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SENATE BILL NO. 1313

Offered January 17, 2003

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.

A. *The Schedule of Monthly Basic Child Support Obligations ("Schedule") is based on (i) the rationale that there are fixed housing and utility costs and variable transportation costs, and (ii) the assumption of "exercised" visitation by the noncustodial parent of 60 to 90 days annually. 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 guideline 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 guideline 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 guideline 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.*

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

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

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

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

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

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

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

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

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

6. A "separate household discount" serves 2 purposes. First, it reserves income for the noncustodial parent to spend directly on his children during the 60 to 90 days of visitation. Second, it provides the noncustodial parent income to cover the "fixed cost" of operating a second household. Fixed cost is defined as expenditures on shelter, household equipment and fixed transportation (net outlays on new

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59 and used cars and trucks, vehicle insurance and vehicle finance charges).

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

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

76 SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

77 COMBINED

78 MONTHLY

79	GROSS	ONE	TWO	THREE	FOUR	FIVE	SIX
80	INCOME	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
81	0-599	65	65	65	65	65	65
82	600	110	111	113	114	115	116
83	650	138	140	142	143	145	146
84	700	153	169	170	172	174	176
85	750	160	197	199	202	204	206
86	800	168	226	228	231	233	236
87	850	175	254	257	260	263	266
88	900	182	281	286	289	292	295
89	950	189	292	315	318	322	325
90	1000	196	304	344	348	351	355
91	1050	203	315	373	377	381	385
92	1100	210	326	402	406	410	415
93	1150	217	337	422	435	440	445
94	1200	225	348	436	465	470	475
95	1250	232	360	451	497	502	507
96	1300	241	373	467	526	536	542
97	1350	249	386	483	545	570	576
98	1400	257	398	499	563	605	611
99	1450	265	411	515	581	633	645
100	1500	274	426	533	602	656	680
101	1550	282	436	547	617	672	714
102	1600	289	447	560	632	689	737
103	1650	295	458	573	647	705	754
104	1700	302	468	587	662	721	772
105	1750	309	479	600	676	738	789
106	1800	315	488	612	690	752	805
107	1850	321	497	623	702	766	819
108	1900	326	506	634	714	779	834
109	1950	332	514	645	727	793	848
110	2000	338	523	655	739	806	862
111	2050	343	532	666	751	819	877
112	2100	349	540	677	763	833	891
113	2150	355	549	688	776	846	905
114	2200	360	558	699	788	860	920
115	2250	366	567	710	800	873	934
116	2300	371	575	721	812	886	948

117	—	2350	377	584	732	825	900	963
118	—	2400	383	593	743	837	913	977
119	—	2450	388	601	754	849	927	991
120	—	2500	394	610	765	862	940	1006
121	—	2550	399	619	776	874	954	1020
122	—	2600	405	627	787	886	967	1034
123	—	2650	410	635	797	897	979	1048
124	—	2700	415	643	806	908	991	1060
125	—	2750	420	651	816	919	1003	1073
126	—	2800	425	658	826	930	1015	1085
127	—	2850	430	667	836	941	1027	1098
128	—	2900	435	675	846	953	1039	1112
129	—	2950	440	683	856	964	1052	1125
130	—	3000	445	691	866	975	1064	1138
131	—	3050	450	699	876	987	1076	1152
132	—	3100	456	707	886	998	1089	1165
133	—	3150	461	715	896	1010	1101	1178
134	—	3200	466	723	906	1021	1114	1191
135	—	3250	471	732	917	1032	1126	1205
136	—	3300	476	740	927	1044	1139	1218
137	—	3350	481	748	937	1055	1151	1231
138	—	3400	486	756	947	1067	1164	1245
139	—	3450	492	764	957	1078	1176	1258
140	—	3500	497	772	967	1089	1189	1271
141	—	3550	502	780	977	1101	1201	1285
142	—	3600	507	788	987	1112	1213	1298
143	—	3650	512	797	997	1124	1226	1311
144	—	3700	518	806	1009	1137	1240	1326
145	—	3750	524	815	1020	1150	1254	1342
146	—	3800	530	824	1032	1163	1268	1357
147	—	3850	536	834	1043	1176	1283	1372
148	—	3900	542	843	1055	1189	1297	1387
149	—	3950	547	852	1066	1202	1311	1402
150	—	4000	553	861	1078	1214	1325	1417
151	—	4050	559	871	1089	1227	1339	1432
152	—	4100	565	880	1101	1240	1353	1448
153	—	4150	571	889	1112	1253	1367	1463
154	—	4200	577	898	1124	1266	1382	1478
155	—	4250	583	907	1135	1279	1396	1493
156	—	4300	589	917	1147	1292	1410	1508
157	—	4350	594	926	1158	1305	1424	1523
158	—	4400	600	935	1170	1318	1438	1538
159	—	4450	606	944	1181	1331	1452	1553
160	—	4500	612	954	1193	1344	1467	1569
161	—	4550	618	963	1204	1357	1481	1584
162	—	4600	624	972	1216	1370	1495	1599
163	—	4650	630	981	1227	1383	1509	1614
164	—	4700	635	989	1237	1395	1522	1627
165	—	4750	641	997	1247	1406	1534	1641
166	—	4800	646	1005	1257	1417	1546	1654
167	—	4850	651	1013	1267	1428	1558	1667
168	—	4900	656	1021	1277	1439	1570	1679
169	—	4950	661	1028	1286	1450	1582	1692
170	—	5000	666	1036	1295	1460	1593	1704
171	—	5050	671	1043	1305	1471	1605	1716
172	—	5100	675	1051	1314	1481	1616	1728

