standard of living for the family established during the marriage;
- 2           11. Earning capacity, obligations and needs, and financial resources of each parent;
- 3           12. Education and training of the parties and the ability and opportunity of the parties to
- 4 secure such education and training;
- 5           13. Contributions, monetary and nonmonetary, of each party to the well-being of the
- 6 family;
- 7           14. Provisions made with regard to the marital property under § 20-107.3;
- 8           15. Tax consequences to the parties regarding claims for dependent children and child
- 9 care expenses;
- 10          16. A written agreement between the parties which includes the amount of child
- 11 support;
- 12          17. A pendente lite decree, which includes the amount of child support, agreed to by
- 13 both parties or by counsel for the parties; and
- 14          18. Income of the parties obtained from overtime employment or a second job, which
- 15 income may be considered for inclusion or noninclusion based on the history of receipt of that
- 16 income, the purpose of that income, and any agreement of the parties related to that income;
- 17 and
- 18          19. Such other factors, including tax consequences to each party, and such deviations
- 19 necessary to accommodate local prevailing wages and costs, as are necessary to consider the
- 20 equities for the parents and children.
- 21          B1. In considering the imputation of income to either party pursuant to subdivision B 3,
- 22 the court shall consider (i) the earning capacity, including the skills, education and training of
- 23 the party; (ii) the current employment opportunities for persons possessing such earning
- 24 capacity; (iii) the extent to which the age, physical or mental condition, or special
- 25 circumstances of any child of the parties makes it appropriate that a party not seek
- 26 employment outside of the home; and (iv) the decisions regarding employment, career,
- 27 economics, education, and parenting arrangements made by the parties, and their effect on

1 present and future earning potential, including the length of time 1 or both of the parties have  
2 been absent from the job market.

3 C. In any proceeding under this title or Title 16.1 or Title 63.2 on the issue of  
4 determining child support, the court shall have the authority to order a party to provide health  
5 care coverage, as defined in § ~~63.1-250~~ 63.2-1900, for dependent children if reasonable under  
6 all the circumstances and health care coverage for a spouse or former spouse.

7 D. In any proceeding under this title, Title 16.1 or Title 63.2 on the issue of determining  
8 child support, the court shall have the authority to order a party to (i) maintain any existing life  
9 insurance policy on the life of either party provided the party so ordered has the right to  
10 designate a beneficiary and (ii) designate a child or children of the parties as the beneficiary of  
11 all or a portion of such life insurance for so long as the party so ordered has a statutory  
12 obligation to pay child support for the child or children.

13 E. Except when the parties have otherwise agreed, in any proceeding under this title,  
14 Title 16.1 or Title 63.2 on the issue of determining child support, the court shall have the  
15 authority to and may, in its discretion, order one party to execute all appropriate tax forms or  
16 waivers to grant to the other party the right to take the income tax dependency exemption for  
17 any tax year or future years, for any child or children of the parties for federal and state income  
18 tax purposes.

19 F. Notwithstanding any other provision of law, any modifications to this section shall not  
20 be retroactive to a date before enactment, and shall not be the basis for a material change in  
21 circumstances upon which a modification of child support may be based.

22 § 20-108.2. Guideline for determination of child support.

23 A. The Schedule of Monthly Basic Child Support Obligations ("Schedule") is based on  
24 (i) the rationale that there are fixed housing and utility costs and variable transportation costs,  
25 and (ii) the assumption of "exercised" visitation by the noncustodial parent of 60 to 90 days  
26 annually. There shall be a rebuttable presumption in any judicial or administrative proceeding  
27 for child support under this title or Title 16.1 or 63.2, including cases involving split custody or

1 shared custody, that the amount of the award which would result from the application of the  
2 guidelines guideline set forth in this section is the correct amount of child support to be  
3 awarded. In order to rebut the presumption, the court shall make written findings in the order  
4 as set out in § 20-108.1, which findings may be incorporated by reference, that the application  
5 of the guidelines guideline would be unjust or inappropriate in a particular case as determined  
6 by relevant evidence pertaining to the factors set out in §§ 20-107.2 and 20-108.1. The  
7 Department of Social Services shall set child support at the amount resulting from  
8 computations using the guidelines guideline set out in this section pursuant to the authority  
9 granted to it in Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of §  
10 63.2-1918.

11 A1. Economic Assumptions. The Schedule in this section should be applied in  
12 individual cases with consideration of the following economic assumptions:

13 1. The Schedule uses gross monthly income to avoid (a) non-comparable deductions;  
14 (b) use of complex gross to net calculations in individual cases; and (c) an increase in child  
15 support when an obligor acquires additional dependents.

16 2. The Schedule uses a minimum level of support below \$1,200 to allow low-income  
17 obligors to maintain at least a subsistence level of living after payment of taxes and child  
18 support.

19 3. The Schedule is based on the 2000 United States Department of Agriculture  
20 Consumer Expenditure Survey for average expenditures on child-rearing up to age 18 in 2-  
21 parent households, discounted to recognize expenditures made by the non-custodial  
22 household during 60 to 90 days of visitation. Costs borne by the non-custodial parent are  
23 assumed to include direct expenditures during visitation, as well as additional expenditures  
24 required to accommodate children in the household for shelter, household equipment and  
25 purchasing and insuring a vehicle.

26 4. The Schedule amounts include estimated monthly expenditures on food, housing,  
27 home furnishings, utilities, transportation, clothing, education and recreation. Child-rearing

1 expenditures for households with 4, 5, and 6 children are constructed by multiplying the  
 2 obligations of households with 3 children by 1.1274, 1.2293, and 1.3142, respectively.

3 5. The Schedule does not include expenditures for child care, children's extraordinary  
 4 medical care, or the children's share of health insurance because these expenditures are  
 5 added to child support obligations as actually incurred in individual cases.

6 6. The Schedule expenditures include expenditures on ordinary medical care of \$250  
 7 per child per year.

8 B. For purposes of application of the guideline, a basic child support obligation shall be  
 9 computed using the schedule set out below. For combined monthly gross income amounts  
 10 falling between amounts shown in the schedule, basic child support obligation amounts shall  
 11 be extrapolated. However, unless one of the following exemptions applies where the sole  
 12 custody child support obligation as computed pursuant to subdivision G. 1. is less than \$65 per  
 13 month, there shall be a presumptive minimum child support obligation of \$65 per month  
 14 payable by the payor parent. Exemptions from this presumptive minimum monthly child  
 15 support obligation shall include: parents unable to pay child support because they lack  
 16 sufficient assets from which to pay child support and who, in addition, are institutionalized in a  
 17 psychiatric facility; are imprisoned with no chance of parole; are medically verified to be totally  
 18 and permanently disabled with no evidence of potential for paying child support, including  
 19 recipients of Supplemental Security Income (SSI); or are otherwise involuntarily unable to  
 20 produce income. "Number of children" means the number of children for whom the parents  
 21 share joint legal responsibility and for whom support is being sought.

22 **SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS**

23 COMBINED  
 24 MONTHLY

25 GROSS	ONE	TWO	THREE	FOUR	FIVE	SIX
26 INCOME	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
27 0 599	65	65	65	65	65	65
28 600	110	111	113	114	115	116
29 650	138	140	142	143	145	146
30 700	153	169	170	172	174	176
31 750	160	197	199	202	204	206
32 800	168	226	228	231	233	236

1	850	175	254	257	260	263	266
2	900	182	281	286	289	292	295
3	950	189	292	315	318	322	325
4	1000	196	304	344	348	351	355
5	1050	203	315	373	377	381	385
6	1100	210	326	402	406	410	415
7	1150	217	337	422	435	440	445
8	1200	225	348	436	465	470	475
9	1250	232	360	451	497	502	507
10	1300	241	373	467	526	536	542
11	1350	249	386	483	545	570	576
12	1400	257	398	499	563	605	611
13	1450	265	411	515	581	633	645
14	1500	274	426	533	602	656	680
15	1550	282	436	547	617	672	714
16	1600	289	447	560	632	689	737
17	1650	295	458	573	647	705	754
18	1700	302	468	587	662	721	772
19	1750	309	479	600	676	738	789
20	1800	315	488	612	690	752	805
21	1850	321	497	623	702	766	819
22	1900	326	506	634	714	779	834
23	1950	332	514	645	727	793	848
24	2000	338	523	655	739	806	862
25	2050	343	532	666	751	819	877
26	2100	349	540	677	763	833	891
27	2150	355	549	688	776	846	905
28	2200	360	558	699	788	860	920
29	2250	366	567	710	800	873	934
30	2300	371	575	721	812	886	948
31	2350	377	584	732	825	900	963
32	2400	383	593	743	837	913	977
33	2450	388	601	754	849	927	991
34	2500	394	610	765	862	940	1006
35	2550	399	619	776	874	954	1020
36	2600	405	627	787	886	967	1034
37	2650	410	635	797	897	979	1048
38	2700	415	643	806	908	991	1060
39	2750	420	651	816	919	1003	1073
40	2800	425	658	826	930	1015	1085
41	2850	430	667	836	941	1027	1098
42	2900	435	675	846	953	1039	1112
43	2950	440	683	856	964	1052	1125
44	3000	445	691	866	975	1064	1138
45	3050	450	699	876	987	1076	1152
46	3100	456	707	886	998	1089	1165
47	3150	461	715	896	1010	1101	1178
48	3200	466	723	906	1021	1114	1191
49	3250	471	732	917	1032	1126	1205
50	3300	476	740	927	1044	1139	1218
51	3350	481	748	937	1055	1151	1231
52	3400	486	756	947	1067	1164	1245
53	3450	492	764	957	1078	1176	1258
54	3500	497	772	967	1089	1189	1271
55	3550	502	780	977	1101	1201	1285
56	3600	507	788	987	1112	1213	1298
57	3650	512	797	997	1124	1226	1311
58	3700	518	806	1009	1137	1240	1326



1	3750	524	815	1020	1150	1254	1342
2	3800	530	824	1032	1163	1268	1357
3	3850	536	834	1043	1176	1283	1372
4	3900	542	843	1055	1189	1297	1387
5	3950	547	852	1066	1202	1311	1402
6	4000	553	861	1078	1214	1325	1417
7	4050	559	871	1089	1227	1339	1432
8	4100	565	880	1101	1240	1353	1448
9	4150	571	889	1112	1253	1367	1463
10	4200	577	898	1124	1266	1382	1478
11	4250	583	907	1135	1279	1396	1493
12	4300	589	917	1147	1292	1410	1508
13	4350	594	926	1158	1305	1424	1523
14	4400	600	935	1170	1318	1438	1538
15	4450	606	944	1181	1331	1452	1553
16	4500	612	954	1193	1344	1467	1569
17	4550	618	963	1204	1357	1481	1584
18	4600	624	972	1216	1370	1495	1599
19	4650	630	981	1227	1383	1509	1614
20	4700	635	989	1237	1395	1522	1627
21	4750	641	997	1247	1406	1534	1641
22	4800	646	1005	1257	1417	1546	1654
23	4850	651	1013	1267	1428	1558	1667
24	4900	656	1021	1277	1439	1570	1679
25	4950	661	1028	1286	1450	1582	1692
26	5000	666	1036	1295	1460	1593	1704
27	5050	671	1043	1305	1471	1605	1716
28	5100	675	1051	1314	1481	1616	1728
29	5150	680	1058	1323	1492	1628	1741
30	5200	685	1066	1333	1502	1640	1753
31	5250	690	1073	1342	1513	1651	1765
32	5300	695	1081	1351	1524	1663	1778
33	5350	700	1088	1361	1534	1674	1790
34	5400	705	1096	1370	1545	1686	1802
35	5450	710	1103	1379	1555	1697	1815
36	5500	714	1111	1389	1566	1709	1827
37	5550	719	1118	1398	1576	1720	1839
38	5600	724	1126	1407	1587	1732	1851
39	5650	729	1133	1417	1598	1743	1864
40	5700	734	1141	1426	1608	1755	1876
41	5750	739	1148	1435	1619	1766	1888
42	5800	744	1156	1445	1629	1778	1901
43	5850	749	1163	1454	1640	1790	1913
44	5900	753	1171	1463	1650	1801	1925
45	5950	758	1178	1473	1661	1813	1937
46	6000	763	1186	1482	1672	1824	1950
47	6050	768	1193	1491	1682	1836	1962
48	6100	773	1201	1501	1693	1847	1974
49	6150	778	1208	1510	1703	1859	1987
50	6200	783	1216	1519	1714	1870	1999
51	6250	788	1223	1529	1724	1882	2011
52	6300	792	1231	1538	1735	1893	2023
53	6350	797	1238	1547	1745	1905	2036
54	6400	802	1246	1557	1756	1916	2048
55	6450	807	1253	1566	1767	1928	2060
56	6500	812	1261	1575	1777	1940	2073
57	6550	816	1267	1583	1786	1949	2083
58	6600	820	1272	1590	1794	1957	2092

1	6650	823	1277	1597	1801	1965	2100
2	6700	827	1283	1604	1809	1974	2109
3	6750	830	1288	1610	1817	1982	2118
4	6800	834	1293	1617	1824	1990	2127
5	6850	837	1299	1624	1832	1999	2136
6	6900	841	1304	1631	1839	2007	2145
7	6950	845	1309	1637	1847	2016	2154
8	7000	848	1315	1644	1855	2024	2163
9	7050	852	1320	1651	1862	2032	2172
10	7100	855	1325	1658	1870	2041	2181
11	7150	859	1331	1665	1878	2049	2190
12	7200	862	1336	1671	1885	2057	2199
13	7250	866	1341	1678	1893	2066	2207
14	7300	870	1347	1685	1900	2074	2216
15	7350	873	1352	1692	1908	2082	2225
16	7400	877	1358	1698	1916	2091	2234
17	7450	880	1363	1705	1923	2099	2243
18	7500	884	1368	1712	1931	2108	2252
19	7550	887	1374	1719	1938	2116	2261
20	7600	891	1379	1725	1946	2124	2270
21	7650	895	1384	1732	1954	2133	2279
22	7700	898	1390	1739	1961	2141	2288
23	7750	902	1395	1746	1969	2149	2297
24	7800	905	1400	1753	1977	2158	2305
25	7850	908	1405	1758	1983	2164	2313
26	7900	910	1409	1764	1989	2171	2320
27	7950	913	1414	1770	1995	2178	2328
28	8000	916	1418	1776	2001	2185	2335
29	8050	918	1423	1781	2007	2192	2343
30	8100	921	1428	1787	2014	2198	2350
31	8150	924	1432	1793	2020	2205	2357
32	8200	927	1437	1799	2026	2212	2365
33	8250	929	1441	1804	2032	2219	2372
34	8300	932	1446	1810	2038	2226	2380
35	8350	935	1450	1816	2045	2232	2387
36	8400	937	1455	1822	2051	2239	2395
37	8450	940	1459	1827	2057	2246	2402
38	8500	943	1464	1833	2063	2253	2410
39	8550	945	1468	1839	2069	2260	2417
40	8600	948	1473	1845	2076	2266	2425
41	8650	951	1478	1850	2082	2273	2432
42	8700	954	1482	1856	2088	2280	2440
43	8750	956	1487	1862	2094	2287	2447
44	8800	959	1491	1868	2100	2294	2455
45	8850	962	1496	1873	2107	2300	2462
46	8900	964	1500	1879	2113	2307	2470
47	8950	967	1505	1885	2119	2314	2477
48	9000	970	1509	1891	2125	2321	2484
49	9050	973	1514	1896	2131	2328	2492
50	9100	975	1517	1901	2137	2334	2498
51	9150	977	1521	1905	2141	2339	2503
52	9200	979	1524	1909	2146	2344	2509
53	9250	982	1527	1914	2151	2349	2514
54	9300	984	1531	1918	2156	2354	2520
55	9350	986	1534	1922	2160	2359	2525
56	9400	988	1537	1926	2165	2365	2531
57	9450	990	1541	1930	2170	2370	2536
58	9500	993	1544	1935	2175	2375	2541

1	9550	995	1547	1939	2179	2380	2547
2	9600	997	1551	1943	2184	2385	2552
3	9650	999	1554	1947	2189	2390	2558
4	9700	1001	1557	1951	2194	2396	2563
5	9750	1003	1561	1956	2198	2401	2569
6	9800	1006	1564	1960	2203	2406	2574
7	9850	1008	1567	1964	2208	2411	2580
8	9900	1010	1571	1968	2213	2416	2585
9	9950	1012	1574	1972	2218	2421	2590
10	10000	1014	1577	1977	2222	2427	2596

11 For gross monthly income between \$10,000 and \$20,000, add the amount of child support for \$10,000 to the following percentages of gross income above \$10,000:

12	ONE	TWO	THREE	FOUR	FIVE	SIX
13	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
14	3.1%	5.1%	6.8%	7.8%	8.8%	9.5%

16 For gross monthly income between \$20,000 and \$50,000, add the amount of child support for \$20,000 to the following percentages of gross income above \$20,000:

17	ONE	TWO	THREE	FOUR	FIVE	SIX
18	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
19	2%	3.5%	5%	6%	6.9%	7.8%

21 For gross monthly income over \$50,000, add the amount of child support for \$50,000 to the following percentages of gross income above \$50,000:

22	ONE	TWO	THREE	FOUR	FIVE	SIX
23	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
24	1%	2%	3%	4%	5%	6%

27 SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

28	<u>COMBINED</u>						
29	<u>MONTHLY</u>						
30	<u>GROSS</u>	<u>ONE</u>	<u>TWO</u>	<u>THREE</u>	<u>FOUR</u>	<u>FIVE</u>	<u>SIX</u>
31	<u>INCOME</u>	<u>CHILD</u>	<u>CHILDREN</u>	<u>CHILDREN</u>	<u>CHILDREN</u>	<u>CHILDREN</u>	<u>CHILDREN</u>
32	\$0-1199	65	65	65	65	65	65
33	1200	83	84	85	96	104	112
34	1250	111	113	114	129	140	150
35	1300	139	142	143	161	176	188
36	1350	167	171	172	194	211	226
37	1400	195	200	201	227	247	264
38	1450	223	229	230	259	283	302
39	1500	251	258	259	292	318	340
40	1550	279	287	288	325	354	378
41	1600	293	316	317	357	390	417
42	1650	307	345	346	390	425	455
43	1700	321	374	375	423	461	493
44	1750	329	403	404	455	497	531
45	1800	338	423	433	488	523	569
46	1850	346	461	462	521	568	607
47	1900	355	490	491	554	604	645
48	1950	363	519	520	586	639	683

1	2000	371	548	549	619	675	721
2	2050	380	577	578	652	711	760
3	2100	388	606	607	684	746	798
4	2150	396	623	636	717	782	836
5	2200	404	636	665	750	817	874
6	2250	412	648	694	782	853	912
7	2300	420	660	723	815	889	950
8	2350	428	672	752	848	924	988
9	2400	436	684	781	880	960	1026
10	2450	444	696	810	913	996	1065
11	2500	452	707	839	946	1031	1103
12	2550	459	719	868	979	1067	1141
13	2600	467	731	897	1011	1103	1179
14	2650	475	742	926	1044	1138	1217
15	2700	482	753	955	1077	1174	1255
16	2750	490	764	972	1095	1194	1277
17	2800	497	776	986	1111	1212	1296
18	2850	505	787	1000	1127	1229	1314
19	2900	512	797	1014	1143	1247	1333
20	2950	520	808	1028	1159	1264	1351
21	3000	527	819	1042	1175	1281	1369
22	3050	534	830	1056	1190	1298	1387
23	3100	541	840	1069	1205	1314	1405
24	3150	549	850	1083	1221	1331	1423
25	3200	556	861	1096	1236	1347	1440
26	3250	563	871	1109	1250	1364	1458
27	3300	570	881	1122	1265	1380	1475
28	3350	577	891	1135	1280	1396	1492
29	3400	584	901	1148	1294	1411	1509
30	3450	590	911	1161	1309	1427	1526
31	3500	597	920	1173	1323	1443	1542
32	3550	604	930	1186	1337	1458	1559
33	3600	610	938	1195	1347	1469	1570
34	3650	616	946	1204	1358	1480	1582
35	3700	622	954	1213	1368	1491	1594
36	3750	629	962	1222	1377	1502	1606
37	3800	635	969	1230	1387	1512	1617
38	3850	641	976	1239	1396	1523	1628
39	3900	647	984	1247	1405	1532	1638
40	3950	653	991	1255	1414	1542	1649
41	4000	658	998	1262	1423	1552	1659
42	4050	664	1004	1270	1431	1561	1669
43	4100	670	1011	1277	1440	1570	1678
44	4150	676	1018	1284	1448	1578	1687
45	4200	681	1024	1291	1455	1587	1696
46	4250	687	1030	1298	1463	1595	1705
47	4300	692	1036	1304	1470	1603	1714
48	4350	698	1042	1310	1477	1611	1722
49	4400	703	1048	1316	1484	1618	1730
50	4450	708	1054	1322	1491	1625	1737
51	4500	714	1059	1328	1497	1632	1745
52	4550	719	1065	1333	1503	1639	1752
53	4600	724	1073	1344	1515	1652	1766
54	4650	730	1081	1354	1526	1664	1779
55	4700	735	1089	1364	1538	1677	1793
56	4750	740	1097	1374	1549	1689	1806
57	4800	746	1105	1384	1561	1702	1819
58	4850	751	1112	1394	1572	1714	1832

