



Commonwealth of Virginia
CHILD SUPPORT GUIDELINES REVIEW PANEL

The Honorable Tanya Felton, Chair

November 15, 2025

TO: The Honorable Scott A. Surovell
 Chair, Senate Courts of Justice Committee

 The Honorable Patrick A. Hope
 Chair, House Courts of Justice Committee

FROM: The Honorable Tanya Felton
 Chair, Child Support Guidelines Review Panel

SUBJECT: SB 805 Enactment Clause #2 Report

This report is submitted in compliance with Chapter 702 of the 2025 Acts of the General Assembly of the Commonwealth of Virginia [Senate Bill 805], Enactment Clause #2, which states:

That the Child Support Guidelines Review Panel, in collaboration with the Division of Child Support Enforcement (DCSE), to examine the current outstanding amount of child support arrearages and make recommendations to the General Assembly about measures the General Assembly can consider regarding (i) helping child support obligors pay outstanding arrearages and (ii) whether existing penalties that place restrictions on such obligors' drivers licenses or other professional restrictions unnecessarily impair the obligor's ability to repay outstanding child support arrearages.

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SB 805 ENACTMENT CLAUSE #2 REPORT

Virginia Child Support Guidelines Review Panel

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Child Support Guidelines Review Panel Background

- Va. Code § [20-108.2](#)(H) requires that the Child Support Guidelines Review Panel “determine the adequacy of the guideline for the determination of appropriate awards for the support of children by considering current research and data on the cost of and expenditures necessary for rearing children, and any other resources it deems relevant to such review.”
- Pursuant to § [20-108.2](#)(H), Panel membership includes representation of various entities affected by the child support guidelines. These groups include Virginia’s General Assembly, the courts, the Department of Social Services, members of the Virginia State Bar, custodial and noncustodial parents, and a child advocate.

Virginia Child Support Guidelines Review Panel
SB 805 Enactment Clause #2 Report
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Introduction

Senate Bill 805, Enactment Clause #2, directs the Child Support Guidelines Review Panel (Panel), in collaboration with the Division of Child Support Enforcement (DCSE), to examine the current outstanding amount of child support arrearages in the Commonwealth. The Panel was further tasked with making recommendations to the General Assembly regarding:

1. Measures to assist child support obligors in paying outstanding arrearages.
2. Whether existing penalties, including restrictions on drivers' licenses or other professional licenses, unnecessarily impair an obligor's ability to repay child support arrearages.

This report outlines the Panel's findings and recommendations.

Examination of Child Support Arrearages

The Panel reviewed data from the DCSE, including total outstanding arrears balances; trends in nonpayment; driver's, occupational, and professional license suspension data; and Family Engagement Services efforts to help noncustodial parents address barriers to payment.

Key Issues Considered

1. Helping obligors pay outstanding arrearages

The Panel did not report recommendations on changes regarding paying outstanding arrearages.

2. Impact of penalties on repayment

The Panel reviewed current enforcement measures, including driver's license suspension and other professional restrictions. After review, the Panel reported one recommendation, below.

Panel Findings

- The current statutory framework provides a reasonable balance between enforcement and repayment.
- Additional strategies to assist obligors may warrant exploration in the future. In particular, the Panel discussed increasing clarity in notices to obligors regarding the consequences of nonpayment.

- License suspensions should be based on the length of delinquency rather than the size of arrears.

Recommendation

The Panel recommends that the General Assembly consider the following change:

- Remove the phrase “or in an amount of \$5,000 or more” at Code of Virginia § 46.2-320.1. (See Appendix A for a draft bill.)

Removing the \$5,000 threshold focuses on compliance over punishment. Maintaining the 90-day delinquency standard provides a clearer and more consistent measure of noncompliance.

Conclusion

The Child Support Guidelines Review Panel concludes that the existing statutory framework remains appropriate and effective for addressing child support arrearages, with the exception of the recommended amendment to the Code of Virginia § 46.2-320.1. The Panel did not devote significant discussion to additional measures for helping obligors repay arrears and therefore makes no further recommendations at this time.

APPENDIX A: PROPOSED STATUTORY LANGUAGE – DRIVER’S LICENSE SUSPENSION

§ 46.2-320.1. Other grounds for suspension; nonpayment of child support.

