

004376684

HOUSE BILL NO. 5

House Amendments in [] — February 8, 2000

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

Patron—Cranwell

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.

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.

SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

COMBINED

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 |

ENGROSSED

HB5E

| | | | | | | | |
|------------|------|-----|-----|-----|-----|-----|-----|
| 57 | 950 | 189 | 292 | 315 | 318 | 322 | 325 |
| 58 | | | | | | | |
| 59 | 1000 | 196 | 304 | 344 | 348 | 351 | 355 |
| 60 | | | | | | | |
| 61 | 1050 | 203 | 315 | 373 | 377 | 381 | 385 |
| 62 | | | | | | | |
| 63 | 1100 | 210 | 326 | 402 | 406 | 410 | 415 |
| 64 | | | | | | | |
| 65 | 1150 | 217 | 337 | 422 | 435 | 440 | 445 |
| 66 | | | | | | | |
| 67 | 1200 | 225 | 348 | 436 | 465 | 470 | 475 |
| 68 | | | | | | | |
| 69 | 1250 | 232 | 360 | 451 | 497 | 502 | 507 |
| 70 | | | | | | | |
| 71 | 1300 | 241 | 373 | 467 | 526 | 536 | 542 |
| 72 | | | | | | | |
| 73 | 1350 | 249 | 386 | 483 | 545 | 570 | 576 |
| 74 | | | | | | | |
| 75 | 1400 | 257 | 398 | 499 | 563 | 605 | 611 |
| 76 | | | | | | | |
| 77 | 1450 | 265 | 411 | 515 | 581 | 633 | 645 |
| 78 | | | | | | | |
| 79 | 1500 | 274 | 426 | 533 | 602 | 656 | 680 |
| 80 | | | | | | | |
| 81 | 1550 | 282 | 436 | 547 | 617 | 672 | 714 |
| 82 | | | | | | | |
| 83 | 1600 | 289 | 447 | 560 | 632 | 689 | 737 |
| 84 | | | | | | | |
| 85 | 1650 | 295 | 458 | 573 | 647 | 705 | 754 |
| 86 | | | | | | | |
| 87 | 1700 | 302 | 468 | 587 | 662 | 721 | 772 |
| 88 | | | | | | | |
| 89 | 1750 | 309 | 479 | 600 | 676 | 738 | 789 |
| 90 | | | | | | | |
| 91 | 1800 | 315 | 488 | 612 | 690 | 752 | 805 |
| 92 | | | | | | | |
| 93 | 1850 | 321 | 497 | 623 | 702 | 766 | 819 |
| 94 | | | | | | | |
| 95 | 1900 | 326 | 506 | 634 | 714 | 779 | 834 |
| 96 | | | | | | | |
| 97 | 1950 | 332 | 514 | 645 | 727 | 793 | 848 |
| 98 | | | | | | | |
| 99 | 2000 | 338 | 523 | 655 | 739 | 806 | 862 |
| 100 | | | | | | | |
| 101 | 2050 | 343 | 532 | 666 | 751 | 819 | 877 |
| 102 | | | | | | | |
| 103 | 2100 | 349 | 540 | 677 | 763 | 833 | 891 |
| 104 | | | | | | | |
| 105 | 2150 | 355 | 549 | 688 | 776 | 846 | 905 |
| 106 | | | | | | | |
| 107 | 2200 | 360 | 558 | 699 | 788 | 860 | 920 |
| 108 | | | | | | | |
| 109 | 2250 | 366 | 567 | 710 | 800 | 873 | 934 |
| 110 | | | | | | | |
| 111 | 2300 | 371 | 575 | 721 | 812 | 886 | 948 |
| 112 | | | | | | | |
| 113 | 2350 | 377 | 584 | 732 | 825 | 900 | 963 |