1	4900	756	1120	1404	1583	1726	1845
2	4950	761	1128	1414	1594	1738	1858
3	5000	766	1135	1423	1605	1750	1871
4	5050	771	1143	1433	1616	1762	1883
5	5100	776	1150	1442	1626	1773	1896
6	5150	781	1157	1452	1637	1785	1908
7	5200	786	1165	1461	1647	1796	1920
8	5250	790	1172	1470	1658	1807	1932
9	5300	795	1179	1479	1668	1819	1944
10	5350	800	1186	1488	1678	1830	1956
11	5400	804	1193	1497	1688	1841	1968
12	5450	809	1200	1506	1698	1852	1979
13	5500	813	1206	1515	1708	1862	1991
14	5550	818	1213	1524	1718	1873	2002
15	5600	822	1220	1532	1727	1883	2014
16	5650	827	1226	1541	1737	1894	2025
17	5700	831	1233	1549	1746	1904	2036
18	5750	835	1239	1557	1756	1914	2047
19	5800	839	1245	1565	1765	1924	2057
20	5850	843	1251	1574	1774	1934	2068
21	5900	848	1258	1581	1783	1944	2078
22	5950	852	1264	1589	1792	1954	2089
23	6000	855	1270	1597	1801	1963	2099
24	6050	859	1276	1605	1809	1973	2109
25	6100	863	1281	1613	1818	1982	2119
26	6150	867	1287	1620	1826	1992	2129
27	6200	871	1293	1628	1835	2001	2139
28	6250	875	1298	1635	1843	2010	2149
29	6300	878	1304	1642	1851	2019	2158
30	6350	882	1309	1649	1859	2027	2168
31	6400	885	1315	1656	1867	2036	2177
32	6450	889	1320	1663	1875	2045	2186
33	6500	892	1325	1670	1883	2053	2195
34	6550	896	1330	1677	1891	2062	2204
35	6600	899	1335	1684	1898	2070	2213
36	6650	902	1340	1690	1906	2078	2221
37	6700	905	1345	1697	1913	2086	2230
38	6750	909	1350	1703	1920	2094	2238
39	6800	912	1355	1710	1927	2102	2247
40	6850	915	1360	1716	1934	2109	2255
41	6900	918	1364	1722	1941	2117	2263
42	6950	921	1369	1728	1948	2124	2271
43	7000	924	1373	1734	1955	2132	2279
44	7050	926	1378	1740	1962	2139	2287
45	7100	929	1382	1746	1968	2146	2294
46	7150	932	1386	1751	1975	2153	2302
47	7200	935	1390	1757	1981	2160	2309
48	7250	937	1394	1762	1987	2167	2316
49	7300	940	1398	1768	1993	2173	2323
50	7350	942	1402	1773	1999	2180	2330
51	7400	945	1406	1778	2005	2186	2337
52	7450	947	1410	1784	2011	2193	2344
53	7500	950	1413	1789	2016	2199	2351
54	7550	952	1417	1794	2022	2205	2357
55	7600	954	1420	1798	2028	2211	2363
56	7650	957	1424	1803	2033	2217	2370
57	7700	959	1427	1808	2038	2222	2376
58	7750	961	1431	1812	2043	2228	2382

1	7800	963	1434	1817	2048	2234	2388
2	7850	965	1437	1821	2053	2239	2394
3	7900	967	1440	1826	2058	2244	2399
4	7950	969	1443	1830	2063	2249	2405
5	8000	971	1446	1834	2068	2254	2410
6	8050	972	1449	1838	2072	2259	2415
7	8100	974	1451	1842	2077	2264	2421
8	8150	976	1454	1846	2081	2269	2426
9	8200	977	1457	1849	2085	2274	2431
10	8250	979	1459	1853	2089	2278	2435
11	8300	980	1462	1857	2093	2282	2440
12	8350	982	1464	1860	2097	2287	2445
13	8400	983	1466	1864	2101	2291	2449
14	8450	985	1468	1867	2105	2295	2453
15	8500	986	1470	1870	2108	2299	2458
16	8550	992	1479	1878	2117	2308	2468
17	8600	996	1485	1886	2126	2318	2478
18	8650	1001	1492	1893	2134	2327	2488
19	8700	1005	1498	1901	2143	2337	2498
20	8750	1009	1504	1909	2152	2346	2508
21	8800	1014	1511	1916	2160	2355	2518
22	8850	1018	1517	1924	2169	2365	2528
23	8900	1022	1523	1931	2177	2374	2538
24	8950	1027	1529	1939	2186	2383	2548
25	9000	1031	1535	1946	2194	2392	2558
26	9050	1035	1541	1953	2202	2401	2567
27	9100	1039	1547	1961	2211	2410	2577
28	9150	1044	1553	1968	2219	2419	2587
29	9200	1048	1559	1975	2227	2428	2596
30	9250	1052	1565	1983	2235	2437	2606
31	9300	1056	1571	1990	2243	2446	2615
32	9350	1060	1577	1997	2252	2455	2625
33	9400	1065	1583	2004	2260	2464	2634
34	9450	1069	1589	2011	2268	2473	2643
35	9500	1073	1595	2018	2276	2481	2653
36	9550	1077	1601	2025	2283	2490	2662
37	9600	1081	1607	2032	2291	2498	2671
38	9650	1085	1612	2039	2299	2507	2680
39	9700	1089	1618	2046	2307	2515	2689
40	9750	1093	1624	2053	2315	2524	2698
41	9800	1097	1629	2060	2322	2532	2707
42	9850	1101	1635	2067	2330	2541	2716
43	9900	1105	1641	2074	2338	2549	2725
44	9950	1109	1646	2080	2345	2557	2734
45	10000	1113	1652	2087	2353	2565	2743

46 For gross monthly income between \$10,000 and \$20,000, add the amount of child

47 support for \$10,000 to the following percentages of gross income above \$10,000:

48	ONE	TWO	THREE	FOUR	FIVE	SIX
49	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
50	3.1%	5.1%	6.8%	7.8%	8.8%	9.5%

51 For gross monthly income between \$20,000 and \$50,000, add the amount of child

52 support for \$20,000 to the following percentages of gross income above \$20,000:

53	ONE	TWO	THREE	FOUR	FIVE	SIX
54	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN

1	2%	3.5%	5%	6%	6.9%	7.8%
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2 For gross monthly income over \$50,000, add the amount of child support for \$50,000 to  
 3 the following percentages of gross income above \$50,000:

4	ONE	TWO	THREE	FOUR	FIVE	SIX
5	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
6	1%	2%	3%	4%	5%	6%

7  
 8 C. For purposes of this section, "gross income" means all income from all sources, and  
 9 shall include, but not be limited to, income from salaries, wages, commissions, royalties,  
 10 bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains,  
 11 social security benefits except as listed below, workers' compensation benefits, unemployment  
 12 insurance benefits, disability insurance benefits, veterans' benefits, spousal support, rental  
 13 income, gifts, prizes or awards.

14 If a parent's gross income includes disability insurance benefits, it shall also include any  
 15 amounts paid to or for the child who is the subject of the order and derived by the child from  
 16 the parent's entitlement to disability insurance benefits. To the extent that such derivative  
 17 benefits are included in a parent's gross income, that parent shall be entitled to a credit against  
 18 his or her ongoing basic child support obligation for any such amounts, and, if the amount of  
 19 the credit exceeds the parent's basic child support obligations, the credit may be used to  
 20 reduce arrearages.

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

24 ~~benefits~~ 1. Benefits from public assistance and social services programs as defined in §  
 25 63.2-100;

26 ~~federal~~ 2. Federal supplemental security income benefits;

27 ~~or child~~ 3. Child support received; or

28 4. Income received by the payor from secondary employment income, whether from an  
 29 additional job, from self-employment, or from overtime income not previously included in "gross

1 income," where such income has been obtained in a good faith effort by the payor to discharge  
2 a child-support arrearage established by a court or administrative order relating to the child or  
3 children who are subject to the proceeding, and such parent is paying the arrearage pursuant  
4 to the order. Such secondary income, or the cessation of such income upon the payment of  
5 the arrearage, shall not be the basis for a material change in circumstances upon which a  
6 modification of child support may be based.

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

11 Where there is an existing court or administrative order or written agreement relating to  
12 the child or children of a party to the proceeding, who are not the child or children who are the  
13 subject of the present proceeding, then there is a presumption that there shall be deducted  
14 from the gross income of the party subject to such order or written agreement, the amount that  
15 the party is actually paying for the support of a child or children pursuant to such order or  
16 agreement.

17 Where a party to the proceeding has a natural or adopted child or children in the party's  
18 household or primary physical custody, and the child or children are not the subject of the  
19 present proceeding, there is a presumption that there shall be deducted from the gross income  
20 of that party the amount as shown on the Schedule of Monthly Basic Child Support Obligations  
21 contained in subsection B that represents that party's support obligation based solely on that  
22 party's income as being the total income available for the natural or adopted child or children in  
23 the party's household or primary physical custody, who are not the subject of the present  
24 proceeding. Provided, however, that the existence of a party's financial responsibility for such a  
25 child or children shall not of itself constitute a material change in circumstances for modifying a  
26 previous order of child support in any modification proceeding. Any adjustment to gross  
27 income under this subsection shall not create or reduce a support obligation to an amount



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

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

6 ~~D. Any extraordinary medical and dental expenses for treatment of the child or children~~  
7 ~~shall be added to the basic child support obligation. For purposes of this section, extraordinary~~  
8 ~~medical and dental expenses are uninsured expenses in excess of \$100 for a single illness or~~  
9 ~~condition and shall include but not be limited to eyeglasses, prescription medication,~~  
10 ~~prostheses, and mental health services whether provided by a social worker, psychologist,~~  
11 ~~psychiatrist, or counselor. Except for good cause shown or the agreement of the parties, in~~  
12 ~~addition to any other child support obligations made pursuant to this section, any child support~~  
13 ~~order shall provide that the parents pay in proportion to their gross incomes, as used for~~  
14 ~~calculating the monthly support obligation, any reasonable and necessary unreimbursed~~  
15 ~~medical or dental expenses which are in excess of the sum of \$250 for any calendar year for~~  
16 ~~each child who is the subject of the obligation. For the purposes of this section, medical or~~  
17 ~~dental expenses shall include but not be limited to eyeglasses, prescription medication,~~  
18 ~~prosthetics, orthodontics, and mental health or developmental disabilities services, including~~  
19 ~~but not limited to services provided by a social worker, psychologist, psychiatrist, counselor, or~~  
20 ~~therapist.~~

21 E. Any costs for health care coverage as defined in § 63.2-1900 and dental care  
22 coverage, when actually being paid by a parent, to the extent such costs are directly allocable  
23 to the child or children, and which are the extra costs of covering the child or children beyond  
24 whatever coverage the parent providing the coverage would otherwise have, shall be added to  
25 the basic child support obligation.

26 F. Any child-care costs incurred on behalf of the child or children due to employment of  
27 the custodial parent shall be added to the basic child support obligation. as follows:

1           1. When the monthly gross income of the custodial parent paying such costs falls below  
2 (i) \$1,100 for 1 child; (ii) \$1,500 for 2 children; (iii) \$1,700 for 3 children; (iv) \$1,900 for 4  
3 children; (v) \$2,100 for 5 children; or (vi) \$2,300 for 6 children, 100 percent of the child-care  
4 costs shall be added to the basic child support obligations. When the monthly gross income of  
5 the custodial parent paying such costs exceeds the level set forth in subdivision F 1, 75  
6 percent of the child-care costs shall be added to the basic child support obligation. The court  
7 shall consider tax returns or any other relevant evidence presented in order to rebut the  
8 presumption of the percentage of child-care costs to be used.

9           2. The amount of any child-care tax credit shall be added to the gross income of the  
10 parent who receives the credit.

11           3. Child-care costs shall not exceed the amount required to provide quality care from a  
12 licensed source. When requested by the noncustodial parent, the court may require the  
13 custodial parent to present documentation to verify the costs incurred for child care under this  
14 subsection. Where appropriate, the court shall consider the willingness and availability of the  
15 noncustodial parent to provide child care personally in determining whether child-care costs  
16 are necessary or excessive.

17           G. 1. Sole custody support. The sole custody total monthly child support obligation shall  
18 be established by adding (i) the monthly basic child support obligation, as determined from the  
19 schedule contained in subsection B, (ii) all extraordinary medical expenses, (iii) ~~costs~~ for  
20 health care coverage to the extent allowable by subsection E, and (iv) work-related child-care  
21 costs and taking into consideration all the factors set forth in subsection B of § 20-108.1. The  
22 total monthly child support obligation shall be divided between the parents in the same  
23 proportion as their monthly gross incomes bear to their monthly combined gross income. The  
24 monthly obligation of each parent shall be computed by multiplying each parent's percentage  
25 of the parents' monthly combined gross income by the total monthly child support obligation.

1           However, the monthly obligation of the noncustodial parent shall be reduced by the cost  
2 for health care coverage to the extent allowable by subsection E when paid directly by the  
3 noncustodial parent.

4           2. Split custody support. In cases involving split custody, the amount of child support to  
5 be paid shall be the difference between the amounts owed by each parent as a noncustodial  
6 parent, computed in accordance with subdivision 1, with the noncustodial parent owing the  
7 larger amount paying the difference to the other parent.

8           For the purpose of this section and § 20-108.1, split custody shall be limited to those  
9 situations where each parent has physical custody of a child or children born of the parents,  
10 born of either parent and adopted by the other parent or adopted by both parents. For the  
11 purposes of calculating a child support obligation where split custody exists, a separate family  
12 unit exists for each parent, and child support for that family unit shall be calculated upon the  
13 number of children in that family unit who are born of the parents, born of either parent and  
14 adopted by the other parent or adopted by both parents. Where split custody exists, a parent is  
15 a custodial parent to the children in that parent's family unit and is a noncustodial parent to the  
16 children in the other parent's family unit.

17           3. Shared custody support.

18           (a) Where a party has custody or visitation of a child or children for more than ninety  
19 days of the year, as such days are defined in subdivision G 3 (c), a shared custody child  
20 support amount based on the ratio in which the parents share the custody and visitation of any  
21 child or children shall be calculated in accordance with this subdivision. The presumptive  
22 support to be paid shall be the shared custody support amount, unless a party affirmatively  
23 shows that the sole custody support amount calculated as provided in subdivision G 1 is less  
24 than the shared custody support amount. If so, the lesser amount shall be the support to be  
25 paid. For the purposes of this subsection, the following shall apply:

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

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

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

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

20 (b) Support to be paid. The shared support need of the shared child or children shall be  
21 calculated pursuant to subdivision G 3 (a) (iii). This amount shall then be multiplied by the  
22 other parent's custody share. To that sum for each parent shall be added the other parent's  
23 cost of health care coverage to the extent allowable by subsection E, plus the other parent's  
24 work-related child-care costs to the extent allowable by subsection F. This total for each parent  
25 shall be multiplied by that parent's income share. The support amounts thereby calculated that  
26 each parent owes the other shall be subtracted one from the other and the difference shall be  
27 the shared custody support one parent owes to the other, with the payor parent being the one

1 whose shared support is the larger. Any extraordinary medical and dental expenses, to the  
2 extent allowable by subsection D, shall be shared directly by the parents in accordance with  
3 their income shares, and shall not be adjusted by the custody share. The parents shall pay  
4 their respective shares of these extraordinary medical expenses as they are incurred, and they  
5 are not added to each party's shared custody support owed to the other party. The method of  
6 payment of said allowable expenses shall be contained in the support order. When the shared  
7 support is compared to the sole custody support to determine which is the lesser support,  
8 pursuant to subdivision G 3 (a), the extraordinary medical expenses shall not enter into either  
9 calculation.

10 (c) Definition of a day. For the purposes of this section, "day" means a period of twenty-  
11 four hours; however, where the parent who has the fewer number of overnight periods during  
12 the year has an overnight period with a child, but has physical custody of the shared child for  
13 less than twenty-four hours during such overnight period, there is a presumption that each  
14 parent shall be allocated one-half of a day of custody for that period.

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

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

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

4 H. The Secretary of Health and Human Resources shall ensure that the guideline set  
5 out in this section is reviewed by October 31, 2001, and every three years thereafter, by a  
6 panel that includes a representative of a juvenile and domestic relations court and a circuit  
7 court, a representative of the executive branch, a member of the House of Delegates, a  
8 member of the Senate to be appointed by the chairmen of the House and Senate Committees  
9 for Courts of Justice, members of the bar, two custodial and two noncustodial parents and a  
10 child advocate. The panel shall determine the adequacy of the guideline for the determination  
11 of appropriate awards for the support of children by considering current research and data on  
12 the cost of and expenditures necessary for rearing children, and any other resources it deems  
13 relevant to such review. The panel shall report its findings to the General Assembly before it  
14 next convenes following such review.

15 **2. That the provisions of this act shall not be the basis for a material change in**  
16 **circumstances upon which a modification of child support may be based unless the**  
17 **application of the provisions would increase or decrease the monthly support**  
18 **obligation by \$75 or more.**

19 #  
20

**2003 SESSION  
ENGROSSED**

031846520

**SENATE BILL NO. 1312**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee for Courts of Justice)

(Patron Prior to Substitute—Senator Quayle)

Senate Amendments in [ ] — February 4, 2003

*A BILL to amend and reenact §§ 20-108.1 and 20-108.2 of the Code of Virginia, relating to child support.*

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

**1. That §§ 20-108.1 and 20-108.2 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 the evidence relevant to each individual case.

B. In any proceeding on the issue of determining child support under this title or Title 16.1 or Title 63.2, 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 the evidence relevant to each individual case. However, there shall be a rebuttable presumption in any judicial or administrative proceeding for child support, including cases involving split custody or shared custody, that the amount of the award which would result from the application of the ~~guidelines~~ *guideline* set out in § 20-108.2 is the correct amount of child support to be awarded. Liability for support shall be determined retroactively for the period measured from the date that the proceeding was commenced by the filing of an action with the court provided the complainant exercised due diligence in the service of the respondent or, if earlier, the date an order of the Department of Social Services entered pursuant to Title 63.2 and directing payment of support was delivered to the sheriff or process server for service on the obligor.

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 such ~~guidelines~~ *guideline* would be unjust or inappropriate in a particular case. The finding that rebuts the ~~guidelines~~ *guideline* shall state the amount of support that would have been required under the ~~guidelines~~ *guideline*, shall give a justification of why the order varies from the ~~guidelines~~ *guideline*, and shall be determined by relevant evidence pertaining to the following factors affecting the obligation, the ability of each party to provide child support, and the best interests of the child:

1. Actual monetary support for 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 under-employed; provided that income may not be imputed to the custodial parent when a child is not in school, child care services are not available and the cost of such child 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 care coverage, maintaining life insurance coverage pursuant to subsection D, education expenses, or other court-ordered direct payments for the benefit of the child and costs related to the provision of health care coverage pursuant to subdivision 7 of § 20-60.3;
7. Extraordinary capital gains such as capital gains resulting from the sale of the marital abode;
8. Age, physical and mental condition of the child or children, including extraordinary medical or dental expenses, and child-care expenses;
9. Independent financial resources, if any, of the child or children;
10. Standard of living for the family established during the marriage;
11. Earning capacity, obligations and needs, and financial resources of each parent;
12. Education and training of the parties and the ability and opportunity of the parties to secure such education and training;
13. Contributions, monetary and nonmonetary, of each party to the well-being of the family;
14. Provisions made with regard to the marital property under § 20-107.3;

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55 15. Tax consequences to the parties regarding claims for dependent children and child care  
56 expenses;

57 16. A written agreement between the parties which includes the amount of child support;

58 17. A pendente lite decree, which includes the amount of child support, agreed to by both parties  
59 or by counsel for the parties; and

60 18. *Income of the parties obtained from overtime employment or a second job, which income may  
61 be considered for inclusion or noninclusion based on the history of receipt of that income, the  
62 purpose of that income, and any agreement of the parties related to that income; and*

63 19. Such other factors, including tax consequences to each party, and such deviations necessary to  
64 accommodate local prevailing wages and costs, as are necessary to consider the equities for the  
65 parents and children.

66 *B1. In considering the imputation of income to either party pursuant to subdivision B 3, the court  
67 shall consider (i) the earning capacity, including the skills, education and training of the party; (ii)  
68 the current employment opportunities for persons possessing such earning capacity; (iii) the extent to  
69 which the age, physical or mental condition, or special circumstances of any child of the parties  
70 makes it appropriate that a party not seek employment outside of the home; and (iv) the decisions  
71 regarding employment, career, economics, education, and parenting arrangements made by the  
72 parties, and their effect on present and future earning potential, including the length of time 1 or both  
73 of the parties have been absent from the job market.*

74 C. In any proceeding under this title or Title 16.1 or Title 63.2 on the issue of determining child  
75 support, the court shall have the authority to order a party to provide health care coverage, as defined  
76 in ~~§ 63.1-250~~ 63.2-1900, for dependent children if reasonable under all the circumstances and health  
77 care coverage for a spouse or former spouse.

78 D. In any proceeding under this title, Title 16.1 or Title 63.2 on the issue of determining child  
79 support, the court shall have the authority to order a party to (i) maintain any existing life insurance  
80 policy on the life of either party provided the party so ordered has the right to designate a beneficiary  
81 and (ii) designate a child or children of the parties as the beneficiary of all or a portion of such life  
82 insurance for so long as the party so ordered has a statutory obligation to pay child support for the  
83 child or children.

84 E. Except when the parties have otherwise agreed, in any proceeding under this title, Title 16.1 or  
85 Title 63.2 on the issue of determining child support, the court shall have the authority to and may, in  
86 its discretion, order one party to execute all appropriate tax forms or waivers to grant to the other  
87 party the right to take the income tax dependency exemption for any tax year or future years, for any  
88 child or children of the parties for federal and state income tax purposes.

89 *F. Notwithstanding any other provision of law, any modifications to this section shall not be  
90 retroactive to a date before enactment, and shall not be the basis for a material change in  
91 circumstances upon which a modification of child support may be based.*

92 § 20-108.2. Guideline for determination of child support.

93 A. *The Schedule of Monthly Basic Child Support Obligations ("Schedule") is based on (i) the  
94 rationale that there are fixed housing and utility costs and variable transportation costs, and (ii) the  
95 assumption of "exercised" visitation by the noncustodial parent of 60 to 90 days annually. There shall  
96 be a rebuttable presumption in any judicial or administrative proceeding for child support under this  
97 title or Title 16.1 or 63.2, including cases involving split custody or shared custody, that the amount  
98 of the award which would result from the application of the ~~guidelines~~ guideline set forth in this  
99 section is the correct amount of child support to be awarded. In order to rebut the presumption, the  
100 court shall make written findings in the order as set out in § 20-108.1, which findings may be  
101 incorporated by reference, that the application of the ~~guidelines~~ guideline would be unjust or  
102 inappropriate in a particular case as determined by relevant evidence pertaining to the factors set out  
103 in §§ 20-107.2 and 20-108.1. The Department of Social Services shall set child support at the amount  
104 resulting from computations using the ~~guidelines~~ guideline set out in this section pursuant to the  
105 authority granted to it in Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions  
106 of § 63.2-1918.*

107 *A1. Economic Assumptions. The Schedule in this section should be applied in individual cases with  
108 consideration of the following economic assumptions:*



109 1. The Schedule uses gross monthly income to avoid (a) non-comparable deductions; (b) use of  
 110 complex gross to net calculations in individual cases; and (c) an increase in child support when an  
 111 obligor acquires additional dependents.

112 2. The Schedule uses a minimum level of support below \$1,200 to allow low-income obligors to  
 113 maintain at least a subsistence level of living after payment of taxes and child support.

