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HOUSE JOINT RESOLUTION NO. 698

Offered January 11, 2017

Prefiled January 10, 2017

Requesting the Department of Social Services to study the Commonwealth's child support enforcement system and increase in arrearages. Report.

Patron—LaRock

Referred to Committee on Rules

WHEREAS, the Department of Social Services Division of Child Support Enforcement (DCSE) has identified unpaid child support as a significant problem in the Commonwealth; and

WHEREAS, 305,942 child support cases are pending in the Commonwealth and, collectively, 374,000 children are owed more than \$2.64 billion; and

WHEREAS, excessive child support obligations can cause the noncustodial parent to live in or near poverty and, in many cases, result in such extreme financial hardship that the noncustodial parent ultimately fails to make child support payments in any amount; and

WHEREAS, the financial circumstances of both the custodial and noncustodial parent affect the child's well-being because, when the amount of child support ordered constitutes a windfall to the custodial parent, it can hinder a shared-parenting arrangement, which best serves most children; and

WHEREAS, a comprehensive assessment of the Commonwealth's current child support enforcement system and the practices of DCSE may help custodial parents collect child support payments, improve the overall efficiency of the system, and allow noncustodial parents to avoid financial hardship; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Social Services be requested to study the Commonwealth's child support enforcement system and increase in arrearages.

In conducting its study, the Department of Social Services (the Department) shall (i) analyze the efficiency of DCSE's current child support enforcement processes and recommend strategies to improve such processes; (ii) identify trends regarding how the aggregate amount of child support arrearages has changed over the last four decades; (iii) identify the extent to which arrearages have been owed and not reduced for a period of 10 years or more; (iv) identify and examine the reasons that noncustodial parents have cited for their inability to pay the full amount or any portion of child support owed; and (v) explain any practices that DCSE uses or could use to (a) inform noncustodial parents of their rights regarding, and assist them with, lowering child support payments and vacating excessive child support orders; (b) proactively identify and intervene in cases in which child support is excessive when ordered or becomes excessive due to factors such as a reduction in income; (c) eliminate the calculation of child support based on imputed income; (d) eliminate the imposition of child support through a default judgment; (e) establish and cultivate a network of low-cost and pro bono attorneys to assist noncustodial parents; (f) recognize and credit the reasonable expenses of noncustodial parents, including recommendations for modifications of the child support guidelines to eliminate situations in which modest increases in income result in a parent's ineligibility for public assistance with child care; (g) eliminate the accrual of child support arrearages during periods of reduced employment, unemployment, or incarceration; (h) ensure that each government attorney engaged in child support establishment or enforcement is aware of and complies with the due process requirements set forth in the U.S. Supreme Court's decision in Turner v. Rogers, 564 U.S. 431 (2011), which requires certain notices and procedures before an unrepresented parent can receive certain sanctions, including incarceration, for failing to pay child support; (i) make available nonidentifying information about its child support cases and caseload for research purposes; and (j) encourage and assist with two-parent physical and emotional support for children, rather than limiting focus to financial support.

All agencies of the Commonwealth shall provide assistance to the Department for this study, upon request.

The Department of Social Services shall complete its meetings by November 30, 2017, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2018 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

INTRODUCED

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