| | | | | | | | |
|------------|------|-----|-----|------|------|------|------|
| 114 | | | | | | | |
| 115 | 2400 | 383 | 593 | 743 | 837 | 913 | 977 |
| 116 | | | | | | | |
| 117 | 2450 | 388 | 601 | 754 | 849 | 927 | 991 |
| 118 | | | | | | | |
| 119 | 2500 | 394 | 610 | 765 | 862 | 940 | 1006 |
| 120 | | | | | | | |
| 121 | 2550 | 399 | 619 | 776 | 874 | 954 | 1020 |
| 122 | | | | | | | |
| 123 | 2600 | 405 | 627 | 787 | 886 | 967 | 1034 |
| 124 | | | | | | | |
| 125 | 2650 | 410 | 635 | 797 | 897 | 979 | 1048 |
| 126 | | | | | | | |
| 127 | 2700 | 415 | 643 | 806 | 908 | 991 | 1060 |
| 128 | | | | | | | |
| 129 | 2750 | 420 | 651 | 816 | 919 | 1003 | 1073 |
| 130 | | | | | | | |
| 131 | 2800 | 425 | 658 | 826 | 930 | 1015 | 1085 |
| 132 | | | | | | | |
| 133 | 2850 | 430 | 667 | 836 | 941 | 1027 | 1098 |
| 134 | | | | | | | |
| 135 | 2900 | 435 | 675 | 846 | 953 | 1039 | 1112 |
| 136 | | | | | | | |
| 137 | 2950 | 440 | 683 | 856 | 964 | 1052 | 1125 |
| 138 | | | | | | | |
| 139 | 3000 | 445 | 691 | 866 | 975 | 1064 | 1138 |
| 140 | | | | | | | |
| 141 | 3050 | 450 | 699 | 876 | 987 | 1076 | 1152 |
| 142 | | | | | | | |
| 143 | 3100 | 456 | 707 | 886 | 998 | 1089 | 1165 |
| 144 | | | | | | | |
| 145 | 3150 | 461 | 715 | 896 | 1010 | 1101 | 1178 |
| 146 | | | | | | | |
| 147 | 3200 | 466 | 723 | 906 | 1021 | 1114 | 1191 |
| 148 | | | | | | | |
| 149 | 3250 | 471 | 732 | 917 | 1032 | 1126 | 1205 |
| 150 | | | | | | | |
| 151 | 3300 | 476 | 740 | 927 | 1044 | 1139 | 1218 |
| 152 | | | | | | | |
| 153 | 3350 | 481 | 748 | 937 | 1055 | 1151 | 1231 |
| 154 | | | | | | | |
| 155 | 3400 | 486 | 756 | 947 | 1067 | 1164 | 1245 |
| 156 | | | | | | | |
| 157 | 3450 | 492 | 764 | 957 | 1078 | 1176 | 1258 |
| 158 | | | | | | | |
| 159 | 3500 | 497 | 772 | 967 | 1089 | 1189 | 1271 |
| 160 | | | | | | | |
| 161 | 3550 | 502 | 780 | 977 | 1101 | 1201 | 1285 |
| 162 | | | | | | | |
| 163 | 3600 | 507 | 788 | 987 | 1112 | 1213 | 1298 |
| 164 | | | | | | | |
| 165 | 3650 | 512 | 797 | 997 | 1124 | 1226 | 1311 |
| 166 | | | | | | | |
| 167 | 3700 | 518 | 806 | 1009 | 1137 | 1240 | 1326 |
| 168 | | | | | | | |
| 169 | 3750 | 524 | 815 | 1020 | 1150 | 1254 | 1342 |