114 3. The Schedule is based on the 2000 United States Department of Agriculture Consumer  
 115 Expenditure Survey for average expenditures on child-rearing up to age 18 in 2-parent households,  
 116 discounted to recognize expenditures made by the non-custodial household during 60 to 90 days of  
 117 visitation. Costs borne by the non-custodial parent are assumed to include direct expenditures during  
 118 visitation, as well as additional expenditures required to accommodate children in the household for  
 119 shelter, household equipment and purchasing and insuring a vehicle.

120 4. The Schedule amounts include estimated monthly expenditures on food, housing, home  
 121 furnishings, utilities, transportation, clothing, education and recreation. Child-rearing expenditures for  
 122 households with 4, 5, and 6 children are constructed by multiplying the obligations of households  
 123 with 3 children by 1.1274, 1.2293, and 1.3142, respectively.

124 5. The Schedule does not include expenditures for child care, children's extraordinary medical  
 125 care, or the children's share of health insurance because these expenditures are added to child  
 126 support obligations as actually incurred in individual cases.

127 6. The Schedule expenditures include expenditures on ordinary medical care of \$250 per child per  
 128 year.

129 B. For purposes of application of the guideline, a basic child support obligation shall be computed  
 130 using the schedule set out below. For combined monthly gross income amounts falling between  
 131 amounts shown in the schedule, basic child support obligation amounts shall be extrapolated.  
 132 However, unless one of the following exemptions applies where the sole custody child support  
 133 obligation as computed pursuant to subdivision G. 1. is less than \$65 per month, there shall be a  
 134 presumptive minimum child support obligation of \$65 per month payable by the payor parent.  
 135 Exemptions from this presumptive minimum monthly child support obligation shall include: parents  
 136 unable to pay child support because they lack sufficient assets from which to pay child support and  
 137 who, in addition, are institutionalized in a psychiatric facility; are imprisoned with no chance of  
 138 parole; are medically verified to be totally and permanently disabled with no evidence of potential for  
 139 paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise  
 140 involuntarily unable to produce income. "Number of children" means the number of children for  
 141 whom the parents share joint legal responsibility and for whom support is being sought.

142 SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

143 COMBINED

144 MONTHLY

145 GROSS	ONE	TWO	THREE	FOUR	FIVE	SIX
146 INCOME	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
147 0 599	65	65	65	65	65	65
148 600	110	111	113	114	115	116
149 650	138	140	142	143	145	146
150 700	153	169	170	172	174	176
151 750	160	197	199	202	204	206
152 800	168	226	228	231	233	236
153 850	175	254	257	260	263	266
154 900	182	281	286	289	292	295
155 950	189	292	315	318	322	325
156 1000	196	304	344	348	351	355
157 1050	203	315	373	377	381	385
158 1100	210	326	402	406	410	415
159 1150	217	337	422	435	440	445
160 1200	225	348	436	465	470	475
161 1250	232	360	451	497	502	507
162 1300	241	373	467	526	536	542

163	<del>1350</del>	<del>249</del>	<del>386</del>	<del>483</del>	<del>545</del>	<del>570</del>	<del>576</del>
164	<del>1400</del>	<del>257</del>	<del>398</del>	<del>499</del>	<del>563</del>	<del>605</del>	<del>611</del>
165	<del>1450</del>	<del>265</del>	<del>411</del>	<del>515</del>	<del>581</del>	<del>633</del>	<del>645</del>
166	<del>1500</del>	<del>274</del>	<del>426</del>	<del>533</del>	<del>602</del>	<del>656</del>	<del>680</del>
167	<del>1550</del>	<del>282</del>	<del>436</del>	<del>547</del>	<del>617</del>	<del>672</del>	<del>714</del>
168	<del>1600</del>	<del>289</del>	<del>447</del>	<del>560</del>	<del>632</del>	<del>689</del>	<del>737</del>
169	<del>1650</del>	<del>295</del>	<del>458</del>	<del>573</del>	<del>647</del>	<del>705</del>	<del>754</del>
170	<del>1700</del>	<del>302</del>	<del>468</del>	<del>587</del>	<del>662</del>	<del>721</del>	<del>772</del>
171	<del>1750</del>	<del>309</del>	<del>479</del>	<del>600</del>	<del>676</del>	<del>738</del>	<del>789</del>
172	<del>1800</del>	<del>315</del>	<del>488</del>	<del>612</del>	<del>690</del>	<del>752</del>	<del>805</del>
173	<del>1850</del>	<del>321</del>	<del>497</del>	<del>623</del>	<del>702</del>	<del>766</del>	<del>819</del>
174	<del>1900</del>	<del>326</del>	<del>506</del>	<del>634</del>	<del>714</del>	<del>779</del>	<del>834</del>
175	<del>1950</del>	<del>332</del>	<del>514</del>	<del>645</del>	<del>727</del>	<del>793</del>	<del>848</del>
176	<del>2000</del>	<del>338</del>	<del>523</del>	<del>655</del>	<del>739</del>	<del>806</del>	<del>862</del>
177	<del>2050</del>	<del>343</del>	<del>532</del>	<del>666</del>	<del>751</del>	<del>819</del>	<del>877</del>
178	<del>2100</del>	<del>349</del>	<del>540</del>	<del>677</del>	<del>763</del>	<del>833</del>	<del>891</del>
179	<del>2150</del>	<del>355</del>	<del>549</del>	<del>688</del>	<del>776</del>	<del>846</del>	<del>905</del>
180	<del>2200</del>	<del>360</del>	<del>558</del>	<del>699</del>	<del>788</del>	<del>860</del>	<del>920</del>
181	<del>2250</del>	<del>366</del>	<del>567</del>	<del>710</del>	<del>800</del>	<del>873</del>	<del>934</del>
182	<del>2300</del>	<del>371</del>	<del>575</del>	<del>721</del>	<del>812</del>	<del>886</del>	<del>948</del>
183	<del>2350</del>	<del>377</del>	<del>584</del>	<del>732</del>	<del>825</del>	<del>900</del>	<del>963</del>
184	<del>2400</del>	<del>383</del>	<del>593</del>	<del>743</del>	<del>837</del>	<del>913</del>	<del>977</del>
185	<del>2450</del>	<del>388</del>	<del>601</del>	<del>754</del>	<del>849</del>	<del>927</del>	<del>991</del>
186	<del>2500</del>	<del>394</del>	<del>610</del>	<del>765</del>	<del>862</del>	<del>940</del>	<del>1006</del>
187	<del>2550</del>	<del>399</del>	<del>619</del>	<del>776</del>	<del>874</del>	<del>954</del>	<del>1020</del>
188	<del>2600</del>	<del>405</del>	<del>627</del>	<del>787</del>	<del>886</del>	<del>967</del>	<del>1034</del>
189	<del>2650</del>	<del>410</del>	<del>635</del>	<del>797</del>	<del>897</del>	<del>979</del>	<del>1048</del>
190	<del>2700</del>	<del>415</del>	<del>643</del>	<del>806</del>	<del>908</del>	<del>991</del>	<del>1060</del>
191	<del>2750</del>	<del>420</del>	<del>651</del>	<del>816</del>	<del>919</del>	<del>1003</del>	<del>1073</del>
192	<del>2800</del>	<del>425</del>	<del>658</del>	<del>826</del>	<del>930</del>	<del>1015</del>	<del>1085</del>
193	<del>2850</del>	<del>430</del>	<del>667</del>	<del>836</del>	<del>941</del>	<del>1027</del>	<del>1098</del>
194	<del>2900</del>	<del>435</del>	<del>675</del>	<del>846</del>	<del>953</del>	<del>1039</del>	<del>1112</del>
195	<del>2950</del>	<del>440</del>	<del>683</del>	<del>856</del>	<del>964</del>	<del>1052</del>	<del>1125</del>
196	<del>3000</del>	<del>445</del>	<del>691</del>	<del>866</del>	<del>975</del>	<del>1064</del>	<del>1138</del>
197	<del>3050</del>	<del>450</del>	<del>699</del>	<del>876</del>	<del>987</del>	<del>1076</del>	<del>1152</del>
198	<del>3100</del>	<del>456</del>	<del>707</del>	<del>886</del>	<del>998</del>	<del>1089</del>	<del>1165</del>
199	<del>3150</del>	<del>461</del>	<del>715</del>	<del>896</del>	<del>1010</del>	<del>1101</del>	<del>1178</del>
200	<del>3200</del>	<del>466</del>	<del>723</del>	<del>906</del>	<del>1021</del>	<del>1114</del>	<del>1191</del>
201	<del>3250</del>	<del>471</del>	<del>732</del>	<del>917</del>	<del>1032</del>	<del>1126</del>	<del>1205</del>
202	<del>3300</del>	<del>476</del>	<del>740</del>	<del>927</del>	<del>1044</del>	<del>1139</del>	<del>1218</del>
203	<del>3350</del>	<del>481</del>	<del>748</del>	<del>937</del>	<del>1055</del>	<del>1151</del>	<del>1231</del>
204	<del>3400</del>	<del>486</del>	<del>756</del>	<del>947</del>	<del>1067</del>	<del>1164</del>	<del>1245</del>
205	<del>3450</del>	<del>492</del>	<del>764</del>	<del>957</del>	<del>1078</del>	<del>1176</del>	<del>1258</del>
206	<del>3500</del>	<del>497</del>	<del>772</del>	<del>967</del>	<del>1089</del>	<del>1189</del>	<del>1271</del>
207	<del>3550</del>	<del>502</del>	<del>780</del>	<del>977</del>	<del>1101</del>	<del>1201</del>	<del>1285</del>
208	<del>3600</del>	<del>507</del>	<del>788</del>	<del>987</del>	<del>1112</del>	<del>1213</del>	<del>1298</del>
209	<del>3650</del>	<del>512</del>	<del>797</del>	<del>997</del>	<del>1124</del>	<del>1226</del>	<del>1311</del>
210	<del>3700</del>	<del>518</del>	<del>806</del>	<del>1009</del>	<del>1137</del>	<del>1240</del>	<del>1326</del>
211	<del>3750</del>	<del>524</del>	<del>815</del>	<del>1020</del>	<del>1150</del>	<del>1254</del>	<del>1342</del>
212	<del>3800</del>	<del>530</del>	<del>824</del>	<del>1032</del>	<del>1163</del>	<del>1268</del>	<del>1357</del>
213	<del>3850</del>	<del>536</del>	<del>834</del>	<del>1043</del>	<del>1176</del>	<del>1283</del>	<del>1372</del>
214	<del>3900</del>	<del>542</del>	<del>843</del>	<del>1055</del>	<del>1189</del>	<del>1297</del>	<del>1387</del>
215	<del>3950</del>	<del>547</del>	<del>852</del>	<del>1066</del>	<del>1202</del>	<del>1311</del>	<del>1402</del>
216	<del>4000</del>	<del>553</del>	<del>861</del>	<del>1078</del>	<del>1214</del>	<del>1325</del>	<del>1417</del>

217	<del>4050</del>	<del>559</del>	<del>871</del>	<del>1089</del>	<del>1227</del>	<del>1339</del>	<del>1432</del>
218	<del>4100</del>	<del>565</del>	<del>880</del>	<del>1101</del>	<del>1240</del>	<del>1353</del>	<del>1448</del>
219	<del>4150</del>	<del>571</del>	<del>889</del>	<del>1112</del>	<del>1253</del>	<del>1367</del>	<del>1463</del>
220	<del>4200</del>	<del>577</del>	<del>898</del>	<del>1124</del>	<del>1266</del>	<del>1382</del>	<del>1478</del>
221	<del>4250</del>	<del>583</del>	<del>907</del>	<del>1135</del>	<del>1279</del>	<del>1396</del>	<del>1493</del>
222	<del>4300</del>	<del>589</del>	<del>917</del>	<del>1147</del>	<del>1292</del>	<del>1410</del>	<del>1508</del>
223	<del>4350</del>	<del>594</del>	<del>926</del>	<del>1158</del>	<del>1305</del>	<del>1424</del>	<del>1523</del>
224	<del>4400</del>	<del>600</del>	<del>935</del>	<del>1170</del>	<del>1318</del>	<del>1438</del>	<del>1538</del>
225	<del>4450</del>	<del>606</del>	<del>944</del>	<del>1181</del>	<del>1331</del>	<del>1452</del>	<del>1553</del>
226	<del>4500</del>	<del>612</del>	<del>954</del>	<del>1193</del>	<del>1344</del>	<del>1467</del>	<del>1569</del>
227	<del>4550</del>	<del>618</del>	<del>963</del>	<del>1204</del>	<del>1357</del>	<del>1481</del>	<del>1584</del>
228	<del>4600</del>	<del>624</del>	<del>972</del>	<del>1216</del>	<del>1370</del>	<del>1495</del>	<del>1599</del>
229	<del>4650</del>	<del>630</del>	<del>981</del>	<del>1227</del>	<del>1383</del>	<del>1509</del>	<del>1614</del>
230	<del>4700</del>	<del>635</del>	<del>989</del>	<del>1237</del>	<del>1395</del>	<del>1522</del>	<del>1627</del>
231	<del>4750</del>	<del>641</del>	<del>997</del>	<del>1247</del>	<del>1406</del>	<del>1534</del>	<del>1641</del>
232	<del>4800</del>	<del>646</del>	<del>1005</del>	<del>1257</del>	<del>1417</del>	<del>1546</del>	<del>1654</del>
233	<del>4850</del>	<del>651</del>	<del>1013</del>	<del>1267</del>	<del>1428</del>	<del>1558</del>	<del>1667</del>
234	<del>4900</del>	<del>656</del>	<del>1021</del>	<del>1277</del>	<del>1439</del>	<del>1570</del>	<del>1679</del>
235	<del>4950</del>	<del>661</del>	<del>1028</del>	<del>1286</del>	<del>1450</del>	<del>1582</del>	<del>1692</del>
236	<del>5000</del>	<del>666</del>	<del>1036</del>	<del>1295</del>	<del>1460</del>	<del>1593</del>	<del>1704</del>
237	<del>5050</del>	<del>671</del>	<del>1043</del>	<del>1305</del>	<del>1471</del>	<del>1605</del>	<del>1716</del>
238	<del>5100</del>	<del>675</del>	<del>1051</del>	<del>1314</del>	<del>1481</del>	<del>1616</del>	<del>1728</del>
239	<del>5150</del>	<del>680</del>	<del>1058</del>	<del>1323</del>	<del>1492</del>	<del>1628</del>	<del>1741</del>
240	<del>5200</del>	<del>685</del>	<del>1066</del>	<del>1333</del>	<del>1502</del>	<del>1640</del>	<del>1753</del>
241	<del>5250</del>	<del>690</del>	<del>1073</del>	<del>1342</del>	<del>1513</del>	<del>1651</del>	<del>1765</del>
242	<del>5300</del>	<del>695</del>	<del>1081</del>	<del>1351</del>	<del>1524</del>	<del>1663</del>	<del>1778</del>
243	<del>5350</del>	<del>700</del>	<del>1088</del>	<del>1361</del>	<del>1534</del>	<del>1674</del>	<del>1790</del>
244	<del>5400</del>	<del>705</del>	<del>1096</del>	<del>1370</del>	<del>1545</del>	<del>1686</del>	<del>1802</del>
245	<del>5450</del>	<del>710</del>	<del>1103</del>	<del>1379</del>	<del>1555</del>	<del>1697</del>	<del>1815</del>
246	<del>5500</del>	<del>714</del>	<del>1111</del>	<del>1389</del>	<del>1566</del>	<del>1709</del>	<del>1827</del>
247	<del>5550</del>	<del>719</del>	<del>1118</del>	<del>1398</del>	<del>1576</del>	<del>1720</del>	<del>1839</del>
248	<del>5600</del>	<del>724</del>	<del>1126</del>	<del>1407</del>	<del>1587</del>	<del>1732</del>	<del>1851</del>
249	<del>5650</del>	<del>729</del>	<del>1133</del>	<del>1417</del>	<del>1598</del>	<del>1743</del>	<del>1864</del>
250	<del>5700</del>	<del>734</del>	<del>1141</del>	<del>1426</del>	<del>1608</del>	<del>1755</del>	<del>1876</del>
251	<del>5750</del>	<del>739</del>	<del>1148</del>	<del>1435</del>	<del>1619</del>	<del>1766</del>	<del>1888</del>
252	<del>5800</del>	<del>744</del>	<del>1156</del>	<del>1445</del>	<del>1629</del>	<del>1778</del>	<del>1901</del>
253	<del>5850</del>	<del>749</del>	<del>1163</del>	<del>1454</del>	<del>1640</del>	<del>1790</del>	<del>1913</del>
254	<del>5900</del>	<del>753</del>	<del>1171</del>	<del>1463</del>	<del>1650</del>	<del>1801</del>	<del>1925</del>
255	<del>5950</del>	<del>758</del>	<del>1178</del>	<del>1473</del>	<del>1661</del>	<del>1813</del>	<del>1937</del>
256	<del>6000</del>	<del>763</del>	<del>1186</del>	<del>1482</del>	<del>1672</del>	<del>1824</del>	<del>1950</del>
257	<del>6050</del>	<del>768</del>	<del>1193</del>	<del>1491</del>	<del>1682</del>	<del>1836</del>	<del>1962</del>
258	<del>6100</del>	<del>773</del>	<del>1201</del>	<del>1501</del>	<del>1693</del>	<del>1847</del>	<del>1974</del>
259	<del>6150</del>	<del>778</del>	<del>1208</del>	<del>1510</del>	<del>1703</del>	<del>1859</del>	<del>1987</del>
260	<del>6200</del>	<del>783</del>	<del>1216</del>	<del>1519</del>	<del>1714</del>	<del>1870</del>	<del>1999</del>
261	<del>6250</del>	<del>788</del>	<del>1223</del>	<del>1529</del>	<del>1724</del>	<del>1882</del>	<del>2011</del>
262	<del>6300</del>	<del>792</del>	<del>1231</del>	<del>1538</del>	<del>1735</del>	<del>1893</del>	<del>2023</del>
263	<del>6350</del>	<del>797</del>	<del>1238</del>	<del>1547</del>	<del>1745</del>	<del>1905</del>	<del>2036</del>
264	<del>6400</del>	<del>802</del>	<del>1246</del>	<del>1557</del>	<del>1756</del>	<del>1916</del>	<del>2048</del>
265	<del>6450</del>	<del>807</del>	<del>1253</del>	<del>1566</del>	<del>1767</del>	<del>1928</del>	<del>2060</del>
266	<del>6500</del>	<del>812</del>	<del>1261</del>	<del>1575</del>	<del>1777</del>	<del>1940</del>	<del>2073</del>
267	<del>6550</del>	<del>816</del>	<del>1267</del>	<del>1583</del>	<del>1786</del>	<del>1949</del>	<del>2083</del>
268	<del>6600</del>	<del>820</del>	<del>1272</del>	<del>1590</del>	<del>1794</del>	<del>1957</del>	<del>2092</del>
269	<del>6650</del>	<del>823</del>	<del>1277</del>	<del>1597</del>	<del>1801</del>	<del>1965</del>	<del>2100</del>
270	<del>6700</del>	<del>827</del>	<del>1283</del>	<del>1604</del>	<del>1809</del>	<del>1974</del>	<del>2109</del>

