## ENROLLED

## VIRGINIA ACTS OF ASSEMBLY - CHAPTER

An Act to amend and reenact $\S$ 20-60.3 and 20-108.2 of the Code of Virginia, relating to shared custody; contents of support orders.

## Be it enacted by the General Assembly of Virginia: <br> 1. That $\S \S \mathbf{2 0 - 6 0 . 3}$ and 20-108.2 of the Code of Virginia are amended and reenacted as follows:

$\S 20-60.3$. Contents of support orders.
All orders directing the payment of child or spousal 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 $\S$ 20-79.2, from income as defined in § 63.1-250, 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 13 (§ 63.1-249 et seq.) of Title 63.1 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 13 of Title 63.1;
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 § 63.1-263.1 upon a delinquency for a period of ninety 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 $\S \S 20-108.1$ and $20-108.2$ if available at reasonable cost as defined in § 63.1-250 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 medical expenses are to be paid by or reimbursed to a party pursuant to subsection $D$ and subdivision $G 3$ of § 20-108.2, and if such expenses are ordered, then the provisions as 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 thirty days' written notice, in advance, of any change of address and any change of telephone number within thirty 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

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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 13 of Title 63.1 and in accordance with $\S \S 20-108.2$ and 63.1-252.2, initiate a review of the amount of support ordered by any court.
§ 20-108.2. Guideline for determination of child support.
A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.1, 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 13 (§ 63.1-249 et seq.) of Title 63.1 and subject to the provisions of § 63.1-264.2.
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, where the combined monthly gross income is less than $\$ 599$, the presumptive child support obligation shall be $\$ 65$ per month. "Number of children" means the number of children for whom the parents share joint legal responsibility and for whom support is being sought.

| COMBINED <br> MONTHLY |  |  |  |  |  |  |
| ---: | :---: | :---: | :---: | :---: | :---: | :---: |
| GROSS | ONE | TWO | THREE | FOUR | FIVE | SIX |
| INCOME | CHILD | CHILDREN | CHILDREN | CHILDREN | CHILDREN | 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 |