| | | | | | | | |
|------------|------|-----|------|------|------|------|------|
| 170 | | | | | | | |
| 171 | 3800 | 530 | 824 | 1032 | 1163 | 1268 | 1357 |
| 172 | | | | | | | |
| 173 | 3850 | 536 | 834 | 1043 | 1176 | 1283 | 1372 |
| 174 | | | | | | | |
| 175 | 3900 | 542 | 843 | 1055 | 1189 | 1297 | 1387 |
| 176 | | | | | | | |
| 177 | 3950 | 547 | 852 | 1066 | 1202 | 1311 | 1402 |
| 178 | | | | | | | |
| 179 | 4000 | 553 | 861 | 1078 | 1214 | 1325 | 1417 |
| 180 | | | | | | | |
| 181 | 4050 | 559 | 871 | 1089 | 1227 | 1339 | 1432 |
| 182 | | | | | | | |
| 183 | 4100 | 565 | 880 | 1101 | 1240 | 1353 | 1448 |
| 184 | | | | | | | |
| 185 | 4150 | 571 | 889 | 1112 | 1253 | 1367 | 1463 |
| 186 | | | | | | | |
| 187 | 4200 | 577 | 898 | 1124 | 1266 | 1382 | 1478 |
| 188 | | | | | | | |
| 189 | 4250 | 583 | 907 | 1135 | 1279 | 1396 | 1493 |
| 190 | | | | | | | |
| 191 | 4300 | 589 | 917 | 1147 | 1292 | 1410 | 1508 |
| 192 | | | | | | | |
| 193 | 4350 | 594 | 926 | 1158 | 1305 | 1424 | 1523 |
| 194 | | | | | | | |
| 195 | 4400 | 600 | 935 | 1170 | 1318 | 1438 | 1538 |
| 196 | | | | | | | |
| 197 | 4450 | 606 | 944 | 1181 | 1331 | 1452 | 1553 |
| 198 | | | | | | | |
| 199 | 4500 | 612 | 954 | 1193 | 1344 | 1467 | 1569 |
| 200 | | | | | | | |
| 201 | 4550 | 618 | 963 | 1204 | 1357 | 1481 | 1584 |
| 202 | | | | | | | |
| 203 | 4600 | 624 | 972 | 1216 | 1370 | 1495 | 1599 |
| 204 | | | | | | | |
| 205 | 4650 | 630 | 981 | 1227 | 1383 | 1509 | 1614 |
| 206 | | | | | | | |
| 207 | 4700 | 635 | 989 | 1237 | 1395 | 1522 | 1627 |
| 208 | | | | | | | |
| 209 | 4750 | 641 | 997 | 1247 | 1406 | 1534 | 1641 |
| 210 | | | | | | | |
| 211 | 4800 | 646 | 1005 | 1257 | 1417 | 1546 | 1654 |
| 212 | | | | | | | |
| 213 | 4850 | 651 | 1013 | 1267 | 1428 | 1558 | 1667 |
| 214 | | | | | | | |
| 215 | 4900 | 656 | 1021 | 1277 | 1439 | 1570 | 1679 |
| 216 | | | | | | | |
| 217 | 4950 | 661 | 1028 | 1286 | 1450 | 1582 | 1692 |
| 218 | | | | | | | |
| 219 | 5000 | 666 | 1036 | 1295 | 1460 | 1593 | 1704 |
| 220 | | | | | | | |
| 221 | 5050 | 671 | 1043 | 1305 | 1471 | 1605 | 1716 |
| 222 | | | | | | | |
| 223 | 5100 | 675 | 1051 | 1314 | 1481 | 1616 | 1728 |
| 224 | | | | | | | |
| 225 | 5150 | 680 | 1058 | 1323 | 1492 | 1628 | 1741 |
| 226 | | | | | | | |