<del>271</del>	<del>6750</del>	<del>830</del>	<del>1288</del>	<del>1610</del>	<del>1817</del>	<del>1982</del>	<del>2118</del>
<del>272</del>	<del>6800</del>	<del>834</del>	<del>1293</del>	<del>1617</del>	<del>1824</del>	<del>1990</del>	<del>2127</del>
<del>273</del>	<del>6850</del>	<del>837</del>	<del>1299</del>	<del>1624</del>	<del>1832</del>	<del>1999</del>	<del>2136</del>
<del>274</del>	<del>6900</del>	<del>841</del>	<del>1304</del>	<del>1631</del>	<del>1839</del>	<del>2007</del>	<del>2145</del>
<del>275</del>	<del>6950</del>	<del>845</del>	<del>1309</del>	<del>1637</del>	<del>1847</del>	<del>2016</del>	<del>2154</del>
<del>276</del>	<del>7000</del>	<del>848</del>	<del>1315</del>	<del>1644</del>	<del>1855</del>	<del>2024</del>	<del>2163</del>
<del>277</del>	<del>7050</del>	<del>852</del>	<del>1320</del>	<del>1651</del>	<del>1862</del>	<del>2032</del>	<del>2172</del>
<del>278</del>	<del>7100</del>	<del>855</del>	<del>1325</del>	<del>1658</del>	<del>1870</del>	<del>2041</del>	<del>2181</del>
<del>279</del>	<del>7150</del>	<del>859</del>	<del>1331</del>	<del>1665</del>	<del>1878</del>	<del>2049</del>	<del>2190</del>
<del>280</del>	<del>7200</del>	<del>862</del>	<del>1336</del>	<del>1671</del>	<del>1885</del>	<del>2057</del>	<del>2199</del>
<del>281</del>	<del>7250</del>	<del>866</del>	<del>1341</del>	<del>1678</del>	<del>1893</del>	<del>2066</del>	<del>2207</del>
<del>282</del>	<del>7300</del>	<del>870</del>	<del>1347</del>	<del>1685</del>	<del>1900</del>	<del>2074</del>	<del>2216</del>
<del>283</del>	<del>7350</del>	<del>873</del>	<del>1352</del>	<del>1692</del>	<del>1908</del>	<del>2082</del>	<del>2225</del>
<del>284</del>	<del>7400</del>	<del>877</del>	<del>1358</del>	<del>1698</del>	<del>1916</del>	<del>2091</del>	<del>2234</del>
<del>285</del>	<del>7450</del>	<del>880</del>	<del>1363</del>	<del>1705</del>	<del>1923</del>	<del>2099</del>	<del>2243</del>
<del>286</del>	<del>7500</del>	<del>884</del>	<del>1368</del>	<del>1712</del>	<del>1931</del>	<del>2108</del>	<del>2252</del>
<del>287</del>	<del>7550</del>	<del>887</del>	<del>1374</del>	<del>1719</del>	<del>1938</del>	<del>2116</del>	<del>2261</del>
<del>288</del>	<del>7600</del>	<del>891</del>	<del>1379</del>	<del>1725</del>	<del>1946</del>	<del>2124</del>	<del>2270</del>
<del>289</del>	<del>7650</del>	<del>895</del>	<del>1384</del>	<del>1732</del>	<del>1954</del>	<del>2133</del>	<del>2279</del>
<del>290</del>	<del>7700</del>	<del>898</del>	<del>1390</del>	<del>1739</del>	<del>1961</del>	<del>2141</del>	<del>2288</del>
<del>291</del>	<del>7750</del>	<del>902</del>	<del>1395</del>	<del>1746</del>	<del>1969</del>	<del>2149</del>	<del>2297</del>
<del>292</del>	<del>7800</del>	<del>905</del>	<del>1400</del>	<del>1753</del>	<del>1977</del>	<del>2158</del>	<del>2305</del>
<del>293</del>	<del>7850</del>	<del>908</del>	<del>1405</del>	<del>1758</del>	<del>1983</del>	<del>2164</del>	<del>2313</del>
<del>294</del>	<del>7900</del>	<del>910</del>	<del>1409</del>	<del>1764</del>	<del>1989</del>	<del>2171</del>	<del>2320</del>
<del>295</del>	<del>7950</del>	<del>913</del>	<del>1414</del>	<del>1770</del>	<del>1995</del>	<del>2178</del>	<del>2328</del>
<del>296</del>	<del>8000</del>	<del>916</del>	<del>1418</del>	<del>1776</del>	<del>2001</del>	<del>2185</del>	<del>2335</del>
<del>297</del>	<del>8050</del>	<del>918</del>	<del>1423</del>	<del>1781</del>	<del>2007</del>	<del>2192</del>	<del>2343</del>
<del>298</del>	<del>8100</del>	<del>921</del>	<del>1428</del>	<del>1787</del>	<del>2014</del>	<del>2198</del>	<del>2350</del>
<del>299</del>	<del>8150</del>	<del>924</del>	<del>1432</del>	<del>1793</del>	<del>2020</del>	<del>2205</del>	<del>2357</del>
<del>300</del>	<del>8200</del>	<del>927</del>	<del>1437</del>	<del>1799</del>	<del>2026</del>	<del>2212</del>	<del>2365</del>
<del>301</del>	<del>8250</del>	<del>929</del>	<del>1441</del>	<del>1804</del>	<del>2032</del>	<del>2219</del>	<del>2372</del>
<del>302</del>	<del>8300</del>	<del>932</del>	<del>1446</del>	<del>1810</del>	<del>2038</del>	<del>2226</del>	<del>2380</del>
<del>303</del>	<del>8350</del>	<del>935</del>	<del>1450</del>	<del>1816</del>	<del>2045</del>	<del>2232</del>	<del>2387</del>
<del>304</del>	<del>8400</del>	<del>937</del>	<del>1455</del>	<del>1822</del>	<del>2051</del>	<del>2239</del>	<del>2395</del>
<del>305</del>	<del>8450</del>	<del>940</del>	<del>1459</del>	<del>1827</del>	<del>2057</del>	<del>2246</del>	<del>2402</del>
<del>306</del>	<del>8500</del>	<del>943</del>	<del>1464</del>	<del>1833</del>	<del>2063</del>	<del>2253</del>	<del>2410</del>
<del>307</del>	<del>8550</del>	<del>945</del>	<del>1468</del>	<del>1839</del>	<del>2069</del>	<del>2260</del>	<del>2417</del>
<del>308</del>	<del>8600</del>	<del>948</del>	<del>1473</del>	<del>1845</del>	<del>2076</del>	<del>2266</del>	<del>2425</del>
<del>309</del>	<del>8650</del>	<del>951</del>	<del>1478</del>	<del>1850</del>	<del>2082</del>	<del>2273</del>	<del>2432</del>
<del>310</del>	<del>8700</del>	<del>954</del>	<del>1482</del>	<del>1856</del>	<del>2088</del>	<del>2280</del>	<del>2440</del>
<del>311</del>	<del>8750</del>	<del>956</del>	<del>1487</del>	<del>1862</del>	<del>2094</del>	<del>2287</del>	<del>2447</del>
<del>312</del>	<del>8800</del>	<del>959</del>	<del>1491</del>	<del>1868</del>	<del>2100</del>	<del>2294</del>	<del>2455</del>
<del>313</del>	<del>8850</del>	<del>962</del>	<del>1496</del>	<del>1873</del>	<del>2107</del>	<del>2300</del>	<del>2462</del>
<del>314</del>	<del>8900</del>	<del>964</del>	<del>1500</del>	<del>1879</del>	<del>2113</del>	<del>2307</del>	<del>2470</del>
<del>315</del>	<del>8950</del>	<del>967</del>	<del>1505</del>	<del>1885</del>	<del>2119</del>	<del>2314</del>	<del>2477</del>
<del>316</del>	<del>9000</del>	<del>970</del>	<del>1509</del>	<del>1891</del>	<del>2125</del>	<del>2321</del>	<del>2484</del>
<del>317</del>	<del>9050</del>	<del>973</del>	<del>1514</del>	<del>1896</del>	<del>2131</del>	<del>2328</del>	<del>2492</del>
<del>318</del>	<del>9100</del>	<del>975</del>	<del>1517</del>	<del>1901</del>	<del>2137</del>	<del>2334</del>	<del>2498</del>
<del>319</del>	<del>9150</del>	<del>977</del>	<del>1521</del>	<del>1905</del>	<del>2141</del>	<del>2339</del>	<del>2503</del>
<del>320</del>	<del>9200</del>	<del>979</del>	<del>1524</del>	<del>1909</del>	<del>2146</del>	<del>2344</del>	<del>2509</del>
<del>321</del>	<del>9250</del>	<del>982</del>	<del>1527</del>	<del>1914</del>	<del>2151</del>	<del>2349</del>	<del>2514</del>
<del>322</del>	<del>9300</del>	<del>984</del>	<del>1531</del>	<del>1918</del>	<del>2156</del>	<del>2354</del>	<del>2520</del>
<del>323</del>	<del>9350</del>	<del>986</del>	<del>1534</del>	<del>1922</del>	<del>2160</del>	<del>2359</del>	<del>2525</del>
<del>324</del>	<del>9400</del>	<del>988</del>	<del>1537</del>	<del>1926</del>	<del>2165</del>	<del>2365</del>	<del>2531</del>

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

337 For gross monthly income between \$10,000 and \$20,000, add the amount of child support for  
 338 \$10,000 to the following percentages of gross income above \$10,000:

339	<del>ONE</del>	<del>TWO</del>	<del>THREE</del>	<del>FOUR</del>	<del>FIVE</del>	<del>SIX</del>
340	<del>CHILD</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>
341	<del>3.1%</del>	<del>5.1%</del>	<del>6.8%</del>	<del>7.8%</del>	<del>8.8%</del>	<del>9.5%</del>

342 For gross monthly income between \$20,000 and \$50,000, add the amount of child support for  
 343 \$20,000 to the following percentages of gross income above \$20,000:

344	<del>ONE</del>	<del>TWO</del>	<del>THREE</del>	<del>FOUR</del>	<del>FIVE</del>	<del>SIX</del>
345	<del>CHILD</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>
346	<del>2%</del>	<del>3.5%</del>	<del>5%</del>	<del>6%</del>	<del>6.9%</del>	<del>7.8%</del>

347 For gross monthly income over \$50,000, add the amount of child support for \$50,000 to the  
 348 following percentages of gross income above \$50,000:

349	<del>ONE</del>	<del>TWO</del>	<del>THREE</del>	<del>FOUR</del>	<del>FIVE</del>	<del>SIX</del>
350	<del>CHILD</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>	<del>CHILDREN</del>
351	<del>1%</del>	<del>2%</del>	<del>3%</del>	<del>4%</del>	<del>5%</del>	<del>6%</del>

352 **SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS**

353 **COMBINED**

354 **MONTHLY**

355	GROSS	ONE	TWO	THREE	FOUR	FIVE	SIX
356	INCOME	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
357	\$0-1199	65	65	65	65	65	65
358	1200	83	84	85	96	104	112
359	1250	111	113	114	129	140	150
360	1300	139	142	143	161	176	188
361	1350	167	171	172	194	211	226
362	1400	195	200	201	227	247	264
363	1450	223	229	230	259	283	302
364	1500	251	258	259	292	318	340
365	1550	279	287	288	325	354	378
366	1600	293	316	317	357	390	417
367	1650	307	345	346	390	425	455
368	1700	321	374	375	423	461	493
369	1750	329	403	404	455	497	531
370	1800	338	423	433	488	523	569
371	1850	346	461	462	521	568	607
372	1900	355	490	491	554	604	645
373	1950	363	519	520	586	639	683
374	2000	371	548	549	619	675	721
375	2050	380	577	578	652	711	760
376	2100	388	606	607	684	746	798
377	2150	396	623	636	717	782	836
378	2200	404	636	665	750	817	874

379	2250	412	648	694	782	853	912
380	2300	420	660	723	815	889	950
381	2350	428	672	752	848	924	988
382	2400	436	684	781	880	960	1026
383	2450	444	696	810	913	996	1065
384	2500	452	707	839	946	1031	1103
385	2550	459	719	868	979	1067	1141
386	2600	467	731	897	1011	1103	1179
387	2650	475	742	926	1044	1138	1217
388	2700	482	753	955	1077	1174	1255
389	2750	490	764	972	1095	1194	1277
390	2800	497	776	986	1111	1212	1296
391	2850	505	787	1000	1127	1229	1314
392	2900	512	797	1014	1143	1247	1333
393	2950	520	808	1028	1159	1264	1351
394	3000	527	819	1042	1175	1281	1369
395	3050	534	830	1056	1190	1298	1387
396	3100	541	840	1069	1205	1314	1405
397	3150	549	850	1083	1221	1331	1423
398	3200	556	861	1096	1236	1347	1440
399	3250	563	871	1109	1250	1364	1458
400	3300	570	881	1122	1265	1380	1475
401	3350	577	891	1135	1280	1396	1492
402	3400	584	901	1148	1294	1411	1509
403	3450	590	911	1161	1309	1427	1526
404	3500	597	920	1173	1323	1443	1542
405	3550	604	930	1186	1337	1458	1559
406	3600	610	938	1195	1347	1469	1570
407	3650	616	946	1204	1358	1480	1582
408	3700	622	954	1213	1368	1491	1594
409	3750	629	962	1222	1377	1502	1606
410	3800	635	969	1230	1387	1512	1617
411	3850	641	976	1239	1396	1523	1628
412	3900	647	984	1247	1405	1532	1638
413	3950	653	991	1255	1414	1542	1649
414	4000	658	998	1262	1423	1552	1659
415	4050	664	1004	1270	1431	1561	1669
416	4100	670	1011	1277	1440	1570	1678
417	4150	676	1018	1284	1448	1578	1687
418	4200	681	1024	1291	1455	1587	1696
419	4250	687	1030	1298	1463	1595	1705
420	4300	692	1036	1304	1470	1603	1714
421	4350	698	1042	1310	1477	1611	1722
422	4400	703	1048	1316	1484	1618	1730
423	4450	708	1054	1322	1491	1625	1737
424	4500	714	1059	1328	1497	1632	1745
425	4550	719	1065	1333	1503	1639	1752
426	4600	724	1073	1344	1515	1652	1766
427	4650	730	1081	1354	1526	1664	1779
428	4700	735	1089	1364	1538	1677	1793
429	4750	740	1097	1374	1549	1689	1806
430	4800	746	1105	1384	1561	1702	1819
431	4850	751	1112	1394	1572	1714	1832
432	4900	756	1120	1404	1583	1726	1845

<b>433</b>	4950	761	1128	1414	1594	1738	1858
<b>434</b>	5000	766	1135	1423	1605	1750	1871
<b>435</b>	5050	771	1143	1433	1616	1762	1883
<b>436</b>	5100	776	1150	1442	1626	1773	1896
<b>437</b>	5150	781	1157	1452	1637	1785	1908
<b>438</b>	5200	786	1165	1461	1647	1796	1920
<b>439</b>	5250	790	1172	1470	1658	1807	1932
<b>440</b>	5300	795	1179	1479	1668	1819	1944
<b>441</b>	5350	800	1186	1488	1678	1830	1956
<b>442</b>	5400	804	1193	1497	1688	1841	1968
<b>443</b>	5450	809	1200	1506	1698	1852	1979
<b>444</b>	5500	813	1206	1515	1708	1862	1991
<b>445</b>	5550	818	1213	1524	1718	1873	2002
<b>446</b>	5600	822	1220	1532	1727	1883	2014
<b>447</b>	5650	827	1226	1541	1737	1894	2025
<b>448</b>	5700	831	1233	1549	1746	1904	2036
<b>449</b>	5750	835	1239	1557	1756	1914	2047
<b>450</b>	5800	839	1245	1565	1765	1924	2057
<b>451</b>	5850	843	1251	1574	1774	1934	2068
<b>452</b>	5900	848	1258	1581	1783	1944	2078
<b>453</b>	5950	852	1264	1589	1792	1954	2089
<b>454</b>	6000	855	1270	1597	1801	1963	2099
<b>455</b>	6050	859	1276	1605	1809	1973	2109
<b>456</b>	6100	863	1281	1613	1818	1982	2119
<b>457</b>	6150	867	1287	1620	1826	1992	2129
<b>458</b>	6200	871	1293	1628	1835	2001	2139
<b>459</b>	6250	875	1298	1635	1843	2010	2149
<b>460</b>	6300	878	1304	1642	1851	2019	2158
<b>461</b>	6350	882	1309	1649	1859	2027	2168
<b>462</b>	6400	885	1315	1656	1867	2036	2177
<b>463</b>	6450	889	1320	1663	1875	2045	2186
<b>464</b>	6500	892	1325	1670	1883	2053	2195
<b>465</b>	6550	896	1330	1677	1891	2062	2204
<b>466</b>	6600	899	1335	1684	1898	2070	2213
<b>467</b>	6650	902	1340	1690	1906	2078	2221
<b>468</b>	6700	905	1345	1697	1913	2086	2230
<b>469</b>	6750	909	1350	1703	1920	2094	2238
<b>470</b>	6800	912	1355	1710	1927	2102	2247
<b>471</b>	6850	915	1360	1716	1934	2109	2255
<b>472</b>	6900	918	1364	1722	1941	2117	2263
<b>473</b>	6950	921	1369	1728	1948	2124	2271
<b>474</b>	7000	924	1373	1734	1955	2132	2279
<b>475</b>	7050	926	1378	1740	1962	2139	2287
<b>476</b>	7100	929	1382	1746	1968	2146	2294
<b>477</b>	7150	932	1386	1751	1975	2153	2302
<b>478</b>	7200	935	1390	1757	1981	2160	2309
<b>479</b>	7250	937	1394	1762	1987	2167	2316
<b>480</b>	7300	940	1398	1768	1993	2173	2323
<b>481</b>	7350	942	1402	1773	1999	2180	2330
<b>482</b>	7400	945	1406	1778	2005	2186	2337
<b>483</b>	7450	947	1410	1784	2011	2193	2344
<b>484</b>	7500	950	1413	1789	2016	2199	2351
<b>485</b>	7550	952	1417	1794	2022	2205	2357
<b>486</b>	7600	954	1420	1798	2028	2211	2363

487	7650	957	1424	1803	2033	2217	2370
488	7700	959	1427	1808	2038	2222	2376
489	7750	961	1431	1812	2043	2228	2382
490	7800	963	1434	1817	2048	2234	2388
491	7850	965	1437	1821	2053	2239	2394
492	7900	967	1440	1826	2058	2244	2399
493	7950	969	1443	1830	2063	2249	2405
494	8000	971	1446	1834	2068	2254	2410
495	8050	972	1449	1838	2072	2259	2415
496	8100	974	1451	1842	2077	2264	2421
497	8150	976	1454	1846	2081	2269	2426
498	8200	977	1457	1849	2085	2274	2431
499	8250	979	1459	1853	2089	2278	2435
500	8300	980	1462	1857	2093	2282	2440
501	8350	982	1464	1860	2097	2287	2445
502	8400	983	1466	1864	2101	2291	2449
503	8450	985	1468	1867	2105	2295	2453
504	8500	986	1470	1870	2108	2299	2458
505	8550	992	1479	1878	2117	2308	2468
506	8600	996	1485	1886	2126	2318	2478
507	8650	1001	1492	1893	2134	2327	2488
508	8700	1005	1498	1901	2143	2337	2498
509	8750	1009	1504	1909	2152	2346	2508
510	8800	1014	1511	1916	2160	2355	2518
511	8850	1018	1517	1924	2169	2365	2528
512	8900	1022	1523	1931	2177	2374	2538
513	8950	1027	1529	1939	2186	2383	2548
514	9000	1031	1535	1946	2194	2392	2558
515	9050	1035	1541	1953	2202	2401	2567
516	9100	1039	1547	1961	2211	2410	2577
517	9150	1044	1553	1968	2219	2419	2587
518	9200	1048	1559	1975	2227	2428	2596
519	9250	1052	1565	1983	2235	2437	2606
520	9300	1056	1571	1990	2243	2446	2615
521	9350	1060	1577	1997	2252	2455	2625
522	9400	1065	1583	2004	2260	2464	2634
523	9450	1069	1589	2011	2268	2473	2643
524	9500	1073	1595	2018	2276	2481	2653
525	9550	1077	1601	2025	2283	2490	2662
526	9600	1081	1607	2032	2291	2498	2671
527	9650	1085	1612	2039	2299	2507	2680
528	9700	1089	1618	2046	2307	2515	2689
529	9750	1093	1624	2053	2315	2524	2698
530	9800	1097	1629	2060	2322	2532	2707
531	9850	1101	1635	2067	2330	2541	2716
532	9900	1105	1641	2074	2338	2549	2725
533	9950	1109	1646	2080	2345	2557	2734
534	10000	1113	1652	2087	2353	2565	2743
535	<i>For gross monthly income between \$10,000 and \$20,000, add the amount of child support for</i>						
536	<i>\$10,000 to the following percentages of gross income above \$10,000:</i>						
537	ONE	TWO	THREE	FOUR	FIVE	SIX	
538	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN	
539	3.1%	5.1%	6.8%	7.8%	8.8%	9.5%	
540	<i>For gross monthly income between \$20,000 and \$50,000, add the amount of child support for</i>						



541 \$20,000 to the following percentages of gross income above \$20,000:

542	ONE	TWO	THREE	FOUR	FIVE	SIX
543	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
544	2%	3.5%	5%	6%	6.9%	7.8%

545 For gross monthly income over \$50,000, add the amount of child support for \$50,000 to the  
546 following percentages of gross income above \$50,000:

547	ONE	TWO	THREE	FOUR	FIVE	SIX
548	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
549	1%	2%	3%	4%	5%	6%

550 C. For purposes of this section, "gross income" means all income from all sources, and shall  
551 include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses,  
552 dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security  
553 benefits except as listed below, workers' compensation benefits, unemployment insurance benefits,  
554 disability insurance benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards.

555 If a parent's gross income includes disability insurance benefits, it shall also include any amounts  
556 paid to or for the child who is the subject of the order and derived by the child from the parent's  
557 entitlement to disability insurance benefits. To the extent that such derivative benefits are included in  
558 a parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child  
559 support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic  
560 child support obligations, the credit may be used to reduce arrearages.

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

564 ~~benefits~~ 1. Benefits from public assistance and social services programs as defined in § 63.2-100,;

565 ~~federal~~ 2. Federal supplemental security income benefits,;

566 ~~or child~~ 3. Child support received; or

567 4. Income received by the payor from secondary employment income, whether from an additional  
568 job, from self-employment, or from overtime income not previously included in "gross income," where  
569 such income has been obtained in a good faith effort by the payor to discharge a child-support  
570 arrearage established by a court or administrative order relating to the child or children who are  
571 subject to the proceeding, and such parent is paying the arrearage pursuant to the order. Such  
572 secondary income, or the cessation of such income upon the payment of the arrearage, shall not be  
573 the basis for a material change in circumstances upon which a modification of child support may be  
574 based.

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

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

583 Where a party to the proceeding has a natural or adopted child or children in the party's household  
584 or primary physical custody, and the child or children are not the subject of the present proceeding,  
585 there is a presumption that there shall be deducted from the gross income of that party the amount as  
586 shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that  
587 represents that party's support obligation based solely on that party's income as being the total income  
588 available for the natural or adopted child or children in the party's household or primary physical  
589 custody, who are not the subject of the present proceeding. Provided, however, that the existence of a  
590 party's financial responsibility for such a child or children shall not of itself constitute a material  
591 change in circumstances for modifying a previous order of child support in any modification  
592 proceeding. Any adjustment to gross income under this subsection shall not create or reduce a support  
593 obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal  
594 adequate housing and provide other basic necessities for the child, as determined by the court.

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

597 [ *An obligation of child support under this title shall not reduce the residual income of the*  
598 *noncustodial parent to an amount less than 150 percent of the federal poverty level as established by*  
599 *the United States Department of Health and Human Services. However, any calculation under this*  
600 *subsection shall not create or reduce a support obligation to an amount which seriously impairs*  
601 *either party's ability to maintain minimal adequate housing for himself and provide other basic*  
602 *necessities for the child. ]*

603 D. Any extraordinary medical and dental expenses for treatment of the child or children shall be  
604 added to the basic child support obligation. For purposes of this section, extraordinary medical and  
605 dental expenses are uninsured expenses in excess of \$100 for a single illness or condition and shall  
606 include but not be limited to eyeglasses, prescription medication, prostheses, and mental health  
607 services whether provided by a social worker, psychologist, psychiatrist, or counselor *Except for good*  
608 *cause shown or the agreement of the parties, in addition to any other child support obligations made*  
609 *pursuant to this section, any child support order shall provide that the parents pay in proportion to*  
610 *their gross incomes, as used for calculating the monthly support obligation, any reasonable and*  
611 *necessary unreimbursed medical or dental expenses which are in excess of the sum of \$250 for any*  
612 *calendar year for each child who is the subject of the obligation. For the purposes of this section,*  
613 *medical or dental expenses shall include but not be limited to eyeglasses, prescription medication,*  
614 *prosthetics, orthodontics, and mental health or developmental disabilities services, including but not*  
615 *limited to services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.*

616 E. Any costs for health care coverage as defined in § 63.2-1900 and dental care coverage, when  
617 actually being paid by a parent, to the extent such costs are directly allocable to the child or children,  
618 and which are the extra costs of covering the child or children beyond whatever coverage the parent  
619 providing the coverage would otherwise have, shall be added to the basic child support obligation.