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| 116 | 1900 | 326 | 506 | 634 | 714 | 779 | 834 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 117 | 1950 | 332 | 514 | 645 | 727 | 793 | 848 |
| 118 | 2000 | 338 | 523 | 655 | 739 | 806 | 862 |
| 119 | 2050 | 343 | 532 | 666 | 751 | 819 | 877 |
| 120 | 2100 | 349 | 540 | 677 | 763 | 833 | 891 |
| 121 | 2150 | 355 | 549 | 688 | 776 | 846 | 905 |
| 122 | 2200 | 360 | 558 | 699 | 788 | 860 | 920 |
| 123 | 2250 | 366 | 567 | 710 | 800 | 873 | 934 |
| 124 | 2300 | 371 | 575 | 721 | 812 | 886 | 948 |
| 125 | 2350 | 377 | 584 | 732 | 825 | 900 | 963 |
| 126 | 2400 | 383 | 593 | 743 | 837 | 913 | 977 |
| 127 | 2450 | 388 | 601 | 754 | 849 | 927 | 991 |
| 128 | 2500 | 394 | 610 | 765 | 862 | 940 | 1006 |
| 129 | 2550 | 399 | 619 | 776 | 874 | 954 | 1020 |
| 130 | 2600 | 405 | 627 | 787 | 886 | 967 | 1034 |
| 131 | 2650 | 410 | 635 | 797 | 897 | 979 | 1048 |
| 132 | 2700 | 415 | 643 | 806 | 908 | 991 | 1060 |
| 133 | 2750 | 420 | 651 | 816 | 919 | 1003 | 1073 |
| 134 | 2800 | 425 | 658 | 826 | 930 | 1015 | 1085 |
| 135 | 2850 | 430 | 667 | 836 | 941 | 1027 | 1098 |
| 136 | 2900 | 435 | 675 | 846 | 953 | 1039 | 1112 |
| 137 | 2950 | 440 | 683 | 856 | 964 | 1052 | 1125 |
| 138 | 3000 | 445 | 691 | 866 | 975 | 1064 | 1138 |
| 139 | 3050 | 450 | 699 | 876 | 987 | 1076 | 1152 |
| 140 | 3100 | 456 | 707 | 886 | 998 | 1089 | 1165 |
| 141 | 3150 | 461 | 715 | 896 | 1010 | 1101 | 1178 |
| 142 | 3200 | 466 | 723 | 906 | 1021 | 1114 | 1191 |
| 143 | 3250 | 471 | 732 | 917 | 1032 | 1126 | 1205 |
| 144 | 3300 | 476 | 740 | 927 | 1044 | 1139 | 1218 |
| 145 | 3350 | 481 | 748 | 937 | 1055 | 1151 | 1231 |
| 146 | 3400 | 486 | 756 | 947 | 1067 | 1164 | 1245 |
| 147 | 3450 | 492 | 764 | 957 | 1078 | 1176 | 1258 |
| 148 | 3500 | 497 | 772 | 967 | 1089 | 1189 | 1271 |
| 149 | 3550 | 502 | 780 | 977 | 1101 | 1201 | 1285 |
| 150 | 3600 | 507 | 788 | 987 | 1112 | 1213 | 1298 |
| 151 | 3650 | 512 | 797 | 997 | 1124 | 1226 | 1311 |
| 152 | 3700 | 518 | 806 | 1009 | 1137 | 1240 | 1326 |
| 153 | 3750 | 524 | 815 | 1020 | 1150 | 1254 | 1342 |
| 154 | 3800 | 530 | 824 | 1032 | 1163 | 1268 | 1357 |
| 155 | 3850 | 536 | 834 | 1043 | 1176 | 1283 | 1372 |
| 156 | 3900 | 542 | 843 | 1055 | 1189 | 1297 | 1387 |
| 157 | 3950 | 547 | 852 | 1066 | 1202 | 1311 | 1402 |
| 158 | 4000 | 553 | 861 | 1078 | 1214 | 1325 | 1417 |
| 159 | 4050 | 559 | 871 | 1089 | 1227 | 1339 | 1432 |
| 160 | 4100 | 565 | 880 | 1101 | 1240 | 1353 | 1448 |
| 161 | 4150 | 571 | 889 | 1112 | 1253 | 1367 | 1463 |
| 162 | 4200 | 577 | 898 | 1124 | 1266 | 1382 | 1478 |
| 163 | 4250 | 583 | 907 | 1135 | 1279 | 1396 | 1493 |
| 164 | 4300 | 589 | 917 | 1147 | 1292 | 1410 | 1508 |
| 165 | 4350 | 594 | 926 | 1158 | 1305 | 1424 | 1523 |
| 166 | 4400 | 600 | 935 | 1170 | 1318 | 1438 | 1538 |
| 167 | 4450 | 606 | 944 | 1181 | 1331 | 1452 | 1553 |
| 168 | 4500 | 612 | 954 | 1193 | 1344 | 1467 | 1569 |
| 169 | 4550 | 618 | 963 | 1204 | 1357 | 1481 | 1584 |
| 170 | 4600 | 624 | 972 | 1216 | 1370 | 1495 | 1599 |
| 171 | 4650 | 630 | 981 | 1227 | 1383 | 1509 | 1614 |