| | | | | | | | |
|-----|------|-----|------|------|------|------|------|
| 227 | 5200 | 685 | 1066 | 1333 | 1502 | 1640 | 1753 |
| 228 | | | | | | | |
| 229 | 5250 | 690 | 1073 | 1342 | 1513 | 1651 | 1765 |
| 230 | | | | | | | |
| 231 | 5300 | 695 | 1081 | 1351 | 1524 | 1663 | 1778 |
| 232 | | | | | | | |
| 233 | 5350 | 700 | 1088 | 1361 | 1534 | 1674 | 1790 |
| 234 | | | | | | | |
| 235 | 5400 | 705 | 1096 | 1370 | 1545 | 1686 | 1802 |
| 236 | | | | | | | |
| 237 | 5450 | 710 | 1103 | 1379 | 1555 | 1697 | 1815 |
| 238 | | | | | | | |
| 239 | 5500 | 714 | 1111 | 1389 | 1566 | 1709 | 1827 |
| 240 | | | | | | | |
| 241 | 5550 | 719 | 1118 | 1398 | 1576 | 1720 | 1839 |
| 242 | | | | | | | |
| 243 | 5600 | 724 | 1126 | 1407 | 1587 | 1732 | 1851 |
| 244 | | | | | | | |
| 245 | 5650 | 729 | 1133 | 1417 | 1598 | 1743 | 1864 |
| 246 | | | | | | | |
| 247 | 5700 | 734 | 1141 | 1426 | 1608 | 1755 | 1876 |
| 248 | | | | | | | |
| 249 | 5750 | 739 | 1148 | 1435 | 1619 | 1766 | 1888 |
| 250 | | | | | | | |
| 251 | 5800 | 744 | 1156 | 1445 | 1629 | 1778 | 1901 |
| 252 | | | | | | | |
| 253 | 5850 | 749 | 1163 | 1454 | 1640 | 1790 | 1913 |
| 254 | | | | | | | |
| 255 | 5900 | 753 | 1171 | 1463 | 1650 | 1801 | 1925 |
| 256 | | | | | | | |
| 257 | 5950 | 758 | 1178 | 1473 | 1661 | 1813 | 1937 |
| 258 | | | | | | | |
| 259 | 6000 | 763 | 1186 | 1482 | 1672 | 1824 | 1950 |
| 260 | | | | | | | |
| 261 | 6050 | 768 | 1193 | 1491 | 1682 | 1836 | 1962 |
| 262 | | | | | | | |
| 263 | 6100 | 773 | 1201 | 1501 | 1693 | 1847 | 1974 |
| 264 | | | | | | | |
| 265 | 6150 | 778 | 1208 | 1510 | 1703 | 1859 | 1987 |
| 266 | | | | | | | |
| 267 | 6200 | 783 | 1216 | 1519 | 1714 | 1870 | 1999 |
| 268 | | | | | | | |
| 269 | 6250 | 788 | 1223 | 1529 | 1724 | 1882 | 2011 |
| 270 | | | | | | | |
| 271 | 6300 | 792 | 1231 | 1538 | 1735 | 1893 | 2023 |
| 272 | | | | | | | |
| 273 | 6350 | 797 | 1238 | 1547 | 1745 | 1905 | 2036 |
| 274 | | | | | | | |
| 275 | 6400 | 802 | 1246 | 1557 | 1756 | 1916 | 2048 |
| 276 | | | | | | | |
| 277 | 6450 | 807 | 1253 | 1566 | 1767 | 1928 | 2060 |
| 278 | | | | | | | |
| 279 | 6500 | 812 | 1261 | 1575 | 1777 | 1940 | 2073 |
| 280 | | | | | | | |
| 281 | 6550 | 816 | 1267 | 1583 | 1786 | 1949 | 2083 |
| 282 | | | | | | | |