173	5150	680	1058	1323	1492	1628	1741
174	5200	685	1066	1333	1502	1640	1753
175	5250	690	1073	1342	1513	1651	1765
176	5300	695	1081	1351	1524	1663	1778
177	5350	700	1088	1361	1534	1674	1790
178	5400	705	1096	1370	1545	1686	1802
179	5450	710	1103	1379	1555	1697	1815
180	5500	714	1111	1389	1566	1709	1827
181	5550	719	1118	1398	1576	1720	1839
182	5600	724	1126	1407	1587	1732	1851
183	5650	729	1133	1417	1598	1743	1864
184	5700	734	1141	1426	1608	1755	1876
185	5750	739	1148	1435	1619	1766	1888
186	5800	744	1156	1445	1629	1778	1901
187	5850	749	1163	1454	1640	1790	1913
188	5900	753	1171	1463	1650	1801	1925
189	5950	758	1178	1473	1661	1813	1937
190	6000	763	1186	1482	1672	1824	1950
191	6050	768	1193	1491	1682	1836	1962
192	6100	773	1201	1501	1693	1847	1974
193	6150	778	1208	1510	1703	1859	1987
194	6200	783	1216	1519	1714	1870	1999
195	6250	788	1223	1529	1724	1882	2011
196	6300	792	1231	1538	1735	1893	2023
197	6350	797	1238	1547	1745	1905	2036
198	6400	802	1246	1557	1756	1916	2048
199	6450	807	1253	1566	1767	1928	2060
200	6500	812	1261	1575	1777	1940	2073
201	6550	816	1267	1583	1786	1949	2083
202	6600	820	1272	1590	1794	1957	2092
203	6650	823	1277	1597	1801	1965	2100
204	6700	827	1283	1604	1809	1974	2109
205	6750	830	1288	1610	1817	1982	2118
206	6800	834	1293	1617	1824	1990	2127
207	6850	837	1299	1624	1832	1999	2136
208	6900	841	1304	1631	1839	2007	2145
209	6950	845	1309	1637	1847	2016	2154
210	7000	848	1315	1644	1855	2024	2163
211	7050	852	1320	1651	1862	2032	2172
212	7100	855	1325	1658	1870	2041	2181
213	7150	859	1331	1665	1878	2049	2190
214	7200	862	1336	1671	1885	2057	2199
215	7250	866	1341	1678	1893	2066	2207
216	7300	870	1347	1685	1900	2074	2216
217	7350	873	1352	1692	1908	2082	2225
218	7400	877	1358	1698	1916	2091	2234
219	7450	880	1363	1705	1923	2099	2243
220	7500	884	1368	1712	1931	2108	2252
221	7550	887	1374	1719	1938	2116	2261
222	7600	891	1379	1725	1946	2124	2270
223	7650	895	1384	1732	1954	2133	2279
224	7700	898	1390	1739	1961	2141	2288
225	7750	902	1395	1746	1969	2149	2297
226	7800	905	1400	1753	1977	2158	2305
227	7850	908	1405	1758	1983	2164	2313
228	7900	910	1409	1764	1989	2171	2320
229	7950	913	1414	1770	1995	2178	2328