620 F. Any child-care costs incurred on behalf of the child or children due to employment of the  
621 custodial parent shall be added to the basic child support obligation: *as follows:*

622 1. *When the monthly gross income of the custodial parent paying such costs falls below (i) \$1,100*  
623 *for 1 child; (ii) \$1,500 for 2 children; (iii) \$1,700 for 3 children; (iv) \$1,900 for 4 children; (v)*  
624 *\$2,100 for 5 children; or (vi) \$2,300 for 6 children, 100 percent of the child-care costs shall be*  
625 *added to the basic child support obligations. When the monthly gross income of the custodial parent*  
626 *paying such costs exceeds the level set forth in subdivision F 1, 75 percent of the child-care costs*  
627 *shall be added to the basic child support obligation. The court shall consider tax returns or any other*  
628 *relevant evidence presented in order to rebut the presumption of the percentage of child-care costs to*  
629 *be used.*

630 [ *2. The amount of any child-care tax credit shall be added to the gross income of the parent who*  
631 *receives the credit. ]*

632 3. Child-care costs shall not exceed the amount required to provide quality care from a licensed  
633 source. When requested by the noncustodial parent, the court may require the custodial parent to  
634 present documentation to verify the costs incurred for child care under this subsection. Where  
635 appropriate, the court shall consider the willingness and availability of the noncustodial parent to  
636 provide child care personally in determining whether child-care costs are necessary or excessive.

637 G. 1. Sole custody support. The sole custody total monthly child support obligation shall be  
638 established by adding (i) the monthly basic child support obligation, as determined from the schedule  
639 contained in subsection B, (ii) all extraordinary medical expenses, (iii) costs for health care coverage  
640 to the extent allowable by subsection E, and (iv) work-related child-care costs and taking into  
641 consideration all the factors set forth in subsection B of § 20-108.1. The total monthly child support  
642 obligation shall be divided between the parents in the same proportion as their monthly gross incomes  
643 bear to their monthly combined gross income. The monthly obligation of each parent shall be  
644 computed by multiplying each parent's percentage of the parents' monthly combined gross income by  
645 the total monthly child support obligation.

646 However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health  
647 care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent.

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

649 shall be the difference between the amounts owed by each parent as a noncustodial parent, computed  
650 in accordance with subdivision 1, with the noncustodial parent owing the larger amount paying the  
651 difference to the other parent.

652 For the purpose of this section and § 20-108.1, split custody shall be limited to those situations  
653 where each parent has physical custody of a child or children born of the parents, born of either  
654 parent and adopted by the other parent or adopted by both parents. For the purposes of calculating a  
655 child support obligation where split custody exists, a separate family unit exists for each parent, and  
656 child support for that family unit shall be calculated upon the number of children in that family unit  
657 who are born of the parents, born of either parent and adopted by the other parent or adopted by both  
658 parents. Where split custody exists, a parent is a custodial parent to the children in that parent's  
659 family unit and is a noncustodial parent to the children in the other parent's family unit.

660 3. Shared custody support.

661 (a) Where a party has custody or visitation of a child or children for more than ninety days of the  
662 year, as such days are defined in subdivision G 3 (c), a shared custody child support amount based on  
663 the ratio in which the parents share the custody and visitation of any child or children shall be  
664 calculated in accordance with this subdivision. The presumptive support to be paid shall be the shared  
665 custody support amount, unless a party affirmatively shows that the sole custody support amount  
666 calculated as provided in subdivision G 1 is less than the shared custody amount. If so, the  
667 lesser amount shall be the support to be paid. For the purposes of this subsection, the following shall  
668 apply:

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

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

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

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

686 (b) Support to be paid. The shared support need of the shared child or children shall be calculated  
687 pursuant to subdivision G 3 (a) (iii). This amount shall then be multiplied by the other parent's  
688 custody share. To that sum for each parent shall be added the other parent's cost of health care  
689 coverage to the extent allowable by subsection E, plus the other parent's work-related child-care costs  
690 to the extent allowable by subsection F. This total for each parent shall be multiplied by that parent's  
691 income share. The support amounts thereby calculated that each parent owes the other shall be  
692 subtracted one from the other and the difference shall be the shared custody support one parent owes  
693 to the other, with the payor parent being the one whose shared support is the larger. Any  
694 extraordinary medical and dental expenses, to the extent allowable by subsection D, shall be shared  
695 directly by the parents in accordance with their income shares, and shall not be adjusted by the  
696 custody share. The parents shall pay their respective shares of these extraordinary medical expenses as  
697 they are incurred, and they are not added to each party's shared custody support owed to the other  
698 party. The method of payment of said allowable expenses shall be contained in the support order.  
699 When the shared support is compared to the sole custody support to determine which is the lesser  
700 support, pursuant to subdivision G 3 (a), the extraordinary medical expenses shall not enter into either  
701 calculation.

702 (c) Definition of a day. For the purposes of this section, "day" means a period of twenty-four

703 hours; however, where the parent who has the fewer number of overnight periods during the year has  
 704 an overnight period with a child, but has physical custody of the shared child for less than  
 705 twenty-four hours during such overnight period, there is a presumption that each parent shall be  
 706 allocated one-half of a day of custody for that period.

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

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

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

721 H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this  
 722 section is reviewed by October 31, 2001, and every three years thereafter, by a panel that includes a  
 723 representative of a juvenile and domestic relations court and a circuit court, a representative of the  
 724 executive branch, a member of the House of Delegates, a member of the Senate to be appointed by  
 725 the chairmen of the House and Senate Committees for Courts of Justice, members of the bar, two  
 726 custodial and two noncustodial parents and a child advocate. The panel shall determine the adequacy  
 727 of the guideline for the determination of appropriate awards for the support of children by considering  
 728 current research and data on the cost of and expenditures necessary for rearing children, and any other  
 729 resources it deems relevant to such review. The panel shall report its findings to the General  
 730 Assembly before it next convenes following such review.

731 [ 2. That the provisions of this act shall not be the basis for a material change in circumstances  
 732 upon which a modification of child support may be based unless the application of the  
 733 provisions would increase or decrease the monthly support obligation by \$75 or more. ]

Official Use By Clerks			
<p style="text-align: center;"><b>Passed By The Senate</b></p> <p>with amendment <input type="checkbox"/></p> <p>substitute <input type="checkbox"/></p> <p>substitute w/amdt <input type="checkbox"/></p>	<p style="text-align: center;"><b>Passed By The House of Delegates</b></p> <p>with amendment <input type="checkbox"/></p> <p>substitute <input type="checkbox"/></p> <p>substitute w/amdt <input type="checkbox"/></p>		
Date: _____	Date: _____		
_____ Clerk of the Senate	_____ Clerk of the House of Delegates		

**PROPOSAL of the**  
**VBA COALITION ON FAMILY LAW LEGISLATION**

**SENATE BILL NO. 1312 (2003)**  
**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**(Proposed by the Senate Committee for Courts of Justice)**  
**(Patron Prior to Substitute--Senator Quayle)**

*A BILL to amend and reenact § 20-108.2 of the Code of Virginia, relating to child support.*

Be it enacted by the General Assembly of Virginia:

1. That § 20-108.2 of the Code of Virginia are amended and reenacted as follows:

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

A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.2, including cases involving split custody or shared custody, 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 as set out in § 20-108.1, 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 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

B. For purposes of application of the guideline, a basic child 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. However, unless one of the following exemptions applies where the sole custody child support obligation as computed pursuant to subdivision G. 1. is less than \$65 per month, there shall be a presumptive minimum child support obligation of \$65 per month payable by the payor parent. Exemptions from this presumptive minimum monthly child support obligation shall include: parents unable to pay child support because they lack sufficient assets from which to pay child support and who, in addition, are institutionalized in a psychiatric facility; are imprisoned with no chance of parole; are medically verified to be totally and permanently disabled with no evidence of potential for paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise involuntarily unable to produce income. "Number of children" means the number of children for whom the parents share joint legal responsibility and for whom support is being sought.

*The changes in the table of Basic Child Support Obligation set forth below, effective July 1, 2004, shall not of themselves constitute a material change in circumstances for modifying a previous order of child support in any modification proceeding.*

## 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	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
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
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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
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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
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<del>9950</del>	<del>1012</del>	<del>1574</del>	<del>1972</del>	<del>2218</del>	<del>2421</del>	<del>2590</del>
<del>10000</del>	<del>1014</del>	<del>1577</del>	<del>1977</del>	<del>2222</del>	<del>2427</del>	<del>2596</del>

COMBINED  
MONTHLY

GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0-599	75	75	75	75	75	75
600	75	75	75	75	75	75
650	75	75	75	75	75	75
700	75	75	75	75	75	75
750	75	75	75	75	75	75
800	75	75	75	75	75	75
850	83	85	86	87	88	89
900	93	95	96	97	99	101
950	104	106	107	110	116	119
1000	116	118	121	126	131	135
1050	129	132	137	142	149	155
1100	142	148	155	162	170	176
1150	156	165	174	181	190	198
1200	171	183	193	200	210	219
1250	186	202	216	227	234	247
1300	200	222	237	248	260	270
1350	213	243	260	271	287	300
1400	226	265	284	298	315	334
1450	238	288	310	325	344	366

1500	250	312	334	350	374	396
1550	261	336	360	378	405	430
1600	272	359	385	404	438	466
1650	282	381	411	430	471	501
1700	291	402	434	454	503	535
1750	300	422	456	478	535	568
1800	309	441	478	504	566	600
1850	318	459	500	536	597	631
1900	327	476	522	556	627	661
1950	336	493	543	581	657	691
2000	344	509	564	606	687	721
2050	352	525	585	631	716	750
2100	360	540	606	656	745	778
2150	367	555	627	681	773	805
2200	374	569	647	705	801	832
2250	381	583	667	729	828	858
2300	388	597	687	752	855	884
2350	395	610	707	775	881	909
2400	402	623	726	797	907	934
2450	409	636	745	819	932	958
2500	416	649	764	841	956	982
2550	423	661	783	863	980	1005
2600	430	673	802	884	1003	1028
2650	437	685	821	905	1026	1051
2700	444	696	840	926	1048	1074
2750	451	707	858	947	1070	1096
2800	458	718	876	967	1091	1118
2850	465	729	893	987	1112	1140
2900	472	740	910	1007	1132	1161
2950	479	750	927	1027	1152	1182
3000	486	760	943	1046	1171	1203
3050	493	770	959	1065	1190	1224
3100	499	780	975	1083	1208	1245
3150	505	789	990	1101	1225	1265
3200	511	798	1005	1118	1241	1285
3250	517	807	1019	1135	1257	1305
3300	523	816	1033	1151	1272	1325
3350	529	825	1046	1166	1287	1345
3400	535	834	1059	1181	1301	1365
3450	541	840	1071	1195	1315	1385
3500	547	849	1083	1209	1329	1404
3550	553	858	1094	1222	1343	1421
3600	559	867	1105	1234	1356	1437

3650	565	876	1115	1246	1370	1453
3700	571	885	1125	1258	1383	1469
3750	577	894	1135	1269	1397	1484
3800	583	903	1145	1280	1410	1499
3850	589	912	1155	1291	1425	1514
3900	595	920	1165	1302	1438	1528
3950	601	928	1175	1313	1449	1542
4000	607	936	1185	1324	1460	1556
4050	612	944	1195	1335	1471	1570
4100	618	952	1205	1346	1482	1583
4150	623	961	1215	1357	1493	1596
4200	629	969	1225	1368	1505	1609
4250	635	977	1235	1379	1517	1622
4300	640	985	1245	1390	1529	1635
4350	645	993	1255	1401	1541	1647
4400	650	1001	1264	1412	1553	1659
4450	655	1009	1273	1423	1565	1671
4500	660	1017	1282	1434	1576	1683
4550	665	1025	1291	1445	1587	1695
4600	670	1032	1300	1456	1598	1707
4650	675	1039	1309	1467	1609	1719
4700	680	1046	1318	1478	1620	1731
4750	685	1053	1327	1489	1631	1743
4800	690	1060	1336	1500	1642	1755
4850	695	1067	1345	1511	1653	1767
4900	700	1074	1354	1522	1664	1779
4950	705	1081	1363	1533	1675	1791
5000	710	1088	1372	1544	1686	1803
5050	715	1095	1381	1555	1697	1815
5100	720	1102	1390	1565	1708	1827
5150	725	1109	1399	1575	1719	1839
5200	730	1116	1408	1585	1730	1851
5250	735	1123	1417	1595	1741	1863
5300	740	1130	1426	1605	1751	1875
5350	745	1137	1435	1615	1761	1887
5400	750	1144	1444	1625	1771	1899
5450	755	1151	1452	1635	1781	1911
5500	760	1158	1460	1645	1791	1923
5550	765	1165	1468	1655	1801	1935
5600	770	1172	1476	1665	1811	1947
5650	774	1178	1484	1675	1821	1959
5700	778	1184	1492	1685	1831	1971
5750	782	1190	1500	1694	1841	1983

5800	786	1196	1508	1703	1869	1995
5850	790	1202	1516	1712	1878	2007
5900	794	1208	1524	1721	1887	2019
5950	798	1214	1532	1730	1896	2031
6000	802	1220	1540	1739	1905	2042
6050	806	1226	1548	1748	1914	2053
6100	810	1232	1556	1757	1923	2064
6150	814	1238	1564	1766	1932	2075
6200	818	1244	1572	1775	1941	2086
6250	822	1250	1580	1783	1950	2096
6300	826	1256	1588	1791	1959	2106
6350	830	1262	1596	1800	1968	2116
6400	834	1268	1604	1809	1977	2126
6450	838	1274	1611	1818	1986	2136
6500	842	1280	1618	1827	1995	2146
6550	846	1286	1625	1835	2004	2155
6600	850	1292	1632	1843	2013	2164
6650	854	1298	1639	1851	2021	2173
6700	858	1304	1646	1859	2029	2182
6750	862	1309	1653	1867	2037	2191
6800	866	1315	1660	1875	2045	2200
6850	870	1320	1667	1883	2053	2209
6900	874	1325	1674	1891	2061	2218
6950	877	1330	1681	1899	2069	2226
7000	880	1336	1688	1907	2077	2234
7050	883	1341	1695	1915	2085	2242
7100	886	1347	1702	1923	2093	2250
7150	889	1352	1709	1931	2101	2258
7200	892	1358	1716	1939	2109	2266
7250	895	1363	1723	1947	2117	2274
7300	898	1368	1730	1954	2125	2282
7350	901	1373	1737	1961	2133	2290
7400	904	1378	1744	1968	2141	2298
7450	907	1384	1751	1975	2149	2306
7500	910	1389	1758	1982	2157	2314
7550	913	1394	1764	1989	2164	2322
7600	916	1399	1770	1996	2171	2330
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7700	922	1409	1782	2010	2185	2344
7750	925	1414	1788	2017	2192	2351
7800	928	1419	1794	2024	2199	2358
7850	931	1424	1800	2031	2206	2365
7900	934	1429	1806	2038	2213	2372

7950	937	1434	1812	2045	2220	2379
8000	940	1439	1818	2052	2227	2386
8050	943	1444	1824	2059	2234	2393
8100	946	1449	1829	2066	2241	2400
8150	949	1454	1834	2073	2248	2407
8200	952	1459	1839	2080	2255	2414
8250	955	1464	1844	2086	2262	2421
8300	958	1468	1849	2092	2268	2428
8350	961	1472	1854	2098	2274	2435
8400	964	1476	1859	2104	2280	2442
8450	967	1480	1864	2110	2286	2449
8500	970	1484	1869	2116	2292	2455
8550	972	1488	1874	2121	2298	2461
8600	974	1492	1879	2126	2304	2467
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8800	982	1508	1899	2146	2328	2491
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8950	988	1520	1914	2161	2346	2509
9000	990	1524	1919	2166	2351	2515
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9100	994	1532	1929	2176	2361	2527
9150	996	1536	1934	2181	2366	2533
9200	998	1540	1939	2186	2371	2539
9250	1000	1544	1944	2190	2376	2545
9300	1002	1547	1949	2194	2381	2551
9350	1004	1550	1954	2198	2386	2557
9400	1006	1553	1959	2202	2391	2563
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9600	1014	1565	1975	2218	2411	2584
9650	1016	1568	1979	2222	2415	2589
9700	1018	1571	1983	2226	2419	2594
9750	1020	1574	1986	2230	2423	2599
9800	1022	1577	1989	2233	2427	2604
9850	1024	1580	1992	2236	2430	2609
9900	1026	1583	1995	2239	2433	2614
9950	1028	1586	1998	2242	2436	2619
10000	1030	1589	2001	2245	2439	2624

For gross monthly income between \$10,000 and \$20,000, add the amount of child support for \$10,000 to the following percentages of gross income above \$10,000:

ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
3.1%	5.1%	6.8%	7.8%	8.8%	9.5%

For gross monthly income between \$20,000 and \$50,000, add the amount of child support for \$20,000 to the following percentages of gross income above \$20,000:

ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2%	3.5%	5%	6%	6.9%	7.8%

For gross monthly income over \$50,000, add the amount of child support for \$50,000 to the following percentages of gross income above \$50,000:

ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
1%	2%	3%	4%	5%	6%

C. For purposes of this section, "gross income" means 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 except as listed below, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards.

If a parent's gross income includes disability insurance benefits, it shall also include any amounts paid to or for the child who is the subject of the order and derived by the child from the parent's entitlement to disability insurance benefits. To the extent that such derivative benefits are included in a parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic child support obligations, the credit may be used to reduce arrearages.

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 and social services programs as defined in § 63.2-100, federal supplemental security income benefits, or child support received. For purposes of this subsection: (i) spousal support received shall be included in gross income and spousal support paid shall be deducted from gross income when paid pursuant to an order or written agreement and (ii) one-half of any self-employment tax paid shall be deducted from gross income.

*Income received by the payor from secondary employment income, whether from an additional job, from self-employment, or from overtime income not previously included in "gross income," where such income has been obtained in a good faith effort by the payor to discharge a child-support arrearage established by a court or administrative order and such parent is paying the arrearage pursuant to the order. The cessation of such income upon the payment of the arrearage, shall not be the basis for a material change in circumstances upon which a modification of child support may be based.*

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

Where a party to the proceeding has a natural or adopted child or children in the party's household or primary physical custody, and the child or children are not the subject of the present proceeding, there is a presumption that there shall be deducted from the gross income of that party the amount as shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that represents that party's support obligation based solely on that party's income as being the total income available for the natural or adopted child or children in the party's household or primary physical custody, who are not the subject of the present proceeding. Provided, however, that the existence of a party's financial responsibility for such a child or children shall not of itself constitute a material change in circumstances for modifying a previous order of child support in any modification proceeding. Any adjustment to gross income under this subsection shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child, as determined by the court.

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

~~D. Any extraordinary medical and dental expenses for treatment of the child or children shall be added to the basic child 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. Except for good cause shown or the agreement of the parties, in addition to any other child support obligations made pursuant to this section, any child support order shall provide that the parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation, any reasonable and necessary unreimbursed medical or dental expenses which are in excess of the sum of \$250 for any calendar year for each child who is the subject of the obligation. For the purposes of this section, medical or dental expenses shall include but not be limited to eyeglasses,~~

*prescription medication, prosthetics, orthodontics, and mental health or developmental disabilities services, including but not limited to services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.*

E. Any costs for health care coverage as defined in § 63.2-1900 and dental care coverage, when actually being paid by a parent, to the extent such costs are directly allocable to the child or children, and which are the extra costs of covering the child or children beyond whatever coverage the parent providing the coverage would otherwise have, shall be added to the basic child support obligation.

F. 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. When requested by the noncustodial parent, the court may require the custodial parent to present documentation to verify the costs incurred for child care under this subsection. Where appropriate, the court shall consider the willingness and availability of the noncustodial parent to provide child care personally in determining whether child-care costs are necessary or excessive. *Upon the request of either party, and upon a showing of the tax savings a party derives from child-care cost deductions or credits, the court shall consider such actual tax consequences in determining the amount to be added to the basic child support obligation.*

G. 1. Sole custody support. The sole custody total monthly child support obligation shall be established by adding (i) the monthly basic child support obligation, as determined from the schedule contained in subsection B, (ii) all extraordinary medical expenses, (iii) costs for health care coverage to the extent allowable by subsection E, and (iv) 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.

However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent.

2. Split custody support. In cases involving split custody, the amount of child support to be paid shall be the difference between the amounts owed by each parent as a noncustodial parent, computed in accordance with subdivision 1, with the noncustodial parent owing the larger amount paying the difference to the other parent.

For the purpose of this section and § 20-108.1, split custody shall be limited to those situations where each parent has physical custody of a child or children born of the parents, born of either parent and adopted by the other parent or adopted by both parents. For the purposes of calculating a child support obligation where split custody exists, a separate family unit exists for each parent, and child support for that family unit shall be calculated upon the number of children in that family unit who are born of the parents, born of either



parent and adopted by the other parent or adopted by both parents. Where split custody exists, a parent is a custodial parent to the children in that parent's family unit and is a noncustodial parent to the children in the other parent's family unit.

### 3. Shared custody support.

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

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

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

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

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

(b) Support to be paid. The shared support need of the shared child or children shall be calculated pursuant to subdivision G 3 (a) (iii). This amount shall then be multiplied by the other parent's custody share. To that sum for each parent shall be added the other parent's cost of health care coverage to the extent allowable by subsection E, plus the other parent's work-related child-care costs to the extent allowable by subsection F. This total for each parent shall be multiplied by that parent's income share. The support amounts thereby calculated that each parent owes the other shall be subtracted one from the other and the difference shall be the shared custody support one parent owes to the other, with the payor

parent being the one whose shared support is the larger. Any extraordinary medical and dental expenses, to the extent allowable by subsection D, shall be shared directly by the parents in accordance with their income shares, and shall not be adjusted by the custody share. The parents shall pay their respective shares of these extraordinary medical expenses as they are incurred, and they are not added to each party's shared custody support owed to the other party. The method of payment of said allowable expenses shall be contained in the support order. When the shared support is compared to the sole custody support to determine which is the lesser support, pursuant to subdivision G 3 (a), the extraordinary medical expenses shall not enter into either calculation.

(c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours; however, where the parent who has the fewer number of overnight periods during the year has an overnight period with a child, but has physical custody of the shared child for less than 24 hours during such overnight period, there is a presumption that each parent shall be allocated one-half of a day of custody for that period.

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

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

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

H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this section is reviewed by October 31, 2004~~5~~, and every ~~three~~ *four* years thereafter, by the Child Support Guidelines Review Panel, consisting of 15 members that include four legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows: three members of the House Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Senate Committee on Privileges and Elections; and one representative of a juvenile and domestic relations district court, one representative of a circuit court, one representative of the Department of Social Services' Division of Child Support Enforcement,

three members of the Virginia State Bar, two custodial parents, two noncustodial parents, and one child advocate, upon the recommendation of the Secretary of Health and Human Resources, to be appointed by the Governor. 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 and expenditures necessary for rearing children, and any other resources it deems relevant to such review. The Panel shall report its findings to the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports before the General Assembly next convenes following such review.