| | | | | | | | |
|------------|------|-----|------|------|------|------|------|
| 283 | 6600 | 820 | 1272 | 1590 | 1794 | 1957 | 2092 |
| 284 | | | | | | | |
| 285 | 6650 | 823 | 1277 | 1597 | 1801 | 1965 | 2100 |
| 286 | | | | | | | |
| 287 | 6700 | 827 | 1283 | 1604 | 1809 | 1974 | 2109 |
| 288 | | | | | | | |
| 289 | 6750 | 830 | 1288 | 1610 | 1817 | 1982 | 2118 |
| 290 | | | | | | | |
| 291 | 6800 | 834 | 1293 | 1617 | 1824 | 1990 | 2127 |
| 292 | | | | | | | |
| 293 | 6850 | 837 | 1299 | 1624 | 1832 | 1999 | 2136 |
| 294 | | | | | | | |
| 295 | 6900 | 841 | 1304 | 1631 | 1839 | 2007 | 2145 |
| 296 | | | | | | | |
| 297 | 6950 | 845 | 1309 | 1637 | 1847 | 2016 | 2154 |
| 298 | | | | | | | |
| 299 | 7000 | 848 | 1315 | 1644 | 1855 | 2024 | 2163 |
| 300 | | | | | | | |
| 301 | 7050 | 852 | 1320 | 1651 | 1862 | 2032 | 2172 |
| 302 | | | | | | | |
| 303 | 7100 | 855 | 1325 | 1658 | 1870 | 2041 | 2181 |
| 304 | | | | | | | |
| 305 | 7150 | 859 | 1331 | 1665 | 1878 | 2049 | 2190 |
| 306 | | | | | | | |
| 307 | 7200 | 862 | 1336 | 1671 | 1885 | 2057 | 2199 |
| 308 | | | | | | | |
| 309 | 7250 | 866 | 1341 | 1678 | 1893 | 2066 | 2207 |
| 310 | | | | | | | |
| 311 | 7300 | 870 | 1347 | 1685 | 1900 | 2074 | 2216 |
| 312 | | | | | | | |
| 313 | 7350 | 873 | 1352 | 1692 | 1908 | 2082 | 2225 |
| 314 | | | | | | | |
| 315 | 7400 | 877 | 1358 | 1698 | 1916 | 2091 | 2234 |
| 316 | | | | | | | |
| 317 | 7450 | 880 | 1363 | 1705 | 1923 | 2099 | 2243 |
| 318 | | | | | | | |
| 319 | 7500 | 884 | 1368 | 1712 | 1931 | 2108 | 2252 |
| 320 | | | | | | | |
| 321 | 7550 | 887 | 1374 | 1719 | 1938 | 2116 | 2261 |
| 322 | | | | | | | |
| 323 | 7600 | 891 | 1379 | 1725 | 1946 | 2124 | 2270 |
| 324 | | | | | | | |
| 325 | 7650 | 895 | 1384 | 1732 | 1954 | 2133 | 2279 |
| 326 | | | | | | | |
| 327 | 7700 | 898 | 1390 | 1739 | 1961 | 2141 | 2288 |
| 328 | | | | | | | |
| 329 | 7750 | 902 | 1395 | 1746 | 1969 | 2149 | 2297 |
| 330 | | | | | | | |
| 331 | 7800 | 905 | 1400 | 1753 | 1977 | 2158 | 2305 |
| 332 | | | | | | | |
| 333 | 7850 | 908 | 1405 | 1758 | 1983 | 2164 | 2313 |
| 334 | | | | | | | |
| 335 | 7900 | 910 | 1409 | 1764 | 1989 | 2171 | 2320 |
| 336 | | | | | | | |
| 337 | 7950 | 913 | 1414 | 1770 | 1995 | 2178 | 2328 |
| 338 | | | | | | | |
| 339 | 8000 | 916 | 1418 | 1776 | 2001 | 2185 | 2335 |