230	—	8000	916	1418	1776	2001	2185	2335
231	—	8050	918	1423	1781	2007	2192	2343
232	—	8100	921	1428	1787	2014	2198	2350
233	—	8150	924	1432	1793	2020	2205	2357
234	—	8200	927	1437	1799	2026	2212	2365
235	—	8250	929	1441	1804	2032	2219	2372
236	—	8300	932	1446	1810	2038	2226	2380
237	—	8350	935	1450	1816	2045	2232	2387
238	—	8400	937	1455	1822	2051	2239	2395
239	—	8450	940	1459	1827	2057	2246	2402
240	—	8500	943	1464	1833	2063	2253	2410
241	—	8550	945	1468	1839	2069	2260	2417
242	—	8600	948	1473	1845	2076	2266	2425
243	—	8650	951	1478	1850	2082	2273	2432
244	—	8700	954	1482	1856	2088	2280	2440
245	—	8750	956	1487	1862	2094	2287	2447
246	—	8800	959	1491	1868	2100	2294	2455
247	—	8850	962	1496	1873	2107	2300	2462
248	—	8900	964	1500	1879	2113	2307	2470
249	—	8950	967	1505	1885	2119	2314	2477
250	—	9000	970	1509	1891	2125	2321	2484
251	—	9050	973	1514	1896	2131	2328	2492
252	—	9100	975	1517	1901	2137	2334	2498
253	—	9150	977	1521	1905	2141	2339	2503
254	—	9200	979	1524	1909	2146	2344	2509
255	—	9250	982	1527	1914	2151	2349	2514
256	—	9300	984	1531	1918	2156	2354	2520
257	—	9350	986	1534	1922	2160	2359	2525
258	—	9400	988	1537	1926	2165	2365	2531
259	—	9450	990	1541	1930	2170	2370	2536
260	—	9500	993	1544	1935	2175	2375	2541
261	—	9550	995	1547	1939	2179	2380	2547
262	—	9600	997	1551	1943	2184	2385	2552
263	—	9650	999	1554	1947	2189	2390	2558
264	—	9700	1001	1557	1951	2194	2396	2563
265	—	9750	1003	1561	1956	2198	2401	2569
266	—	9800	1006	1564	1960	2203	2406	2574
267	—	9850	1008	1567	1964	2208	2411	2580
268	—	9900	1010	1571	1968	2213	2416	2585
269	—	9950	1012	1574	1972	2218	2421	2590
270	—	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:

274	—ONE	TWO	THREE	FOUR	FIVE	SIX
275	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
276	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:

280	—ONE	TWO	THREE	FOUR	FIVE	SIX
281	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
282	—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:

286	—ONE	TWO	THREE	FOUR	FIVE	SIX
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	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
	1%	2%	3%	4%	5%	6%
287						
288						
289						
290						
291	<i>SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS</i>					
292						
293	COMBINED					
294	MONTHLY					
295	GROSS	ONE	TWO	THREE	FOUR	FIVE
296	INCOME	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN
297						
298	1200	83	84	85	96	104
299						
300	1250	111	113	114	129	140
301						
302	1300	139	142	143	161	176
303						
304	1350	167	171	172	194	211
305						
306	1400	195	200	201	227	247
307						
308	1450	223	229	230	259	283
309						
310	1500	251	258	259	292	318
311						
312	1550	279	287	288	325	354
313						
314	1600	293	316	317	357	390
315						
316	1650	307	345	346	390	425
317						
318	1700	321	374	375	423	461
319						
320	1750	329	403	404	455	497
321						
322	1800	338	423	433	488	523
323						
324	1850	346	461	462	521	568
325						
326	1900	355	490	491	554	604
327						
328	1950	363	519	520	586	639
329						
330	2000	371	548	549	619	675
331						
332	2050	380	577	578	652	711
333						
334	2100	388	606	607	684	746
335						
336	2150	396	623	636	717	782
337						
338	2200	404	636	665	750	817
339						
340	2250	412	648	694	782	853
341						
342	2300	420	660	723	815	889
343						

