

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding a section numbered 16.1-278.17, relating to pendente
3 lite child support formula.

4 [S 948]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 16.1-278.17 as follows:**8 *§ 16.1-278.17. Formula for determination of pendente lite spousal support.*

9 *A. There shall be a presumption in any judicial proceeding for pendente lite spousal support and*
10 *maintenance under this title that the amount of the award that would result from the application of the*
11 *formula set forth in this section is the correct amount of spousal support to be awarded. The court may*
12 *deviate from the presumptive amount as provided in subsection D.*

13 *B. If the court is determining both an award of pendente lite spousal support and maintenance and*
14 *an award of child support, the court shall first make a determination of the amount of the award of*
15 *pendente lite spousal support, if any, owed by one party to the other under this section.*

16 *C. If the parties have minor children in common, the presumptive amount of an award of pendente*
17 *lite spousal support and maintenance shall be the difference between 28 percent of the payor spouse's*
18 *monthly gross income and 58 percent of the payee spouse's monthly gross income. If the parties have no*
19 *minor children in common, the presumptive amount of the award shall be the difference between 30*
20 *percent of the payor spouse's monthly gross income and 50 percent of the payee spouse's monthly gross*
21 *income. For the purposes of this section, monthly gross income shall have the same meaning as it does*
22 *in section § 20-108.2, as amended.*

23 *D. The court may deviate from the presumptive amount for good cause shown, including any relevant*
24 *evidence relating to the parties' current financial circumstances that indicates the presumptive amount is*
25 *inappropriate.*

26 *E. The formula set forth in this section shall presumptively apply to cases where the parties'*
27 *combined monthly gross income does not exceed \$10,000.00.*

ENROLLED

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