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| 172 | 4700 | 635 | 989 | 1237 | 1395 | 1522 | 1627 |
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| 173 | 4750 | 641 | 997 | 1247 | 1406 | 1534 | 1641 |
| 174 | 4800 | 646 | 1005 | 1257 | 1417 | 1546 | 1654 |
| 175 | 4850 | 651 | 1013 | 1267 | 1428 | 1558 | 1667 |
| 176 | 4900 | 656 | 1021 | 1277 | 1439 | 1570 | 1679 |
| 177 | 4950 | 661 | 1028 | 1286 | 1450 | 1582 | 1692 |
| 178 | 5000 | 666 | 1036 | 1295 | 1460 | 1593 | 1704 |
| 179 | 5050 | 671 | 1043 | 1305 | 1471 | 1605 | 1716 |
| 180 | 5100 | 675 | 1051 | 1314 | 1481 | 1616 | 1728 |
| 181 | 5150 | 680 | 1058 | 1323 | 1492 | 1628 | 1741 |
| 182 | 5200 | 685 | 1066 | 1333 | 1502 | 1640 | 1753 |
| 183 | 5250 | 690 | 1073 | 1342 | 1513 | 1651 | 1765 |
| 184 | 5300 | 695 | 1081 | 1351 | 1524 | 1663 | 1778 |
| 185 | 5350 | 700 | 1088 | 1361 | 1534 | 1674 | 1790 |
| 186 | 5400 | 705 | 1096 | 1370 | 1545 | 1686 | 1802 |
| 187 | 5450 | 710 | 1103 | 1379 | 1555 | 1697 | 1815 |
| 188 | 5500 | 714 | 1111 | 1389 | 1566 | 1709 | 1827 |
| 189 | 5550 | 719 | 1118 | 1398 | 1576 | 1720 | 1839 |
| 190 | 5600 | 724 | 1126 | 1407 | 1587 | 1732 | 1851 |
| 191 | 5650 | 729 | 1133 | 1417 | 1598 | 1743 | 1864 |
| 192 | 5700 | 734 | 1141 | 1426 | 1608 | 1755 | 1876 |
| 193 | 5750 | 739 | 1148 | 1435 | 1619 | 1766 | 1888 |
| 194 | 5800 | 744 | 1156 | 1445 | 1629 | 1778 | 1901 |
| 195 | 5850 | 749 | 1163 | 1454 | 1640 | 1790 | 1913 |
| 196 | 5900 | 753 | 1171 | 1463 | 1650 | 1801 | 1925 |
| 197 | 5950 | 758 | 1178 | 1473 | 1661 | 1813 | 1937 |
| 198 | 6000 | 763 | 1186 | 1482 | 1672 | 1824 | 1950 |
| 199 | 6050 | 768 | 1193 | 1491 | 1682 | 1836 | 1962 |
| 200 | 6100 | 773 | 1201 | 1501 | 1693 | 1847 | 1974 |
| 201 | 6150 | 778 | 1208 | 1510 | 1703 | 1859 | 1987 |
| 202 | 6200 | 783 | 1216 | 1519 | 1714 | 1870 | 1999 |
| 203 | 6250 | 788 | 1223 | 1529 | 1724 | 1882 | 2011 |
| 204 | 6300 | 792 | 1231 | 1538 | 1735 | 1893 | 2023 |
| 205 | 6350 | 797 | 1238 | 1547 | 1745 | 1905 | 2036 |
| 206 | 6400 | 802 | 1246 | 1557 | 1756 | 1916 | 2048 |
| 207 | 6450 | 807 | 1253 | 1566 | 1767 | 1928 | 2060 |
| 208 | 6500 | 812 | 1261 | 1575 | 1777 | 1940 | 2073 |
| 209 | 6550 | 816 | 1267 | 1583 | 1786 | 1949 | 2083 |
| 210 | 6600 | 820 | 1272 | 1590 | 1794 | 1957 | 2092 |
| 211 | 6650 | 823 | 1277 | 1597 | 1801 | 1965 | 2100 |
| 212 | 6700 | 827 | 1283 | 1604 | 1809 | 1974 | 2109 |
| 213 | 6750 | 830 | 1288 | 1610 | 1817 | 1982 | 2118 |
| 214 | 6800 | 834 | 1293 | 1617 | 1824 | 1990 | 2127 |
| 215 | 6850 | 837 | 1299 | 1624 | 1832 | 1999 | 2136 |
| 216 | 6900 | 841 | 1304 | 1631 | 1839 | 2007 | 2145 |
| 217 | 6950 | 845 | 1309 | 1637 | 1847 | 2016 | 2154 |
| 218 | 7000 | 848 | 1315 | 1644 | 1855 | 2024 | 2163 |
| 219 | 7050 | 852 | 1320 | 1651 | 1862 | 2032 | 2172 |
| 220 | 7100 | 855 | 1325 | 1658 | 1870 | 2041 | 2181 |
| 221 | 7150 | 859 | 1331 | 1665 | 1878 | 2049 | 2190 |
| 222 | 7200 | 862 | 1336 | 1671 | 1885 | 2057 | 2199 |
| 223 | 7250 | 866 | 1341 | 1678 | 1893 | 2066 | 2207 |
| 224 | 7300 | 870 | 1347 | 1685 | 1900 | 2074 | 2216 |
| 225 | 7350 | 873 | 1352 | 1692 | 1908 | 2082 | 2225 |
| 226 | 7400 | 877 | 1358 | 1698 | 1916 | 2091 | 2234 |
| 227 | 7450 | 880 | 1363 | 1705 | 1923 | 2099 | 2243 |