344	2350	428	672	752	848	924	988
345							
346	2400	436	684	781	880	960	1026
347							
348	2450	444	696	810	913	996	1065
349							
350	2500	452	707	839	946	1031	1103
351							
352	2550	459	719	868	979	1067	1141
353							
354	2600	467	731	897	1011	1103	1179
355							
356	2650	475	742	926	1044	1138	1217
357							
358	2700	482	753	955	1077	1174	1255
359							
360	2750	490	764	972	1095	1194	1277
361							
362	2800	497	776	986	1111	1212	1296
363							
364	2850	505	787	1000	1127	1229	1314
365							
366	2900	512	797	1014	1143	1247	1333
367							
368	2950	520	808	1028	1159	1264	1351
369							
370	3000	527	819	1042	1175	1281	1369
371							
372	3050	534	830	1056	1190	1298	1387
373							
374	3100	541	840	1069	1205	1314	1405
375							
376	3150	549	850	1083	1221	1331	1423
377							
378	3200	556	861	1096	1236	1347	1440
379							
380	3250	563	871	1109	1250	1364	1458
381							
382	3300	570	881	1122	1265	1380	1475
383							
384	3350	577	891	1135	1280	1396	1492
385							
386	3400	584	901	1148	1294	1411	1509
387							
388	3450	590	911	1161	1309	1427	1526
389							
390	3500	597	920	1173	1323	1443	1542
391							
392	3550	604	930	1186	1337	1458	1559
393							
394	3600	610	938	1195	1347	1469	1570
395							
396	3650	616	946	1204	1358	1480	1582
397							
398	3700	622	954	1213	1368	1491	1594
399							

400	3750	629	962	1222	1377	1502	1606
401							
402	3800	635	969	1230	1387	1512	1617
403							
404	3850	641	976	1239	1396	1523	1628
405							
406	3900	647	984	1247	1405	1532	1638
407							
408	3950	653	991	1255	1414	1542	1649
409							
410	4000	658	998	1262	1423	1552	1659
411							
412	4050	664	1004	1270	1431	1561	1669
413							
414	4100	670	1011	1277	1440	1570	1678
415							
416	4150	676	1018	1284	1448	1578	1687
417							
418	4200	681	1024	1291	1455	1587	1696
419							
420	4250	687	1030	1298	1463	1595	1705
421							
422	4300	692	1036	1304	1470	1603	1714
423							
424	4350	698	1042	1310	1477	1611	1722
425							
426	4400	703	1048	1316	1484	1618	1730
427							
428	4450	708	1054	1322	1491	1625	1737
429							
430	4500	714	1059	1328	1497	1632	1745
431							
432	4550	719	1065	1333	1503	1639	1752
433							
434	4600	724	1073	1344	1515	1652	1766
435							
436	4650	730	1081	1354	1526	1664	1779
437							
438	4700	735	1089	1364	1538	1677	1793
439							
440	4750	740	1097	1374	1549	1689	1806
441							
442	4800	746	1105	1384	1561	1702	1819
443							
444	4850	751	1112	1394	1572	1714	1832
445							
446	4900	756	1120	1404	1583	1726	1845
447							
448	4950	761	1128	1414	1594	1738	1858
449							
450	5000	766	1135	1423	1605	1750	1871
451							
452	5050	771	1143	1433	1616	1762	1883
453							
454	5100	776	1150	1442	1626	1773	1896
455							
456	5150	781	1157	1452	1637	1785	1908