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

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

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

The chairman of the Panel shall submit to the Governor and the General Assembly a ~~triennial~~ *quadrennial* executive summary of the interim activity and work of the Panel no later than the first day of 2005 regular session of the General Assembly and every ~~three~~ *four* years thereafter. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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For questions concerning this draft legislation, please contact:

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2004 SESSION

INTRODUCED

INTRODUCED

SB208

043529800

SENATE BILL NO. 208

Offered January 14, 2004

Prefiled January 13, 2004

A BILL to amend and reenact § 20-108.2 of the Code of Virginia, relating to child support.

Patron—Quayle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 20-108.2 of the Code of Virginia is amended and reenacted as follows:

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

A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.2, including cases involving split custody or shared custody, 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 as set out in § 20-108.1, 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 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

B. For purposes of application of the guideline, a basic child 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. However, unless one of the following exemptions applies where the sole custody child support obligation as computed pursuant to subdivision G. 1. is less than \$65 per month, there shall be a presumptive minimum child support obligation of \$65 per month payable by the payor parent. Exemptions from this presumptive minimum monthly child support obligation shall include: parents unable to pay child support because they lack sufficient assets from which to pay child support and who, in addition, are institutionalized in a psychiatric facility; are imprisoned with no chance of parole; are medically verified to be totally and permanently disabled with no evidence of potential for paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise involuntarily unable to produce income. "Number of children" means the number of children for whom the parents share joint legal responsibility and for whom support is being sought.

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

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<b>57</b>	1350	249	386	483	545	570	576
<b>58</b>	1400	257	398	499	563	605	611
<b>59</b>	1450	265	411	515	581	633	645
<b>60</b>	1500	274	426	533	602	656	680
<b>61</b>	1550	282	436	547	617	672	714
<b>62</b>	1600	289	447	560	632	689	737
<b>63</b>	1650	295	458	573	647	705	754
<b>64</b>	1700	302	468	587	662	721	772
<b>65</b>	1750	309	479	600	676	738	789
<b>66</b>	1800	315	488	612	690	752	805
<b>67</b>	1850	321	497	623	702	766	819
<b>68</b>	1900	326	506	634	714	779	834
<b>69</b>	1950	332	514	645	727	793	848
<b>70</b>	2000	338	523	655	739	806	862
<b>71</b>	2050	343	532	666	751	819	877
<b>72</b>	2100	349	540	677	763	833	891
<b>73</b>	2150	355	549	688	776	846	905
<b>74</b>	2200	360	558	699	788	860	920
<b>75</b>	2250	366	567	710	800	873	934
<b>76</b>	2300	371	575	721	812	886	948
<b>77</b>	2350	377	584	732	825	900	963
<b>78</b>	2400	383	593	743	837	913	977
<b>79</b>	2450	388	601	754	849	927	991
<b>80</b>	2500	394	610	765	862	940	1006
<b>81</b>	2550	399	619	776	874	954	1020
<b>82</b>	2600	405	627	787	886	967	1034
<b>83</b>	2650	410	635	797	897	979	1048
<b>84</b>	2700	415	643	806	908	991	1060
<b>85</b>	2750	420	651	816	919	1003	1073
<b>86</b>	2800	425	658	826	930	1015	1085
<b>87</b>	2850	430	667	836	941	1027	1098
<b>88</b>	2900	435	675	846	953	1039	1112
<b>89</b>	2950	440	683	856	964	1052	1125
<b>90</b>	3000	445	691	866	975	1064	1138
<b>91</b>	3050	450	699	876	987	1076	1152
<b>92</b>	3100	456	707	886	998	1089	1165
<b>93</b>	3150	461	715	896	1010	1101	1178
<b>94</b>	3200	466	723	906	1021	1114	1191
<b>95</b>	3250	471	732	917	1032	1126	1205
<b>96</b>	3300	476	740	927	1044	1139	1218
<b>97</b>	3350	481	748	937	1055	1151	1231
<b>98</b>	3400	486	756	947	1067	1164	1245
<b>99</b>	3450	492	764	957	1078	1176	1258
<b>100</b>	3500	497	772	967	1089	1189	1271
<b>101</b>	3550	502	780	977	1101	1201	1285
<b>102</b>	3600	507	788	987	1112	1213	1298
<b>103</b>	3650	512	797	997	1124	1226	1311
<b>104</b>	3700	518	806	1009	1137	1240	1326
<b>105</b>	3750	524	815	1020	1150	1254	1342
<b>106</b>	3800	530	824	1032	1163	1268	1357
<b>107</b>	3850	536	834	1043	1176	1283	1372
<b>108</b>	3900	542	843	1055	1189	1297	1387
<b>109</b>	3950	547	852	1066	1202	1311	1402
<b>110</b>	4000	553	861	1078	1214	1325	1417
<b>111</b>	4050	559	871	1089	1227	1339	1432
<b>112</b>	4100	565	880	1101	1240	1353	1448
<b>113</b>	4150	571	889	1112	1253	1367	1463

114	4200	577	898	1124	1266	1382	1478
115	4250	583	907	1135	1279	1396	1493
116	4300	589	917	1147	1292	1410	1508
117	4350	594	926	1158	1305	1424	1523
118	4400	600	935	1170	1318	1438	1538
119	4450	606	944	1181	1331	1452	1553
120	4500	612	954	1193	1344	1467	1569
121	4550	618	963	1204	1357	1481	1584
122	4600	624	972	1216	1370	1495	1599
123	4650	630	981	1227	1383	1509	1614
124	4700	635	989	1237	1395	1522	1627
125	4750	641	997	1247	1406	1534	1641
126	4800	646	1005	1257	1417	1546	1654
127	4850	651	1013	1267	1428	1558	1667
128	4900	656	1021	1277	1439	1570	1679
129	4950	661	1028	1286	1450	1582	1692
130	5000	666	1036	1295	1460	1593	1704
131	5050	671	1043	1305	1471	1605	1716
132	5100	675	1051	1314	1481	1616	1728
133	5150	680	1058	1323	1492	1628	1741
134	5200	685	1066	1333	1502	1640	1753
135	5250	690	1073	1342	1513	1651	1765
136	5300	695	1081	1351	1524	1663	1778
137	5350	700	1088	1361	1534	1674	1790
138	5400	705	1096	1370	1545	1686	1802
139	5450	710	1103	1379	1555	1697	1815
140	5500	714	1111	1389	1566	1709	1827
141	5550	719	1118	1398	1576	1720	1839
142	5600	724	1126	1407	1587	1732	1851
143	5650	729	1133	1417	1598	1743	1864
144	5700	734	1141	1426	1608	1755	1876
145	5750	739	1148	1435	1619	1766	1888
146	5800	744	1156	1445	1629	1778	1901
147	5850	749	1163	1454	1640	1790	1913
148	5900	753	1171	1463	1650	1801	1925
149	5950	758	1178	1473	1661	1813	1937
150	6000	763	1186	1482	1672	1824	1950
151	6050	768	1193	1491	1682	1836	1962
152	6100	773	1201	1501	1693	1847	1974
153	6150	778	1208	1510	1703	1859	1987
154	6200	783	1216	1519	1714	1870	1999
155	6250	788	1223	1529	1724	1882	2011
156	6300	792	1231	1538	1735	1893	2023
157	6350	797	1238	1547	1745	1905	2036
158	6400	802	1246	1557	1756	1916	2048
159	6450	807	1253	1566	1767	1928	2060
160	6500	812	1261	1575	1777	1940	2073
161	6550	816	1267	1583	1786	1949	2083
162	6600	820	1272	1590	1794	1957	2092
163	6650	823	1277	1597	1801	1965	2100
164	6700	827	1283	1604	1809	1974	2109
165	6750	830	1288	1610	1817	1982	2118
166	6800	834	1293	1617	1824	1990	2127
167	6850	837	1299	1624	1832	1999	2136
168	6900	841	1304	1631	1839	2007	2145
169	6950	845	1309	1637	1847	2016	2154

170	7000	848	1315	1644	1855	2024	2163
171	7050	852	1320	1651	1862	2032	2172
172	7100	855	1325	1658	1870	2041	2181
173	7150	859	1331	1665	1878	2049	2190
174	7200	862	1336	1671	1885	2057	2199
175	7250	866	1341	1678	1893	2066	2207
176	7300	870	1347	1685	1900	2074	2216
177	7350	873	1352	1692	1908	2082	2225
178	7400	877	1358	1698	1916	2091	2234
179	7450	880	1363	1705	1923	2099	2243
180	7500	884	1368	1712	1931	2108	2252
181	7550	887	1374	1719	1938	2116	2261
182	7600	891	1379	1725	1946	2124	2270
183	7650	895	1384	1732	1954	2133	2279
184	7700	898	1390	1739	1961	2141	2288
185	7750	902	1395	1746	1969	2149	2297
186	7800	905	1400	1753	1977	2158	2305
187	7850	908	1405	1758	1983	2164	2313
188	7900	910	1409	1764	1989	2171	2320
189	7950	913	1414	1770	1995	2178	2328
190	8000	916	1418	1776	2001	2185	2335
191	8050	918	1423	1781	2007	2192	2343
192	8100	921	1428	1787	2014	2198	2350
193	8150	924	1432	1793	2020	2205	2357
194	8200	927	1437	1799	2026	2212	2365
195	8250	929	1441	1804	2032	2219	2372
196	8300	932	1446	1810	2038	2226	2380
197	8350	935	1450	1816	2045	2232	2387
198	8400	937	1455	1822	2051	2239	2395
199	8450	940	1459	1827	2057	2246	2402
200	8500	943	1464	1833	2063	2253	2410
201	8550	945	1468	1839	2069	2260	2417
202	8600	948	1473	1845	2076	2266	2425
203	8650	951	1478	1850	2082	2273	2432
204	8700	954	1482	1856	2088	2280	2440
205	8750	956	1487	1862	2094	2287	2447
206	8800	959	1491	1868	2100	2294	2455
207	8850	962	1496	1873	2107	2300	2462
208	8900	964	1500	1879	2113	2307	2470
209	8950	967	1505	1885	2119	2314	2477
210	9000	970	1509	1891	2125	2321	2484
211	9050	973	1514	1896	2131	2328	2492
212	9100	975	1517	1901	2137	2334	2498
213	9150	977	1521	1905	2141	2339	2503
214	9200	979	1524	1909	2146	2344	2509
215	9250	982	1527	1914	2151	2349	2514
216	9300	984	1531	1918	2156	2354	2520
217	9350	986	1534	1922	2160	2359	2525
218	9400	988	1537	1926	2165	2365	2531
219	9450	990	1541	1930	2170	2370	2536
220	9500	993	1544	1935	2175	2375	2541
221	9550	995	1547	1939	2179	2380	2547
222	9600	997	1551	1943	2184	2385	2552
223	9650	999	1554	1947	2189	2390	2558
224	9700	1001	1557	1951	2194	2396	2563
225	9750	1003	1561	1956	2198	2401	2569
226	9800	1006	1564	1960	2203	2406	2574

227	9850	1008	1567	1964	2208	2411	2580
228	9900	1010	1571	1968	2213	2416	2585
229	9950	1012	1574	1972	2218	2421	2590
230	10000	1014	1577	1977	2222	2427	2596

231 For gross monthly income between \$10,000 and \$20,000, add the amount of child support for  
 232 \$10,000 to the following percentages of gross income above \$10,000:

233	ONE	TWO	THREE	FOUR	FIVE	SIX
234	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
235	3.1%	5.1%	6.8%	7.8%	8.8%	9.5%

236 For gross monthly income between \$20,000 and \$50,000, add the amount of child support for  
 237 \$20,000 to the following percentages of gross income above \$20,000:

238	ONE	TWO	THREE	FOUR	FIVE	SIX
239	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
240	2%	3.5%	5%	6%	6.9%	7.8%

241 For gross monthly income over \$50,000, add the amount of child support for \$50,000 to the  
 242 following percentages of gross income above \$50,000:

243	ONE	TWO	THREE	FOUR	FIVE	SIX
244	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
245	1%	2%	3%	4%	5%	6%

246 C. For purposes of this section, "gross income" means all income from all sources, and shall include,  
 247 but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance  
 248 pay, pensions, interest, trust income, annuities, capital gains, social security benefits except as listed  
 249 below, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits,  
 250 veterans' benefits, spousal support, rental income, gifts, prizes or awards.

251 If a parent's gross income includes disability insurance benefits, it shall also include any amounts  
 252 paid to or for the child who is the subject of the order and derived by the child from the parent's  
 253 entitlement to disability insurance benefits. To the extent that such derivative benefits are included in a  
 254 parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child  
 255 support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic child  
 256 support obligations, the credit may be used to reduce arrearages.

257 Gross income shall be subject to deduction of reasonable business expenses for persons with income  
 258 from self-employment, a partnership, or a closely held business. "Gross income" shall not include  
 259 benefits : 1. Benefits from public assistance and social services programs as defined in § 63.2-100,  
 260 federal ; 2. Federal supplemental security income benefits; or  
 261 child ; 3. Child support received; or

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

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

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

277 Where a party to the proceeding has a natural or adopted child or children in the party's household  
 278 or primary physical custody, and the child or children are not the subject of the present proceeding,  
 279 there is a presumption that there shall be deducted from the gross income of that party the amount as  
 280 shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that  
 281 represents that party's support obligation based solely on that party's income as being the total income  
 282 available for the natural or adopted child or children in the party's household or primary physical  
 283 custody, who are not the subject of the present proceeding. Provided, however, that the existence of a  
 284 party's financial responsibility for such a child or children shall not of itself constitute a material change  
 285 in circumstances for modifying a previous order of child support in any modification proceeding. Any  
 286 adjustment to gross income under this subsection shall not create or reduce a support obligation to an



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

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

291 D. Any extraordinary medical and dental expenses for treatment of the child or children shall be  
292 added to the basic child support obligation. For purposes of this section, extraordinary medical and  
293 dental expenses are uninsured expenses in excess of \$100 for a single illness or condition and shall  
294 include but not be limited to eyeglasses, prescription medication, prostheses, and mental health services  
295 whether provided by a social worker, psychologist, psychiatrist, or counselor. Except for good cause  
296 shown or the agreement of the parties, in addition to any other child support obligations established  
297 pursuant to this section, any child support order shall provide that the parents pay in proportion to  
298 their gross incomes, as used for calculating the monthly support obligation, any reasonable and  
299 necessary unreimbursed medical or dental expenses that are in excess of \$250 for any calendar year for  
300 each child who is the subject of the obligation. For the purposes of this section, medical or dental  
301 expenses shall include but not be limited to eyeglasses, prescription medication, prosthetics,  
302 orthodontics, and mental health or developmental disabilities services, including but not limited to  
303 services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.

304 E. Any costs for health care coverage as defined in § 63.2-1900 and dental care coverage, when  
305 actually being paid by a parent, to the extent such costs are directly allocable to the child or children,  
306 and which are the extra costs of covering the child or children beyond whatever coverage the parent  
307 providing the coverage would otherwise have, shall be added to the basic child support obligation.

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

318 G. 1. Sole custody support. The sole custody total monthly child support obligation shall be  
319 established by adding (i) the monthly basic child support obligation, as determined from the schedule  
320 contained in subsection B, (ii) all extraordinary medical expenses, (iii) costs for health care coverage to  
321 the extent allowable by subsection E, and (iv) work-related child-care costs and taking into consideration  
322 all the factors set forth in subsection B of § 20-108.1. The total monthly child support obligation shall  
323 be divided between the parents in the same proportion as their monthly gross incomes bear to their  
324 monthly combined gross income. The monthly obligation of each parent shall be computed by  
325 multiplying each parent's percentage of the parents' monthly combined gross income by the total  
326 monthly child support obligation.

327 However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health  
328 care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent.

329 2. Split custody support. In cases involving split custody, the amount of child support to be paid  
330 shall be the difference between the amounts owed by each parent as a noncustodial parent, computed in  
331 accordance with subdivision 1, with the noncustodial parent owing the larger amount paying the  
332 difference to the other parent.

333 For the purpose of this section and § 20-108.1, split custody shall be limited to those situations  
334 where each parent has physical custody of a child or children born of the parents, born of either parent  
335 and adopted by the other parent or adopted by both parents. For the purposes of calculating a child  
336 support obligation where split custody exists, a separate family unit exists for each parent, and child  
337 support for that family unit shall be calculated upon the number of children in that family unit who are  
338 born of the parents, born of either parent and adopted by the other parent or adopted by both parents.  
339 Where split custody exists, a parent is a custodial parent to the children in that parent's family unit and  
340 is a noncustodial parent to the children in the other parent's family unit.

341 3. Shared custody support.

342 (a) Where a party has custody or visitation of a child or children for more than 90 days of the year,  
343 as such days are defined in subdivision G 3 (c), a shared custody child support amount based on the  
344 ratio in which the parents share the custody and visitation of any child or children shall be calculated in  
345 accordance with this subdivision. The presumptive support to be paid shall be the shared custody  
346 support amount, unless a party affirmatively shows that the sole custody support amount calculated as  
347 provided in subdivision G 1 is less than the shared custody support amount. If so, the lesser amount  
348 shall be the support to be paid. For the purposes of this subsection, the following shall apply:

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

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

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

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

366 (b) Support to be paid. The shared support need of the shared child or children shall be calculated  
 367 pursuant to subdivision G 3 (a) (iii). This amount shall then be multiplied by the other parent's custody  
 368 share. To that sum for each parent shall be added the other parent's cost of health care coverage to the  
 369 extent allowable by subsection E, plus the other parent's work-related child-care costs to the extent  
 370 allowable by subsection F. This total for each parent shall be multiplied by that parent's income share.  
 371 The support amounts thereby calculated that each parent owes the other shall be subtracted one from the  
 372 other and the difference shall be the shared custody support one parent owes to the other, with the payor  
 373 parent being the one whose shared support is the larger. Any extraordinary medical and dental expenses,  
 374 to the extent allowable by subsection D, shall be shared directly by the parents in accordance with their  
 375 income shares, and shall not be adjusted by the custody share. The parents shall pay their respective  
 376 shares of these extraordinary medical expenses as they are incurred, and they are not added to each  
 377 party's shared custody support owed to the other party. The method of payment of said allowable  
 378 expenses shall be contained in the support order. When the shared support is compared to the sole  
 379 custody support to determine which is the lesser support, pursuant to subdivision G 3 (a), the  
 380 extraordinary medical expenses shall not enter into either calculation.

381 (c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours; however,  
 382 where the parent who has the fewer number of overnight periods during the year has an overnight  
 383 period with a child, but has physical custody of the shared child for less than 24 hours during such  
 384 overnight period, there is a presumption that each parent shall be allocated one-half of a day of custody  
 385 for that period.

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

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

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

400 H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this  
 401 section is reviewed by October 31, 2001, and every ~~three~~ four years thereafter, by the Child Support  
 402 Guidelines Review Panel, consisting of 15 members that include four legislative members and 11  
 403 nonlegislative citizen members. Members shall be appointed as follows: three members of the House  
 404 Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be  
 405 appointed by the Speaker of the House of Delegates in accordance with the principles of proportional  
 406 representation contained in the Rules of the House of Delegates; one member of the Senate Committee  
 407 for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by  
 408 the Senate Committee on Privileges and Elections; and one representative of a juvenile and domestic  
 409 relations district court, one representative of a circuit court, one representative of the Department of

410 Social Services' Division of Child Support Enforcement, three members of the Virginia State Bar, two  
411 custodial parents, two noncustodial parents, and one child advocate, upon the recommendation of the  
412 Secretary of Health and Human Resources, to be appointed by the Governor. The Panel shall determine  
413 the adequacy of the guideline for the determination of appropriate awards for the support of children by  
414 considering current research and data on the cost of and expenditures necessary for rearing children, and  
415 any other resources it deems relevant to such review. The Panel shall report its findings to the General  
416 Assembly as provided in the procedures of the Division of Legislative Automated Systems for the  
417 processing of legislative documents and reports before the General Assembly next convenes following  
418 such review.

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

423 Legislative members shall receive such compensation as provided in § 30-19.12, and nonlegislative  
424 citizen members shall receive such compensation for the performance of their duties as provided in  
425 § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the  
426 performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of  
427 compensation and expenses of the members shall be provided by the Department of Social Services.

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

430 The chairman of the Panel shall submit to the Governor and the General Assembly a ~~triennial~~  
431 *quadrennial* executive summary of the interim activity and work of the Panel no later than the first day  
432 of 2005 regular session of the General Assembly and every ~~three~~ *four* years thereafter. The executive  
433 summary shall be submitted as provided in the procedures of the Division of Legislative Automated  
434 Systems for the processing of legislative documents and reports and shall be posted on the General  
435 Assembly's website.

436 #

2004 SESSION

INTRODUCED

040511388

**HOUSE BILL NO. 511**  
Offered January 14, 2004  
Prefiled January 13, 2004

A *BILL to amend and reenact §§ 20-60.3 and 20-108.2 of the Code of Virginia, relating to child support; extraordinary medical expenses.*

Patron—Marrs

Referred to Committee for Courts of Justice

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

**1. That §§ 20-108.2 and 20-60.3 of the Code of Virginia are amended and reenacted as follows:**

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

A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.2, including cases involving split custody or shared custody, 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 as set out in § 20-108.1, 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 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

B. For purposes of application of the guideline, a basic child 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. However, unless one of the following exemptions applies where the sole custody child support obligation as computed pursuant to subdivision G. 1. is less than \$65 per month, there shall be a presumptive minimum child support obligation of \$65 per month payable by the payor parent. Exemptions from this presumptive minimum monthly child support obligation shall include: parents unable to pay child support because they lack sufficient assets from which to pay child support and who, in addition, are institutionalized in a psychiatric facility; are imprisoned with no chance of parole; are medically verified to be totally and permanently disabled with no evidence of potential for paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise involuntarily unable to produce income. "Number of children" means the number of children for whom the parents share joint legal responsibility and for whom support is being sought.