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| 228 | 7500 | 884 | 1368 | 1712 | 1931 | 2108 | 2252 |
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| 229 | 7550 | 887 | 1374 | 1719 | 1938 | 2116 | 2261 |
| 230 | 7600 | 891 | 1379 | 1725 | 1946 | 2124 | 2270 |
| 231 | 7650 | 895 | 1384 | 1732 | 1954 | 2133 | 2279 |
| 232 | 7700 | 898 | 1390 | 1739 | 1961 | 2141 | 2288 |
| 233 | 7750 | 902 | 1395 | 1746 | 1969 | 2149 | 2297 |
| 234 | 7800 | 905 | 1400 | 1753 | 1977 | 2158 | 2305 |
| 235 | 7850 | 908 | 1405 | 1758 | 1983 | 2164 | 2313 |
| 236 | 7900 | 910 | 1409 | 1764 | 1989 | 2171 | 2320 |
| 237 | 7950 | 913 | 1414 | 1770 | 1995 | 2178 | 2328 |
| 238 | 8000 | 916 | 1418 | 1776 | 2001 | 2185 | 2335 |
| 239 | 8050 | 918 | 1423 | 1781 | 2007 | 2192 | 2343 |
| 240 | 8100 | 921 | 1428 | 1787 | 2014 | 2198 | 2350 |
| 241 | 8150 | 924 | 1432 | 1793 | 2020 | 2205 | 2357 |
| 242 | 8200 | 927 | 1437 | 1799 | 2026 | 2212 | 2365 |
| 243 | 8250 | 929 | 1441 | 1804 | 2032 | 2219 | 2372 |
| 244 | 8300 | 932 | 1446 | 1810 | 2038 | 2226 | 2380 |
| 245 | 8350 | 935 | 1450 | 1816 | 2045 | 2232 | 2387 |
| 246 | 8400 | 937 | 1455 | 1822 | 2051 | 2239 | 2395 |
| 247 | 8450 | 940 | 1459 | 1827 | 2057 | 2246 | 2402 |
| 248 | 8500 | 943 | 1464 | 1833 | 2063 | 2253 | 2410 |
| 249 | 8550 | 945 | 1468 | 1839 | 2069 | 2260 | 2417 |
| 250 | 8600 | 948 | 1473 | 1845 | 2076 | 2266 | 2425 |
| 251 | 8650 | 951 | 1478 | 1850 | 2082 | 2273 | 2432 |
| 252 | 8700 | 954 | 1482 | 1856 | 2088 | 2280 | 2440 |
| 253 | 8750 | 956 | 1487 | 1862 | 2094 | 2287 | 2447 |
| 254 | 8800 | 959 | 1491 | 1868 | 2100 | 2294 | 2455 |
| 255 | 8850 | 962 | 1496 | 1873 | 2107 | 2300 | 2462 |
| 256 | 8900 | 964 | 1500 | 1879 | 2113 | 2307 | 2470 |
| 257 | 8950 | 967 | 1505 | 1885 | 2119 | 2314 | 2477 |
| 258 | 9000 | 970 | 1509 | 1891 | 2125 | 2321 | 2484 |
| 259 | 9050 | 973 | 1514 | 1896 | 2131 | 2328 | 2492 |
| 260 | 9100 | 975 | 1517 | 1901 | 2137 | 2334 | 2498 |
| 261 | 9150 | 977 | 1521 | 1905 | 2141 | 2339 | 2503 |
| 262 | 9200 | 979 | 1524 | 1909 | 2146 | 2344 | 2509 |
| 263 | 9250 | 982 | 1527 | 1914 | 2151 | 2349 | 2514 |
| 264 | 9300 | 984 | 1531 | 1918 | 2156 | 2354 | 2520 |
| 265 | 9350 | 986 | 1534 | 1922 | 2160 | 2359 | 2525 |
| 266 | 9400 | 988 | 1537 | 1926 | 2165 | 2365 | 2531 |
| 267 | 9450 | 990 | 1541 | 1930 | 2170 | 2370 | 2536 |
| 268 | 9500 | 993 | 1544 | 1935 | 2175 | 2375 | 2541 |
| 269 | 9550 | 995 | 1547 | 1939 | 2179 | 2380 | 2547 |
| 270 | 9600 | 997 | 1551 | 1943 | 2184 | 2385 | 2552 |
| 271 | 9650 | 999 | 1554 | 1947 | 2189 | 2390 | 2558 |
| 272 | 9700 | 1001 | 1557 | 1951 | 2194 | 2396 | 2563 |