457							
458	5200	786	1165	1461	1647	1796	1920
459							
460	5250	790	1172	1470	1658	1807	1932
461							
462	5300	795	1179	1479	1668	1819	1944
463							
464	5350	800	1186	1488	1678	1830	1956
465							
466	5400	804	1193	1497	1688	1841	1968
467							
468	5450	809	1200	1506	1698	1852	1979
469							
470	5500	813	1206	1515	1708	1862	1991
471							
472	5550	818	1213	1524	1718	1873	2002
473							
474	5600	822	1220	1532	1727	1883	2014
475							
476	5650	827	1226	1541	1737	1894	2025
477							
478	5700	831	1233	1549	1746	1904	2036
479							
480	5750	835	1239	1557	1756	1914	2047
481							
482	5800	839	1245	1565	1765	1924	2057
483							
484	5850	843	1251	1574	1774	1934	2068
485							
486	5900	848	1258	1581	1783	1944	2078
487							
488	5950	852	1264	1589	1792	1954	2089
489							
490	6000	855	1270	1597	1801	1963	2099
491							
492	6050	859	1276	1605	1809	1973	2109
493							
494	6100	863	1281	1613	1818	1982	2119
495							
496	6150	867	1287	1620	1826	1992	2129
497							
498	6200	871	1293	1628	1835	2001	2139
499							
500	6250	875	1298	1635	1843	2010	2149
501							
502	6300	878	1304	1642	1851	2019	2158
503							
504	6350	882	1309	1649	1859	2027	2168
505							
506	6400	885	1315	1656	1867	2036	2177
507							
508	6450	889	1320	1663	1875	2045	2186
509							
510	6500	892	1325	1670	1883	2053	2195
511							
512	6550	896	1330	1677	1891	2062	2204

513							
514	6600	899	1335	1684	1898	2070	2213
515							
516	6650	902	1340	1690	1906	2078	2221
517							
518	6700	905	1345	1697	1913	2086	2230
519							
520	6750	909	1350	1703	1920	2094	2238
521							
522	6800	912	1355	1710	1927	2102	2247
523							
524	6850	915	1360	1716	1934	2109	2255
525							
526	6900	918	1364	1722	1941	2117	2263
527							
528	6950	921	1369	1728	1948	2124	2271
529							
530	7000	924	1373	1734	1955	2132	2279
531							
532	7050	926	1378	1740	1962	2139	2287
533							
534	7100	929	1382	1746	1968	2146	2294
535							
536	7150	932	1386	1751	1975	2153	2302
537							
538	7200	935	1390	1757	1981	2160	2309
539							
540	7250	937	1394	1762	1987	2167	2316
541							
542	7300	940	1398	1768	1993	2173	2323
543							
544	7350	942	1402	1773	1999	2180	2330
545							
546	7400	945	1406	1778	2005	2186	2337
547							
548	7450	947	1410	1784	2011	2193	2344
549							
550	7500	950	1413	1789	2016	2199	2351
551							
552	7550	952	1417	1794	2022	2205	2357
553							
554	7600	954	1420	1798	2028	2211	2363
555							
556	7650	957	1424	1803	2033	2217	2370
557							
558	7700	959	1427	1808	2038	2222	2376
559							
560	7750	961	1431	1812	2043	2228	2382
561							
562	7800	963	1434	1817	2048	2234	2388
563							
564	7850	965	1437	1821	2053	2239	2394
565							
566	7900	967	1440	1826	2058	2244	2399
567							
568	7950	969	1443	1830	2063	2249	2405
569							