| | | | | | | | |
|------------|------|-----|------|------|------|------|------|
| 340 | | | | | | | |
| 341 | 8050 | 918 | 1423 | 1781 | 2007 | 2192 | 2343 |
| 342 | | | | | | | |
| 343 | 8100 | 921 | 1428 | 1787 | 2014 | 2198 | 2350 |
| 344 | | | | | | | |
| 345 | 8150 | 924 | 1432 | 1793 | 2020 | 2205 | 2357 |
| 346 | | | | | | | |
| 347 | 8200 | 927 | 1437 | 1799 | 2026 | 2212 | 2365 |
| 348 | | | | | | | |
| 349 | 8250 | 929 | 1441 | 1804 | 2032 | 2219 | 2372 |
| 350 | | | | | | | |
| 351 | 8300 | 932 | 1446 | 1810 | 2038 | 2226 | 2380 |
| 352 | | | | | | | |
| 353 | 8350 | 935 | 1450 | 1816 | 2045 | 2232 | 2387 |
| 354 | | | | | | | |
| 355 | 8400 | 937 | 1455 | 1822 | 2051 | 2239 | 2395 |
| 356 | | | | | | | |
| 357 | 8450 | 940 | 1459 | 1827 | 2057 | 2246 | 2402 |
| 358 | | | | | | | |
| 359 | 8500 | 943 | 1464 | 1833 | 2063 | 2253 | 2410 |
| 360 | | | | | | | |
| 361 | 8550 | 945 | 1468 | 1839 | 2069 | 2260 | 2417 |
| 362 | | | | | | | |
| 363 | 8600 | 948 | 1473 | 1845 | 2076 | 2266 | 2425 |
| 364 | | | | | | | |
| 365 | 8650 | 951 | 1478 | 1850 | 2082 | 2273 | 2432 |
| 366 | | | | | | | |
| 367 | 8700 | 954 | 1482 | 1856 | 2088 | 2280 | 2440 |
| 368 | | | | | | | |
| 369 | 8750 | 956 | 1487 | 1862 | 2094 | 2287 | 2447 |
| 370 | | | | | | | |
| 371 | 8800 | 959 | 1491 | 1868 | 2100 | 2294 | 2455 |
| 372 | | | | | | | |
| 373 | 8850 | 962 | 1496 | 1873 | 2107 | 2300 | 2462 |
| 374 | | | | | | | |
| 375 | 8900 | 964 | 1500 | 1879 | 2113 | 2307 | 2470 |
| 376 | | | | | | | |
| 377 | 8950 | 967 | 1505 | 1885 | 2119 | 2314 | 2477 |
| 378 | | | | | | | |
| 379 | 9000 | 970 | 1509 | 1891 | 2125 | 2321 | 2484 |
| 380 | | | | | | | |
| 381 | 9050 | 973 | 1514 | 1896 | 2131 | 2328 | 2492 |
| 382 | | | | | | | |
| 383 | 9100 | 975 | 1517 | 1901 | 2137 | 2334 | 2498 |
| 384 | | | | | | | |
| 385 | 9150 | 977 | 1521 | 1905 | 2141 | 2339 | 2503 |
| 386 | | | | | | | |
| 387 | 9200 | 979 | 1524 | 1909 | 2146 | 2344 | 2509 |
| 388 | | | | | | | |
| 389 | 9250 | 982 | 1527 | 1914 | 2151 | 2349 | 2514 |
| 390 | | | | | | | |
| 391 | 9300 | 984 | 1531 | 1918 | 2156 | 2354 | 2520 |
| 392 | | | | | | | |
| 393 | 9350 | 986 | 1534 | 1922 | 2160 | 2359 | 2525 |
| 394 | | | | | | | |
| 395 | 9400 | 988 | 1537 | 1926 | 2165 | 2365 | 2531 |

| | | | | | | | |
|-----|-------|------|------|------|------|------|------|
| 396 | | | | | | | |
| 397 | 9450 | 990 | 1541 | 1930 | 2170 | 2370 | 2536 |
| 398 | | | | | | | |
| 399 | 9500 | 993 | 1544 | 1935 | 2175 | 2375 | 2541 |
| 400 | | | | | | | |
| 401 | 9550 | 995 | 1547 | 1939 | 2179 | 2380 | 2547 |
| 402 | | | | | | | |
| 403 | 9600 | 997 | 1551 | 1943 | 2184 | 2385 | 2552 |
| 404 | | | | | | | |
| 405 | 9650 | 999 | 1554 | 1947 | 2189 | 2390 | 2558 |
| 406 | | | | | | | |
| 407 | 9700 | 1001 | 1557 | 1951 | 2194 | 2396 | 2563 |
| 408 | | | | | | | |
| 409 | 9750 | 1003 | 1561 | 1956 | 2198 | 2401 | 2569 |
| 410 | | | | | | | |
| 411 | 9800 | 1006 | 1564 | 1960 | 2203 | 2406 | 2574 |
| 412 | | | | | | | |
| 413 | 9850 | 1008 | 1567 | 1964 | 2208 | 2411 | 2580 |
| 414 | | | | | | | |
| 415 | 9900 | 1010 | 1571 | 1968 | 2213 | 2416 | 2585 |
| 416 | | | | | | | |
| 417 | 9950 | 1012 | 1574 | 1972 | 2218 | 2421 | 2590 |
| 418 | | | | | | | |
| 419 | 10000 | 1014 | 1577 | 1977 | 2222 | 2427 | 2596 |
| 420 | | | | | | | |