**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

INTRODUCED

HB511

2/9/04 12:42

57	1300	241	373	467	526	536	542
58	1350	249	386	483	545	570	576
59	1400	257	398	499	563	605	611
60	1450	265	411	515	581	633	645
61	1500	274	426	533	602	656	680
62	1550	282	436	547	617	672	714
63	1600	289	447	560	632	689	737
64	1650	295	458	573	647	705	754
65	1700	302	468	587	662	721	772
66	1750	309	479	600	676	738	789
67	1800	315	488	612	690	752	805
68	1850	321	497	623	702	766	819
69	1900	326	506	634	714	779	834
70	1950	332	514	645	727	793	848
71	2000	338	523	655	739	806	862
72	2050	343	532	666	751	819	877
73	2100	349	540	677	763	833	891
74	2150	355	549	688	776	846	905
75	2200	360	558	699	788	860	920
76	2250	366	567	710	800	873	934
77	2300	371	575	721	812	886	948
78	2350	377	584	732	825	900	963
79	2400	383	593	743	837	913	977
80	2450	388	601	754	849	927	991
81	2500	394	610	765	862	940	1006
82	2550	399	619	776	874	954	1020
83	2600	405	627	787	886	967	1034
84	2650	410	635	797	897	979	1048
85	2700	415	643	806	908	991	1060
86	2750	420	651	816	919	1003	1073
87	2800	425	658	826	930	1015	1085
88	2850	430	667	836	941	1027	1098
89	2900	435	675	846	953	1039	1112
90	2950	440	683	856	964	1052	1125
91	3000	445	691	866	975	1064	1138
92	3050	450	699	876	987	1076	1152
93	3100	456	707	886	998	1089	1165
94	3150	461	715	896	1010	1101	1178
95	3200	466	723	906	1021	1114	1191
96	3250	471	732	917	1032	1126	1205
97	3300	476	740	927	1044	1139	1218
98	3350	481	748	937	1055	1151	1231
99	3400	486	756	947	1067	1164	1245
100	3450	492	764	957	1078	1176	1258
101	3500	497	772	967	1089	1189	1271
102	3550	502	780	977	1101	1201	1285
103	3600	507	788	987	1112	1213	1298
104	3650	512	797	997	1124	1226	1311
105	3700	518	806	1009	1137	1240	1326
106	3750	524	815	1020	1150	1254	1342
107	3800	530	824	1032	1163	1268	1357
108	3850	536	834	1043	1176	1283	1372
109	3900	542	843	1055	1189	1297	1387
110	3950	547	852	1066	1202	1311	1402
111	4000	553	861	1078	1214	1325	1417
112	4050	559	871	1089	1227	1339	1432
113	4100	565	880	1101	1240	1353	1448

114	4150	571	889	1112	1253	1367	1463
115	4200	577	898	1124	1266	1382	1478
116	4250	583	907	1135	1279	1396	1493
117	4300	589	917	1147	1292	1410	1508
118	4350	594	926	1158	1305	1424	1523
119	4400	600	935	1170	1318	1438	1538
120	4450	606	944	1181	1331	1452	1553
121	4500	612	954	1193	1344	1467	1569
122	4550	618	963	1204	1357	1481	1584
123	4600	624	972	1216	1370	1495	1599
124	4650	630	981	1227	1383	1509	1614
125	4700	635	989	1237	1395	1522	1627
126	4750	641	997	1247	1406	1534	1641
127	4800	646	1005	1257	1417	1546	1654
128	4850	651	1013	1267	1428	1558	1667
129	4900	656	1021	1277	1439	1570	1679
130	4950	661	1028	1286	1450	1582	1692
131	5000	666	1036	1295	1460	1593	1704
132	5050	671	1043	1305	1471	1605	1716
133	5100	675	1051	1314	1481	1616	1728
134	5150	680	1058	1323	1492	1628	1741
135	5200	685	1066	1333	1502	1640	1753
136	5250	690	1073	1342	1513	1651	1765
137	5300	695	1081	1351	1524	1663	1778
138	5350	700	1088	1361	1534	1674	1790
139	5400	705	1096	1370	1545	1686	1802
140	5450	710	1103	1379	1555	1697	1815
141	5500	714	1111	1389	1566	1709	1827
142	5550	719	1118	1398	1576	1720	1839
143	5600	724	1126	1407	1587	1732	1851
144	5650	729	1133	1417	1598	1743	1864
145	5700	734	1141	1426	1608	1755	1876
146	5750	739	1148	1435	1619	1766	1888
147	5800	744	1156	1445	1629	1778	1901
148	5850	749	1163	1454	1640	1790	1913
149	5900	753	1171	1463	1650	1801	1925
150	5950	758	1178	1473	1661	1813	1937
151	6000	763	1186	1482	1672	1824	1950
152	6050	768	1193	1491	1682	1836	1962
153	6100	773	1201	1501	1693	1847	1974
154	6150	778	1208	1510	1703	1859	1987
155	6200	783	1216	1519	1714	1870	1999
156	6250	788	1223	1529	1724	1882	2011
157	6300	792	1231	1538	1735	1893	2023
158	6350	797	1238	1547	1745	1905	2036
159	6400	802	1246	1557	1756	1916	2048
160	6450	807	1253	1566	1767	1928	2060
161	6500	812	1261	1575	1777	1940	2073
162	6550	816	1267	1583	1786	1949	2083
163	6600	820	1272	1590	1794	1957	2092
164	6650	823	1277	1597	1801	1965	2100
165	6700	827	1283	1604	1809	1974	2109
166	6750	830	1288	1610	1817	1982	2118
167	6800	834	1293	1617	1824	1990	2127
168	6850	837	1299	1624	1832	1999	2136
169	6900	841	1304	1631	1839	2007	2145

170	6950	845	1309	1637	1847	2016	2154
171	7000	848	1315	1644	1855	2024	2163
172	7050	852	1320	1651	1862	2032	2172
173	7100	855	1325	1658	1870	2041	2181
174	7150	859	1331	1665	1878	2049	2190
175	7200	862	1336	1671	1885	2057	2199
176	7250	866	1341	1678	1893	2066	2207
177	7300	870	1347	1685	1900	2074	2216
178	7350	873	1352	1692	1908	2082	2225
179	7400	877	1358	1698	1916	2091	2234
180	7450	880	1363	1705	1923	2099	2243
181	7500	884	1368	1712	1931	2108	2252
182	7550	887	1374	1719	1938	2116	2261
183	7600	891	1379	1725	1946	2124	2270
184	7650	895	1384	1732	1954	2133	2279
185	7700	898	1390	1739	1961	2141	2288
186	7750	902	1395	1746	1969	2149	2297
187	7800	905	1400	1753	1977	2158	2305
188	7850	908	1405	1758	1983	2164	2313
189	7900	910	1409	1764	1989	2171	2320
190	7950	913	1414	1770	1995	2178	2328
191	8000	916	1418	1776	2001	2185	2335
192	8050	918	1423	1781	2007	2192	2343
193	8100	921	1428	1787	2014	2198	2350
194	8150	924	1432	1793	2020	2205	2357
195	8200	927	1437	1799	2026	2212	2365
196	8250	929	1441	1804	2032	2219	2372
197	8300	932	1446	1810	2038	2226	2380
198	8350	935	1450	1816	2045	2232	2387
199	8400	937	1455	1822	2051	2239	2395
200	8450	940	1459	1827	2057	2246	2402
201	8500	943	1464	1833	2063	2253	2410
202	8550	945	1468	1839	2069	2260	2417
203	8600	948	1473	1845	2076	2266	2425
204	8650	951	1478	1850	2082	2273	2432
205	8700	954	1482	1856	2088	2280	2440
206	8750	956	1487	1862	2094	2287	2447
207	8800	959	1491	1868	2100	2294	2455
208	8850	962	1496	1873	2107	2300	2462
209	8900	964	1500	1879	2113	2307	2470
210	8950	967	1505	1885	2119	2314	2477
211	9000	970	1509	1891	2125	2321	2484
212	9050	973	1514	1896	2131	2328	2492
213	9100	975	1517	1901	2137	2334	2498
214	9150	977	1521	1905	2141	2339	2503
215	9200	979	1524	1909	2146	2344	2509
216	9250	982	1527	1914	2151	2349	2514
217	9300	984	1531	1918	2156	2354	2520
218	9350	986	1534	1922	2160	2359	2525
219	9400	988	1537	1926	2165	2365	2531
220	9450	990	1541	1930	2170	2370	2536
221	9500	993	1544	1935	2175	2375	2541
222	9550	995	1547	1939	2179	2380	2547
223	9600	997	1551	1943	2184	2385	2552
224	9650	999	1554	1947	2189	2390	2558
225	9700	1001	1557	1951	2194	2396	2563
226	9750	1003	1561	1956	2198	2401	2569

227	9800	1006	1564	1960	2203	2406	2574
228	9850	1008	1567	1964	2208	2411	2580
229	9900	1010	1571	1968	2213	2416	2585
230	9950	1012	1574	1972	2218	2421	2590
231	10000	1014	1577	1977	2222	2427	2596

232 For gross monthly income between \$10,000 and \$20,000, add the amount of child support for  
 233 \$10,000 to the following percentages of gross income above \$10,000:

234	ONE	TWO	THREE	FOUR	FIVE	SIX
235	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
236	3.1%	5.1%	6.8%	7.8%	8.8%	9.5%

237 For gross monthly income between \$20,000 and \$50,000, add the amount of child support for  
 238 \$20,000 to the following percentages of gross income above \$20,000:

239	ONE	TWO	THREE	FOUR	FIVE	SIX
240	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
241	2%	3.5%	5%	6%	6.9%	7.8%

242 For gross monthly income over \$50,000, add the amount of child support for \$50,000 to the  
 243 following percentages of gross income above \$50,000:

244	ONE	TWO	THREE	FOUR	FIVE	SIX
245	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
246	1%	2%	3%	4%	5%	6%

247 C. For purposes of this section, "gross income" means all income from all sources, and shall include,  
 248 but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance  
 249 pay, pensions, interest, trust income, annuities, capital gains, social security benefits except as listed  
 250 below, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits,  
 251 veterans' benefits, spousal support, rental income, gifts, prizes or awards.

252 If a parent's gross income includes disability insurance benefits, it shall also include any amounts  
 253 paid to or for the child who is the subject of the order and derived by the child from the parent's  
 254 entitlement to disability insurance benefits. To the extent that such derivative benefits are included in a  
 255 parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child  
 256 support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic child  
 257 support obligations, the credit may be used to reduce arrearages.

258 Gross income shall be subject to deduction of reasonable business expenses for persons with income  
 259 from self-employment, a partnership, or a closely held business. "Gross income" shall not include  
 260 benefits from public assistance and social services programs as defined in § 63.2-100, federal  
 261 supplemental security income benefits, or child support received. For purposes of this subsection: (i)  
 262 spousal support received shall be included in gross income and spousal support paid shall be deducted  
 263 from gross income when paid pursuant to an order or written agreement and (ii) one-half of any  
 264 self-employment tax paid shall be deducted from gross income.

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

270 Where a party to the proceeding has a natural or adopted child or children in the party's household  
 271 or primary physical custody, and the child or children are not the subject of the present proceeding,  
 272 there is a presumption that there shall be deducted from the gross income of that party the amount as  
 273 shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that  
 274 represents that party's support obligation based solely on that party's income as being the total income  
 275 available for the natural or adopted child or children in the party's household or primary physical  
 276 custody, who are not the subject of the present proceeding. Provided, however, that the existence of a  
 277 party's financial responsibility for such a child or children shall not of itself constitute a material change  
 278 in circumstances for modifying a previous order of child support in any modification proceeding. Any  
 279 adjustment to gross income under this subsection shall not create or reduce a support obligation to an  
 280 amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and  
 281 provide other basic necessities for the child, as determined by the court.

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

284 D. Any *future* extraordinary medical and dental expenses for treatment of the child or children shall  
 285 be added to the basic child support obligation shared by the parents in accordance with their income  
 286 shares, and shall not be adjusted by the custody share computed under subsection G. The parents shall



287 *pay their respective shares of the extraordinary medical expenses as they are incurred. Extraordinary*  
288 *medical expenses shall not be added to the child support either party owes the other. The method of*  
289 *payment of allowable extraordinary medical expenses shall be contained in the support order. When the*  
290 *support amount calculated for shared custody arrangements is compared to the sole custody support to*  
291 *determine which is the lesser support, pursuant to subdivision G 3 (a), extraordinary medical expenses*  
292 *shall not enter into either calculation.* For purposes of this section, extraordinary medical and dental  
293 expenses are uninsured expenses in excess of \$100 for a single illness or condition and shall include but  
294 not be limited to eyeglasses, prescription medication, prostheses, and mental health services whether  
295 provided by a social worker, psychologist, psychiatrist, or counselor.

296 E. Any costs for health care coverage as defined in § 63.2-1900 and dental care coverage, when  
297 actually being paid by a parent, to the extent such costs are directly allocable to the child or children,  
298 and which are the extra costs of covering the child or children beyond whatever coverage the parent  
299 providing the coverage would otherwise have, shall be added to the basic child support obligation.

300 F. Any child-care costs incurred on behalf of the child or children due to employment of the  
301 custodial parent shall be added to the basic child support obligation. Child-care costs shall not exceed  
302 the amount required to provide quality care from a licensed source. When requested by the noncustodial  
303 parent, the court may require the custodial parent to present documentation to verify the costs incurred  
304 for child care under this subsection. Where appropriate, the court shall consider the willingness and  
305 availability of the noncustodial parent to provide child care personally in determining whether child-care  
306 costs are necessary or excessive.

307 G. 1. Sole custody support. The sole custody total monthly child support obligation shall be  
308 established by adding (i) the monthly basic child support obligation, as determined from the schedule  
309 contained in subsection B, (ii) ~~all extraordinary medical expenses,~~ (iii) costs for health care coverage to  
310 the extent allowable by subsection E, and ~~(iv)~~(iii) work-related child-care costs and taking into  
311 consideration all the factors set forth in subsection B of § 20-108.1. The total monthly child support  
312 obligation shall be divided between the parents in the same proportion as their monthly gross incomes  
313 bear to their monthly combined gross income. The monthly obligation of each parent shall be computed  
314 by multiplying each parent's percentage of the parents' monthly combined gross income by the total  
315 monthly child support obligation.

316 However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health  
317 care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent.  
318 *Extraordinary medical expenses shall be calculated and allocated in accordance with subsection D.*

319 2. Split custody support. In cases involving split custody, the amount of child support to be paid  
320 shall be the difference between the amounts owed by each parent as a noncustodial parent, computed in  
321 accordance with subdivision 1, with the noncustodial parent owing the larger amount paying the  
322 difference to the other parent. *Extraordinary medical expenses shall be calculated and allocated in*  
323 *accordance with subsection D.*

324 For the purpose of this section and § 20-108.1, split custody shall be limited to those situations  
325 where each parent has physical custody of a child or children born of the parents, born of either parent  
326 and adopted by the other parent or adopted by both parents. For the purposes of calculating a child  
327 support obligation where split custody exists, a separate family unit exists for each parent, and child  
328 support for that family unit shall be calculated upon the number of children in that family unit who are  
329 born of the parents, born of either parent and adopted by the other parent or adopted by both parents.  
330 Where split custody exists, a parent is a custodial parent to the children in that parent's family unit and  
331 is a noncustodial parent to the children in the other parent's family unit.

332 3. Shared custody support.

333 (a) Where a party has custody or visitation of a child or children for more than 90 days of the year,  
334 as such days are defined in subdivision G 3 (c), a shared custody child support amount based on the  
335 ratio in which the parents share the custody and visitation of any child or children shall be calculated in  
336 accordance with this subdivision. The presumptive support to be paid shall be the shared custody  
337 support amount, unless a party affirmatively shows that the sole custody support amount calculated as  
338 provided in subdivision G 1 is less than the shared custody support amount. If so, the lesser amount  
339 shall be the support to be paid. For the purposes of this subsection, the following shall apply:

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

343 (ii) Custody share. "Custody share" means the number of days that a parent has physical custody,  
344 whether by sole custody, joint legal or joint residential custody, or visitation, of a shared child per year  
345 divided by the number of days in the year. The actual or anticipated "custody share" of the parent who  
346 has or will have fewer days of physical custody shall be calculated for a one-year period. The "custody  
347 share" of the other parent shall be presumed to be the number of days in the year less the number of  
348 days calculated as the first parent's "custody share." For purposes of this calculation, the year may begin

349 on such date as is determined in the discretion of the court, and the day may begin at such time as is  
 350 determined in the discretion of the court. For purposes of this calculation, a day shall be as defined in  
 351 subdivision G 3 (c).

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

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

357 (b) Support to be paid. The shared support need of the shared child or children shall be calculated  
 358 pursuant to subdivision G 3 (a) (iii). This amount shall then be multiplied by the other parent's custody  
 359 share. To that sum for each parent shall be added the other parent's cost of health care coverage to the  
 360 extent allowable by subsection E, plus the other parent's work-related child-care costs to the extent  
 361 allowable by subsection F. This total for each parent shall be multiplied by that parent's income share.  
 362 The support amounts thereby calculated that each parent owes the other shall be subtracted one from the  
 363 other and the difference shall be the shared custody support one parent owes to the other, with the payor  
 364 parent being the one whose shared support is the larger. Any extraordinary medical and dental expenses,  
 365 to the extent allowable by subsection D, shall be shared directly by the parents in accordance with their  
 366 income shares, and shall not be adjusted by the custody share. The parents shall pay their respective  
 367 shares of these extraordinary medical expenses as they are incurred, and they are not added to each  
 368 party's shared custody support owed to the other party. The method of payment of said allowable  
 369 expenses shall be contained in the support order. When the shared support is compared to the sole  
 370 custody support to determine which is the lesser support, pursuant to subdivision G 3 (a), the  
 371 extraordinary medical expenses shall not enter into either calculation. Extraordinary medical expenses  
 372 shall be calculated and allocated in accordance with subsection D.

373 (c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours; however,  
 374 where the parent who has the fewer number of overnight periods during the year has an overnight  
 375 period with a child, but has physical custody of the shared child for less than 24 hours during such  
 376 overnight period, there is a presumption that each parent shall be allocated one-half of a day of custody  
 377 for that period.

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

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

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

392 H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this  
 393 section is reviewed by October 31, 2001, and every three years thereafter, by the Child Support  
 394 Guidelines Review Panel, consisting of 15 members that include four legislative members and 11  
 395 nonlegislative citizen members. Members shall be appointed as follows: three members of the House  
 396 Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be  
 397 appointed by the Speaker of the House of Delegates in accordance with the principles of proportional  
 398 representation contained in the Rules of the House of Delegates; one member of the Senate Committee  
 399 for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by  
 400 the Senate Committee on Privileges and Elections; and one representative of a juvenile and domestic  
 401 relations district court, one representative of a circuit court, one representative of the Department of  
 402 Social Services' Division of Child Support Enforcement, three members of the Virginia State Bar, two  
 403 custodial parents, two noncustodial parents, and one child advocate, upon the recommendation of the  
 404 Secretary of Health and Human Resources, to be appointed by the Governor. The Panel shall determine  
 405 the adequacy of the guideline for the determination of appropriate awards for the support of children by  
 406 considering current research and data on the cost of and expenditures necessary for rearing children, and  
 407 any other resources it deems relevant to such review. The Panel shall report its findings to the General  
 408 Assembly as provided in the procedures of the Division of Legislative Automated Systems for the  
 409 processing of legislative documents and reports before the General Assembly next convenes following

410 such review.

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

415 Legislative members shall receive such compensation as provided in § 30-19.12, and nonlegislative  
 416 citizen members shall receive such compensation for the performance of their duties as provided in  
 417 § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the  
 418 performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of  
 419 compensation and expenses of the members shall be provided by the Department of Social Services.

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

422 The chairman of the Panel shall submit to the Governor and the General Assembly a triennial  
 423 executive summary of the interim activity and work of the Panel no later than the first day of 2005  
 424 regular session of the General Assembly and every three years thereafter. The executive summary shall  
 425 be submitted as provided in the procedures of the Division of Legislative Automated Systems for the  
 426 processing of legislative documents and reports and shall be posted on the General Assembly's website.

427 § 20-60.3. Contents of support orders.

428 All orders directing the payment of spousal support where there are minor children whom the parties  
 429 have a mutual duty to support and all orders directing the payment of child support, including those  
 430 orders confirming separation agreements, entered on or after October 1, 1985, whether they are original  
 431 orders or modifications of existing orders, shall contain the following:

432 1. Notice that support payments may be withheld as they become due pursuant to § 20-79.1 or  
 433 § 20-79.2, from income as defined in § 63.2-1900, without further amendments of this order or having to  
 434 file an application for services with the Department of Social Services; however, absence of such notice  
 435 in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to  
 436 § 20-79.1;

437 2. Notice that support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 et seq.) of  
 438 Title 63.2 without further amendments to the order upon application for services with the Department of  
 439 Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar  
 440 withholding of support payments pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2;

441 3. The names and dates of birth of each child to whom a duty of support is then owed by the person  
 442 responsible for support;

443 4. If known, the name, date of birth and social security number of each parent of the child and, if  
 444 different and if known, the name, date of birth and social security number of the person responsible for  
 445 support and, unless otherwise ordered, each parent or responsible person's residential and, if different,  
 446 mailing address, residential and employer telephone number, driver's license number, and the name and  
 447 address of his or her employer; however, when a protective order has been issued or the court otherwise  
 448 finds reason to believe that a party is at risk of physical or emotional harm from the other party,  
 449 information other than the name of the party at risk shall not be included in the order;

450 5. On and after July 1, 1994, notice that a petition may be filed for suspension of any license,  
 451 certificate, registration or other authorization to engage in a profession, trade, business or occupation  
 452 issued by the Commonwealth to a person responsible for support as provided in § 63.2-1937 upon a  
 453 delinquency for a period of 90 days or more or in an amount of \$5,000 or more. The order shall  
 454 indicate whether either or both parents currently hold such an authorization and, if so, the type of  
 455 authorization held;

456 6. The amount of periodic support expressed in fixed sums, together with the payment interval, the  
 457 date payments are due, and the date the first payment is due;

458 7. a. An order for health care coverage, including the health insurance policy information, for  
 459 dependent children pursuant to §§ 20-108.1 and 20-108.2 if available at reasonable cost as defined in  
 460 § 63.2-1900 and a statement as to whether there is an order for health care coverage for a spouse or  
 461 former spouse; and

462 b. A statement as to whether any extraordinary medical expenses are to be paid by or reimbursed to  
 463 a party pursuant to subsection D and ~~subdivision~~ *subdivisions G 1, G 2, or G 3* of § 20-108.2, and if  
 464 such expenses are ordered, then the provisions as how such payment is to be made;

465 8. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii)  
 466 the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be  
 467 credited to current support obligations first, with any payment in excess of the current obligation applied  
 468 to arrearages;

469 9. If child support payments are ordered to be paid through the Department of Social Services or  
 470 directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall  
 471 give each other and the court and, when payments are to be made through the Department, the

472 Department of Social Services at least 30 days' written notice, in advance, of any change of address and  
473 any change of telephone number within 30 days after the change;

474 10. If child support payments are ordered to be paid through the Department of Social Services, a  
475 provision requiring an obligor to keep the Department of Social Services informed of the name, address  
476 and telephone number of his current employer, or if payments are ordered to be paid directly to the  
477 obligee, a provision requiring an obligor to keep the court informed of the name, address and telephone  
478 number of his current employer;

479 11. The separate amounts due to each person under the order, unless the court specifically orders a  
480 unitary award of child and spousal support due or the order affirms a separation agreement containing  
481 provision for such unitary award;

482 12. Notice that in determination of a support obligation, the support obligation as it becomes due and  
483 unpaid creates a judgment by operation of law; and

484 13. Notice that on and after July 1, 1994, the Department of Social Services may, pursuant to  
485 Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and in accordance with §§ 20-108.2 and 63.2-1921,  
486 initiate a review of the amount of support ordered by any court.