570	8000	971	1446	1834	2068	2254	2410
571							
572	8050	972	1449	1838	2072	2259	2415
573							
574	8100	974	1451	1842	2077	2264	2421
575							
576	8150	976	1454	1846	2081	2269	2426
577							
578	8200	977	1457	1849	2085	2274	2431
579							
580	8250	979	1459	1853	2089	2278	2435
581							
582	8300	980	1462	1857	2093	2282	2440
583							
584	8350	982	1464	1860	2097	2287	2445
585							
586	8400	983	1466	1864	2101	2291	2449
587							
588	8450	985	1468	1867	2105	2295	2453
589							
590	8500	986	1470	1870	2108	2299	2458
591							
592	8550	992	1479	1878	2117	2308	2468
593							
594	8600	996	1485	1886	2126	2318	2478
595							
596	8650	1001	1492	1893	2134	2327	2488
597							
598	8700	1005	1498	1901	2143	2337	2498
599							
600	8750	1009	1504	1909	2152	2346	2508
601							
602	8800	1014	1511	1916	2160	2355	2518
603							
604	8850	1018	1517	1924	2169	2365	2528
605							
606	8900	1022	1523	1931	2177	2374	2538
607							
608	8950	1027	1529	1939	2186	2383	2548
609							
610	9000	1031	1535	1946	2194	2392	2558
611							
612	9050	1035	1541	1953	2202	2401	2567
613							
614	9100	1039	1547	1961	2211	2410	2577
615							
616	9150	1044	1553	1968	2219	2419	2587
617							
618	9200	1048	1559	1975	2227	2428	2596
619							
620	9250	1052	1565	1983	2235	2437	2606
621							
622	9300	1056	1571	1990	2243	2446	2615
623							
624	9350	1060	1577	1997	2252	2455	2625
625							

626	9400	1065	1583	2004	2260	2464	2634
627							
628	9450	1069	1589	2011	2268	2473	2643
629							
630	9500	1073	1595	2018	2276	2481	2653
631							
632	9550	1077	1601	2025	2283	2490	2662
633							
634	9600	1081	1607	2032	2291	2498	2671
635							
636	9650	1085	1612	2039	2299	2507	2680
637							
638	9700	1089	1618	2046	2307	2515	2689
639							
640	9750	1093	1624	2053	2315	2524	2698
641							
642	9800	1097	1629	2060	2322	2532	2707
643							
644	9850	1101	1635	2067	2330	2541	2716
645							
646	9900	1105	1641	2074	2338	2549	2725
647							
648	9950	1109	1646	2080	2345	2557	2734
649							
650	10000	1113	1652	2087	2353	2565	2743

651
652 *For gross monthly income between \$10,000 and \$20,000, add the amount of child support for*
653 *\$10,000 to the following percentages of gross income above \$10,000:*

654	ONE	TWO	THREE	FOUR	FIVE	SIX
655						
656	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
657						
658	3.1%	5.1%	6.8%	7.8%	8.8%	9.5%

659
660 *For gross monthly income between \$20,000 and \$50,000, add the amount of child support for*
661 *\$20,000 to the following percentages of gross income above \$20,000:*

662	ONE	TWO	THREE	FOUR	FIVE	SIX
663						
664	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
665						
666	2%	3.5%	5%	6%	6.9%	7.8%

667
668 *For gross monthly income over \$50,000, add the amount of child support for \$50,000 to the*
669 *following percentages of gross income above \$50,000:*

670	ONE	TWO	THREE	FOUR	FIVE	SIX
671						
672	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
673						
674	1%	2%	3%	4%	5%	6%

675
676
677 C. For purposes of this section, "gross income" means all income from all sources, and shall include,
678 but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance
679 pay, pensions, interest, trust income, annuities, capital gains, social security benefits except as listed
680 below, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits,
681 veterans' benefits, spousal support, rental income, gifts, prizes or awards.

682 If a parent's gross income includes disability insurance benefits, it shall also include any amounts
683 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, 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 relating to the child or children who are subject to the proceeding, and such parent is paying the arrearage pursuant to the order. Such secondary income, or 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.

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.

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

D. ~~Any extraordinary medical and dental expenses for treatment of the child or children shall be added to the basic child support obligation.~~ 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 uninsured medical or dental expenses that are in excess of the sum of \$250 for any calendar year for each child who is the subject of the 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~~ prosthetics, orthodontics, and mental health or developmental disabilities services ~~whether~~, including but not limited to services provided by a social worker, psychologist, psychiatrist, ~~or~~ 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

745 the amount required to provide quality care from a licensed source. When requested by the noncustodial
746 parent, the court may require the custodial parent to present documentation to verify the costs incurred
747 for child care under this subsection. Where appropriate, the court shall consider the willingness and
748 availability of the noncustodial parent to provide child care personally in determining whether child-care
749 costs are necessary or excessive.

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

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

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

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

773 3. Shared custody support.

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

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

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

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

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

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

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

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

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

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

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

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

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