A. The Commissioner may enter into an agreement with the Department of Social Services whereby the Department may suspend or refuse to renew the driver's license of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or more ~~or in an amount of \$5,000 or more~~ or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings. A suspension or refusal to renew authorized pursuant to this section shall not be effective until 30 days after service on the delinquent obligor of notice of intent to suspend or refusal to renew. The notice of intent shall be served on the obligor by the Department of Social Services (a) by certified mail, return receipt requested, or by electronic means, sent to the obligor's last known addresses as shown in the records of the Department or the Department of Social Services or (b) pursuant to § 8.01-296, or service may be waived by the obligor in accordance with procedures established by the Department of Social Services. The obligor shall be entitled to a judicial hearing if a request for a hearing is made, in writing, to the Department of Social Services within 30 days from service of the notice of intent. Upon receipt of the request for a hearing, the Department of Social Services shall petition the court that entered or is enforcing the order, requesting a hearing on the proposed suspension or refusal to renew. The court shall authorize the suspension or refusal to renew only if it finds that the obligor's noncompliance with the child support order was willful. Upon a showing by the Department of Social Services that the obligor is delinquent in the payment of child support by 90 days or more ~~or in an amount of \$5,000 or more~~, the burden of proving that the delinquency was not willful shall rest upon the obligor. The Department shall not suspend or refuse to renew the driver's license until a final determination is made by the court.

B. At any time after service of a notice of intent, the person may petition the juvenile and domestic relations district court in the jurisdiction where he resides for the issuance of a restricted license to be used if the suspension or refusal to renew becomes effective. Upon such petition and a finding of good cause, the court may provide that such person be issued a restricted permit to operate a motor vehicle for any of the purposes set forth in subsection E of § 18.2-271.1. A restricted license issued pursuant to this subsection shall not permit any person to operate a commercial motor vehicle as defined in § 46.2-341.4. The court shall order the surrender of the person's license to operate a motor vehicle, to be disposed of in accordance with the provisions of § 46.2-398, and shall forward to the Commissioner a copy of its order entered pursuant to this subsection. The order shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify him.

C. The Department shall not renew a driver's license or terminate a license suspension imposed pursuant to this section until it has received from the Department of Social Services a certification that

the person has (i) paid the delinquency in full; (ii) reached an agreement with the Department of Social Services to satisfy the delinquency within a period not to exceed 10 years, and at least one payment representing at least five percent of the total delinquency or \$600, whichever is less, has been made pursuant to the agreement; (iii) complied with a subpoena, summons, or warrant relating to a paternity or child support proceeding; or (iv) completed or is successfully participating in an intensive case monitoring program for child support as ordered by a juvenile and domestic relations district court or as administered by the Department of Social Services. Certification by the Department of Social Services shall be made by electronic or telephonic communication and shall be made on the same work day that payment required by clause (i) or (ii) is made.

D. If a person who has entered into an agreement with the Department of Social Services pursuant to clause (ii) of subsection C fails to comply with the requirements of the agreement, the Department of Social Services shall notify the Department of the person's noncompliance and the Department shall suspend or refuse to renew the driver's license of the person until it has received from the Department of Social Services a certification that the person has paid the delinquency in full or has entered into a subsequent agreement with the Department of Social Services to satisfy the delinquency within a period not to exceed seven years and has made at least one payment of \$1,200 or seven percent of the total delinquency, whichever is less, pursuant to the agreement. If the person fails to comply with the terms of a subsequent agreement reached with the Department of Social Services pursuant to this section, without further notice to the person as provided in the subsequent agreement, the Department of Social Services shall notify the Department of the person's noncompliance, and the Department shall suspend or refuse to renew the driver's license of the person. A person who has failed to comply with the terms of a second or subsequent agreement pursuant to this subsection may be granted a new agreement with the Department of Social Services if the person has made at least one payment of \$1,800 or 10 percent of the total delinquency, whichever is less, and agrees to a repayment schedule of not more than seven years. Upon receipt of certification from the Department of Social Services of the person's satisfaction of these conditions, the Department shall issue a driver's license to the person or reinstate the person's driver's license. Certification by the Department of Social Services shall be made by electronic or telephonic communication and shall be made on the same work day that payment required by this subsection is made.