487 The provisions of this section shall not apply to divorce decrees where there are no minor children  
488 whom the parties have a mutual duty to support.

**INTRODUCED**

HB511

## VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

## CHAPTER 907

*An Act to amend and reenact § 20-108.2 of the Code of Virginia, relating to child support.*

[H 511]

Approved April 15, 2004

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

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

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

A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.2, including cases involving split custody or shared custody, 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 as set out in § 20-108.1, 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 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

B. For purposes of application of the guideline, a basic child 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. However, unless one of the following exemptions applies where the sole custody child support obligation as computed pursuant to subdivision G 1 is less than \$65 per month, there shall be a presumptive minimum child support obligation of \$65 per month payable by the payor parent. Exemptions from this presumptive minimum monthly child support obligation shall include: parents unable to pay child support because they lack sufficient assets from which to pay child support and who, in addition, are institutionalized in a psychiatric facility; are imprisoned with no chance of parole; are medically verified to be totally and permanently disabled with no evidence of potential for paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise involuntarily unable to produce income. "Number of children" means the number of children for whom the parents share joint legal responsibility and for whom support is being sought.

**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	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
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
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

For gross monthly income between \$10,000 and \$20,000, add the amount of child support for \$10,000 to the following percentages of gross income above \$10,000:

ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
3.1%	5.1%	6.8%	7.8%	8.8%	9.5%

For gross monthly income between \$20,000 and \$50,000, add the amount of child support for \$20,000 to the following percentages of gross income above \$20,000:



ONE CHILD 2%	TWO CHILDREN 3.5%	THREE CHILDREN 5%	FOUR CHILDREN 6%	FIVE CHILDREN 6.9%	SIX CHILDREN 7.8%
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For gross monthly income over \$50,000, add the amount of child support for \$50,000 to the following percentages of gross income above \$50,000:

ONE CHILD 1%	TWO CHILDREN 2%	THREE CHILDREN 3%	FOUR CHILDREN 4%	FIVE CHILDREN 5%	SIX CHILDREN 6%
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C. For purposes of this section, "gross income" means 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 except as listed below, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards.

If a parent's gross income includes disability insurance benefits, it shall also include any amounts paid to or for the child who is the subject of the order and derived by the child from the parent's entitlement to disability insurance benefits. To the extent that such derivative benefits are included in a parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic child support obligations, the credit may be used to reduce arrearages.

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:

1. Benefits from public assistance and social services programs as defined in § 63.2-100;
2. Federal supplemental security income benefits; or
3. Child support received; or
4. *Income received by the payor from secondary employment income not previously included in "gross income," where the payor obtained the income to discharge a child support arrearage established by a court or administrative order and the payor is paying the arrearage pursuant to the order. "Secondary employment income" includes but is not limited to income from an additional job, from self-employment, or from overtime employment. The cessation of such secondary income upon the payment of the arrearage shall not be the basis for a material change in circumstances upon which a modification of child support may be based.*

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

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

Where a party to the proceeding has a natural or adopted child or children in the party's household or primary physical custody, and the child or children are not the subject of the present proceeding, there is a presumption that there shall be deducted from the gross income of that party the amount as shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that represents that party's support obligation based solely on that party's income as being the total income available for the natural or adopted child or children in the party's household or primary physical custody, who are not the subject of the present proceeding. Provided, however, that the existence of a party's financial responsibility for such a child or children shall not of itself constitute a material change in circumstances for modifying a previous order of child support in any modification proceeding. Any adjustment to gross income under this subsection shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child, as determined by the court.

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

~~D. Any extraordinary medical and dental expenses for treatment of the child or children shall be added to the basic child 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. Except for good cause shown or the agreement of the parties, in addition to any other child support obligations established pursuant to this section, any child support order shall provide that the parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation, any reasonable and necessary unreimbursed medical or dental expenses that are in excess of \$250 for any calendar year for each child who is the subject of the obligation. The method of payment of those expenses shall be~~

*contained in the support order. Each parent shall pay his respective share of expenses as those expenses are incurred. Any amount paid under this subsection shall not be adjusted by, nor added to, the child support calculated in accordance with subsection G. For the purposes of this section, medical or dental expenses shall include but not be limited to eyeglasses, prescription medication, prosthetics, orthodontics, and mental health or developmental disabilities services, including but not limited to services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.*

E. Any costs for health care coverage as defined in § 63.2-1900 and dental care coverage, when actually being paid by a parent, to the extent such costs are directly allocable to the child or children, and which are the extra costs of covering the child or children beyond whatever coverage the parent providing the coverage would otherwise have, shall be added to the basic child support obligation.

F. 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. When requested by the noncustodial parent, the court may require the custodial parent to present documentation to verify the costs incurred for child care under this subsection. Where appropriate, the court shall consider the willingness and availability of the noncustodial parent to provide child care personally in determining whether child-care costs are necessary or excessive. *Upon the request of either party, and upon a showing of the tax savings a party derives from child-care cost deductions or credits, the court shall factor actual tax consequences into its calculation of the child-care costs to be added to the basic child support obligation.*

G. 1. Sole custody support. The sole custody total monthly child support obligation shall be established by adding (i) the monthly basic child support obligation, as determined from the schedule contained in subsection B, (ii) ~~all extraordinary medical expenses,~~ (iii) costs for health care coverage to the extent allowable by subsection E, and ~~(iv)~~ (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.

However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent. *Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.*

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

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

### 3. Shared custody support.

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

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

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

determined in the discretion of the court. For purposes of this calculation, a day shall be as defined in subdivision G 3 (c).

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

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

(b) Support to be paid. The shared support need of the shared child or children shall be calculated pursuant to subdivision G 3 (a) (iii). This amount shall then be multiplied by the other parent's custody share. To that sum for each parent shall be added the other parent's cost of health care coverage to the extent allowable by subsection E, plus the other parent's work-related child-care costs to the extent allowable by subsection F. This total for each parent shall be multiplied by that parent's income share. The support amounts thereby calculated that each parent owes the other shall be subtracted one from the other and the difference shall be the shared custody support one parent owes to the other, with the payor parent being the one whose shared support is the larger. ~~Any extraordinary medical and dental expenses, to the extent allowable by subsection D, shall be shared directly by the parents in accordance with their income shares, and shall not be adjusted by the custody share. The parents shall pay their respective shares of these extraordinary medical expenses as they are incurred, and they are not added to each party's shared custody support owed to the other party. The method of payment of said allowable expenses shall be contained in the support order. When the shared support is compared to the sole custody support to determine which is the lesser support, pursuant to subdivision G 3 (a), the extraordinary medical expenses shall not enter into either calculation. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.~~

(c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours; however, where the parent who has the fewer number of overnight periods during the year has an overnight period with a child, but has physical custody of the shared child for less than 24 hours during such overnight period, there is a presumption that each parent shall be allocated one-half of a day of custody for that period.

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

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

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

H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this section is reviewed by October 31, 2001, and every ~~three~~ four years thereafter, by the Child Support Guidelines Review Panel, consisting of 15 members that include four legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows: three members of the House Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Senate Committee on Privileges and Elections; and one representative of a juvenile and domestic relations district court, one representative of a circuit court, one representative of the Department of Social Services' Division of Child Support Enforcement, three members of the Virginia State Bar, two custodial parents, two noncustodial parents, and one child advocate, upon the recommendation of the Secretary of Health and Human Resources, to be appointed by the Governor. 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 and expenditures necessary for rearing children, and any other resources it deems relevant to such review. The Panel shall report its findings to the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports before the General Assembly next convenes following such review.

Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall

be filled in the same manner as the original appointments.

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

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

The chairman of the Panel shall submit to the Governor and the General Assembly a ~~triennial~~ *quadrennial* executive summary of the interim activity and work of the Panel no later than the first day of 2005 regular session of the General Assembly and every ~~three~~ *four* years thereafter. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

# VIRGINIA ACTS OF ASSEMBLY -- 2004 RECONVENED SESSION

## CHAPTER 1008

*An Act to amend and reenact §§ 20-60.3, 20-108.1, and 20-108.2 of the Code of Virginia, relating to child support.*

[S 208]

Approved April 21, 2004

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

**1. That §§ 20-60.3, 20-108.1 and 20-108.2 of the Code of Virginia are amended and reenacted as follows:**

§ 20-60.3. Contents of support orders.

All orders directing the payment of spousal support where there are minor children whom the parties have a mutual duty to support and all orders directing the payment of child support, including those orders confirming separation agreements, entered on or after October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the following:

1. Notice that support payments may be withheld as they become due pursuant to § 20-79.1 or § 20-79.2, from income as defined in § 63.2-1900, without further amendments of this order or having to file an application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to § 20-79.1;

2. Notice that support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 without further amendments to the order upon application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2;

3. The names and dates of birth of each child to whom a duty of support is then owed by the person responsible for support;

4. If known, the name, date of birth and social security number of each parent of the child and, if different and if known, the name, date of birth and social security number of the person responsible for support and, unless otherwise ordered, each parent or responsible person's residential and, if different, mailing address, residential and employer telephone number, driver's license number, and the name and address of his or her employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;

5. On and after July 1, 1994, notice that a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business or occupation issued by the Commonwealth to a person responsible for support as provided in § 63.2-1937 upon a delinquency for a period of 90 days or more or in an amount of \$5,000 or more. The order shall indicate whether either or both parents currently hold such an authorization and, if so, the type of authorization held;

6. The amount of periodic support expressed in fixed sums, together with the payment interval, the date payments are due, and the date the first payment is due;

7. a. An order for health care coverage, including the health insurance policy information, for dependent children pursuant to §§ 20-108.1 and 20-108.2 if available at reasonable cost as defined in § 63.2-1900 and a statement as to whether there is an order for health care coverage for a spouse or former spouse; and

b. A statement as to whether any ~~extraordinary~~ *unreimbursed* medical expenses are to be paid by or reimbursed to a party pursuant to ~~subsection D and subdivision G 3~~ *subsections D and subdivision G 3* of § 20-108.2, and if such expenses are ordered, then the provisions *as governing* how such payment is to be made;

8. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages;

9. If child support payments are ordered to be paid through the Department of Social Services or directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court and, when payments are to be made through the Department, the Department of Social Services at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change;

10. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring an obligor to keep the Department of Social Services informed of the name, address and telephone number of his current employer, or if payments are ordered to be paid directly to the

obligee, a provision requiring an obligor to keep the court informed of the name, address and telephone number of his current employer;

11. The separate amounts due to each person under the order, unless the court specifically orders a unitary award of child and spousal support due or the order affirms a separation agreement containing provision for such unitary award;

12. Notice that in determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law; and

13. Notice that on and after July 1, 1994, the Department of Social Services may, pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and in accordance with §§ 20-108.2 and 63.2-1921, initiate a review of the amount of support ordered by any court.

The provisions of this section shall not apply to divorce decrees where there are no minor children whom the parties have a mutual duty to support.

§ 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 the evidence relevant to each individual case.

B. In any proceeding on the issue of determining child support under this title or Title 16.1 or Title 63.2, 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 the evidence relevant to each individual case. However, there shall be a rebuttable presumption in any judicial or administrative proceeding for child support, including cases involving split custody or shared custody, that the amount of the award which would result from the application of the guidelines set out in § 20-108.2 is the correct amount of child support to be awarded. Liability for support shall be determined retroactively for the period measured from the date that the proceeding was commenced by the filing of an action with the court provided the complainant exercised due diligence in the service of the respondent or, if earlier, the date an order of the Department of Social Services entered pursuant to Title 63.2 and directing payment of support was delivered to the sheriff or process server for service on the obligor.

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 such guidelines would be unjust or inappropriate in a particular case. The finding that rebuts the guidelines shall state the amount of support that would have been required under the guidelines, shall give a justification of why the order varies from the guidelines, and shall be determined by relevant evidence pertaining to the following factors affecting the obligation, the ability of each party to provide child support, and the best interests of the child:

1. Actual monetary support for 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 under-employed; provided that income may not be imputed to the custodial parent when a child is not in school, child care services are not available and the cost of such child 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 care coverage, maintaining life insurance coverage pursuant to subsection D, education expenses, or other court-ordered direct payments for the benefit of the child and costs related to the provision of health care coverage pursuant to subdivision 7 of § 20-60.3;
7. Extraordinary capital gains such as capital gains resulting from the sale of the marital abode;
8. Age, physical and mental condition of the child or children, including ~~extraordinary~~ *unreimbursed* medical or dental expenses, and child-care expenses;
9. Independent financial resources, if any, of the child or children;
10. Standard of living for the family established during the marriage;
11. Earning capacity, obligations and needs, and financial resources of each parent;
12. Education and training of the parties and the ability and opportunity of the parties to secure such education and training;
13. Contributions, monetary and nonmonetary, of each party to the well-being of the family;
14. Provisions made with regard to the marital property under § 20-107.3;
15. Tax consequences to the parties regarding claims for dependent children and child care expenses;
16. A written agreement between the parties which includes the amount of child support;
17. A pendente lite decree, which includes the amount of child support, agreed to by both parties or by counsel for the parties; and
18. Such other factors, including tax consequences to each party, as are necessary to consider the equities for the parents and children.

C. In any proceeding under this title or Title 16.1 or Title 63.2 on the issue of determining child support, the court shall have the authority to order a party to provide health care coverage, as defined in

§ 63.2-1900, for dependent children if reasonable under all the circumstances and health care coverage for a spouse or former spouse.

D. In any proceeding under this title, Title 16.1 or Title 63.2 on the issue of determining child support, the court shall have the authority to order a party to (i) maintain any existing life insurance policy on the life of either party provided the party so ordered has the right to designate a beneficiary and (ii) designate a child or children of the parties as the beneficiary of all or a portion of such life insurance for so long as the party so ordered has a statutory obligation to pay child support for the child or children.

E. Except when the parties have otherwise agreed, in any proceeding under this title, Title 16.1 or Title 63.2 on the issue of determining child support, the court shall have the authority to and may, in its discretion, order one party to execute all appropriate tax forms or waivers to grant to the other party the right to take the income tax dependency exemption for any tax year or future years, for any child or children of the parties for federal and state income tax purposes.

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

A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.2, including cases involving split custody or shared custody, 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 as set out in § 20-108.1, 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 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

B. For purposes of application of the guideline, a basic child 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. However, unless one of the following exemptions applies where the sole custody child support obligation as computed pursuant to subdivision G. 1. is less than \$65 per month, there shall be a presumptive minimum child support obligation of \$65 per month payable by the payor parent. Exemptions from this presumptive minimum monthly child support obligation shall include: parents unable to pay child support because they lack sufficient assets from which to pay child support and who, in addition, are institutionalized in a psychiatric facility; are imprisoned with no chance of parole; are medically verified to be totally and permanently disabled with no evidence of potential for paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise involuntarily unable to produce income. "Number of children" means the number of children for whom the parents share joint legal responsibility and for whom support is being sought.

#### 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	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
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
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

For gross monthly income between \$10,000 and \$20,000, add the amount of child support for \$10,000 to the following percentages of gross income above \$10,000:

ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
3.1%	5.1%	6.8%	7.8%	8.8%	9.5%

For gross monthly income between \$20,000 and \$50,000, add the amount of child support for

\$20,000 to the following percentages of gross income above \$20,000:

ONE	TWO	THREE	FOUR	FIVE	SIX
CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
2%	3.5%	5%	6%	6.9%	7.8%

For gross monthly income over \$50,000, add the amount of child support for \$50,000 to the following percentages of gross income above \$50,000:

ONE	TWO	THREE	FOUR	FIVE	SIX
CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
1%	2%	3%	4%	5%	6%

C. For purposes of this section, "gross income" means 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 except as listed below, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards.

If a parent's gross income includes disability insurance benefits, it shall also include any amounts paid to or for the child who is the subject of the order and derived by the child from the parent's entitlement to disability insurance benefits. To the extent that such derivative benefits are included in a parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic child support obligations, the credit may be used to reduce arrearages.

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:

1. Benefits from public assistance and social services programs as defined in § 63.2-100;
2. Federal supplemental security income benefits; or
3. Child support received; or

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

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

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

Where a party to the proceeding has a natural or adopted child or children in the party's household or primary physical custody, and the child or children are not the subject of the present proceeding, there is a presumption that there shall be deducted from the gross income of that party the amount as shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that represents that party's support obligation based solely on that party's income as being the total income available for the natural or adopted child or children in the party's household or primary physical custody, who are not the subject of the present proceeding. Provided, however, that the existence of a party's financial responsibility for such a child or children shall not of itself constitute a material change in circumstances for modifying a previous order of child support in any modification proceeding. Any adjustment to gross income under this subsection shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child, as determined by the court.

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

~~D. Any extraordinary medical and dental expenses for treatment of the child or children shall be added to the basic child 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. Except for good cause shown or the agreement of the parties, in addition to any other child support obligations established pursuant to this section, any child support order shall provide that the parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation, any reasonable and necessary unreimbursed medical or dental expenses that are in excess of \$250 for any calendar year for~~

*each child who is the subject of the obligation. The method of payment of those expenses shall be contained in the support order. Each parent shall pay his respective share of expenses as those expenses are incurred. Any amount paid under this subsection shall not be adjusted by, nor added to, the child support calculated in accordance with subsection G. For the purposes of this section, medical or dental expenses shall include but not be limited to eyeglasses, prescription medication, prosthetics, orthodontics, and mental health or developmental disabilities services, including but not limited to services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.*

E. Any costs for health care coverage as defined in § 63.2-1900 and dental care coverage, when actually being paid by a parent, to the extent such costs are directly allocable to the child or children, and which are the extra costs of covering the child or children beyond whatever coverage the parent providing the coverage would otherwise have, shall be added to the basic child support obligation.

F. 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. When requested by the noncustodial parent, the court may require the custodial parent to present documentation to verify the costs incurred for child care under this subsection. Where appropriate, the court shall consider the willingness and availability of the noncustodial parent to provide child care personally in determining whether child-care costs are necessary or excessive. *Upon the request of either party, and upon a showing of the tax savings a party derives from child-care cost deductions or credits, the court shall factor actual tax consequences into its calculation of the child-care costs to be added to the basic child support obligation.*

G. 1. Sole custody support. The sole custody total monthly child support obligation shall be established by adding (i) the monthly basic child support obligation, as determined from the schedule contained in subsection B, (ii) ~~all extraordinary medical expenses,~~ (iii) costs for health care coverage to the extent allowable by subsection E, and ~~(iv)~~ (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.

However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent. *Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.*

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

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

3. Shared custody support.

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

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

(ii) Custody share. "Custody share" means the number of days that a parent has physical custody, whether by sole custody, joint legal or joint residential custody, or visitation, of a shared child per year divided by the number of days in the year. The actual or anticipated "custody share" of the parent who has or will have fewer days of physical custody shall be calculated for a one-year period. The "custody share" of the other parent shall be presumed to be the number of days in the year less the number of days calculated as the first parent's "custody share." For purposes of this calculation, the year may begin

on such date as is determined in the discretion of the court, and the day may begin at such time as is determined in the discretion of the court. For purposes of this calculation, a day shall be as defined in subdivision G 3 (c).

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

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

(b) Support to be paid. The shared support need of the shared child or children shall be calculated pursuant to subdivision G 3 (a) (iii). This amount shall then be multiplied by the other parent's custody share. To that sum for each parent shall be added the other parent's cost of health care coverage to the extent allowable by subsection E, plus the other parent's work-related child-care costs to the extent allowable by subsection F. This total for each parent shall be multiplied by that parent's income share. The support amounts thereby calculated that each parent owes the other shall be subtracted one from the other and the difference shall be the shared custody support one parent owes to the other, with the payor parent being the one whose shared support is the larger. ~~Any extraordinary medical and dental expenses, to the extent allowable by subsection D, shall be shared directly by the parents in accordance with their income shares, and shall not be adjusted by the custody share. The parents shall pay their respective shares of these extraordinary medical expenses as they are incurred, and they are not added to each party's shared custody support owed to the other party. The method of payment of said allowable expenses shall be contained in the support order. When the shared support is compared to the sole custody support to determine which is the lesser support, pursuant to subdivision G 3 (a), the extraordinary medical expenses shall not enter into either calculation. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.~~

(c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours; however, where the parent who has the fewer number of overnight periods during the year has an overnight period with a child, but has physical custody of the shared child for less than 24 hours during such overnight period, there is a presumption that each parent shall be allocated one-half of a day of custody for that period.

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

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

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

H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this section is reviewed by October 31, 2001, and every ~~three~~ four years thereafter, by the Child Support Guidelines Review Panel, consisting of 15 members that include four legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows: three members of the House Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Senate Committee on Privileges and Elections; and one representative of a juvenile and domestic relations district court, one representative of a circuit court, one representative of the Department of Social Services' Division of Child Support Enforcement, three members of the Virginia State Bar, two custodial parents, two noncustodial parents, and one child advocate, upon the recommendation of the Secretary of Health and Human Resources, to be appointed by the Governor. 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 and expenditures necessary for rearing children, and any other resources it deems relevant to such review. The Panel shall report its findings to the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports before the General Assembly next convenes following such review.

Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to

fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

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

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

The chairman of the Panel shall submit to the Governor and the General Assembly a ~~triennial~~ *quadrennial* executive summary of the interim activity and work of the Panel no later than the first day of ~~2005~~ *2006* regular session of the General Assembly and every ~~three~~ *four* years thereafter. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.