421 For gross monthly income between \$10,000 and \$20,000, add the amount of child support for
 422 \$10,000 to the following percentages of gross income above \$10,000:

| | | | | | | |
|-----|-------|----------|----------|----------|----------|----------|
| 423 | | | | | | |
| 424 | ONE | TWO | THREE | FOUR | FIVE | SIX |
| 425 | | | | | | |
| 426 | CHILD | CHILDREN | CHILDREN | CHILDREN | CHILDREN | CHILDREN |
| 427 | | | | | | |
| 428 | 3.1% | 5.1% | 6.8% | 7.8% | 8.8% | 9.5% |
| 429 | | | | | | |

430 For gross monthly income between \$20,000 and \$50,000, add the amount of child support for
 431 \$20,000 to the following percentages of gross income above \$20,000:

| | | | | | | |
|-----|-------|----------|----------|----------|----------|----------|
| 432 | | | | | | |
| 433 | ONE | TWO | THREE | FOUR | FIVE | SIX |
| 434 | | | | | | |
| 435 | CHILD | CHILDREN | CHILDREN | CHILDREN | CHILDREN | CHILDREN |
| 436 | | | | | | |
| 437 | 2% | 3.5% | 5% | 6% | 6.9% | 7.8% |
| 438 | | | | | | |

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

| | | | | | | |
|-----|-------|----------|----------|----------|----------|----------|
| 441 | | | | | | |
| 442 | ONE | TWO | THREE | FOUR | FIVE | SIX |
| 443 | | | | | | |
| 444 | CHILD | CHILDREN | CHILDREN | CHILDREN | CHILDREN | CHILDREN |
| 445 | | | | | | |
| 446 | 1% | 2% | 3% | 4% | 5% | 6% |
| 447 | | | | | | |

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

453 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 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 § 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

515 apply:

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

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

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

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

533 (b) Support to be paid. The shared support need of the shared child or children shall be calculated
534 pursuant to subdivision G 3 (a) (iii). This amount shall then be multiplied by the other parent's custody
535 share. To that sum for each parent shall be added the other parent's cost of health care coverage to the
536 extent allowable by subsection E, plus the other parent's work-related child-care costs to the extent
537 allowable by subsection F. This total for each parent shall be multiplied by that parent's income share.
538 The support amounts thereby calculated that each parent owes the other shall be subtracted one from the
539 other and the difference shall be the shared custody support one parent owes to the other, with the payor
540 parent being the one whose shared support is the larger. Any extraordinary medical and dental expenses,
541 to the extent allowable by subsection D, shall be shared directly by the parents in accordance with their
542 income shares, and shall not be adjusted by the custody share, and this amount shall be added to the
543 shared custody support amount as calculated herein.

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

549 (d) Minimum standards. Any calculation under this subdivision shall not create or reduce a support
550 obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal
551 adequate housing and provide other basic necessities for the child. If the gross income of the payee is
552 equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of
553 Health and Human Services from time to time, there shall be a presumption that the sole custody
554 guideline calculation shall apply.

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

559 H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this
560 section is reviewed by [July 1, 1990 2000 October 31, 2001] , and every four [~~two~~ three] years
561 thereafter, by a panel which includes representatives of the courts, the executive branch, the General
562 Assembly, the bar, custodial and noncustodial parents and child advocates. The panel shall determine the
563 adequacy of the guideline for the determination of appropriate awards for the support of children by
564 considering current research and data on the cost of and expenditures necessary for rearing children, and
565 any other resources it deems relevant to such review. The panel shall report its findings to the General
566 Assembly before it next convenes following such review.