| 273 | 9750 | 1003 | 1561 | 1956 | 2198 | 2401 | 2569 |
| 274 | 9800 | 1006 | 1564 | 1960 | 2203 | 2406 | 2574 |
| 275 | 9850 | 1008 | 1567 | 1964 | 2208 | 2411 | 2580 |
| 276 | 9900 | 1010 | 1571 | 1968 | 2213 | 2416 | 2585 |
| 277 | 9950 | 1012 | 1574 | 1972 | 2218 | 2421 | 2590 |
| 278 | 10000 | 1014 | 1577 | 1977 | 2222 | 2427 | 2596 |

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

SIX
CHILDREN CHILDREN
CHILDREN
CHILDREN
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 benefits from public assistance programs as defined in § 63.1-87, federal supplemental security income benefits, or child support received. For purposes of this subsection, spousal support included in gross income shall be limited to spousal support paid pursuant to a pre-existing order or written agreement and spousal support shall be deducted from the gross income of the payor when paid pursuant to a pre-existing order or written agreement between the parties to the present proceeding.

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.
E. Any costs for health care coverage as defined in § 63.1-250, 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.
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 of this section, (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

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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 of this subsection, with the noncustodial parent owing the larger amount paying the difference to the other parent.

For the purpose of this section and $\S 20-108.1$, 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 ninety 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, and this amount shall be added to the shared eustody stpport amount as ealeulated herein. 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 twenty-four 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 twenty-four 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 the payee 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, there shall be a presumption that the sole eustody guideline ealeulation shall apply 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 July 1, 1990, and every four years thereafter, by a panel which includes representatives of the courts, the executive branch, the General Assembly, the bar, custodial and noncustodial parents and child advocates. The panel shall determine the adequacy of the guideline for the determination of appropriate awards for the support of children by considering current research and data on the cost of 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 before it next convenes following such review.

