20101979D

HOUSE BILL NO. 82

Offered January 8, 2020 Prefiled December 10, 2019

A BILL to amend and reenact §§ 20-107.1, 20-108.1, and 20-108.2 of the Code of Virginia, relating to child and spousal support; net income; imputation of income.

Patrons—Cole, M.L. (By Request) and McGuire

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-107.1, 20-108.1, and 20-108.2 of the Code of Virginia are amended and reenacted as follows:

§ 20-107.1. Court may decree as to maintenance and support of spouses.

- A. Pursuant to any proceeding arising under subsection L of § 16.1-241 or upon the entry of a decree providing (i) for the dissolution of a marriage, (ii) for a divorce, whether from the bond of matrimony or from bed and board, (iii) that neither party is entitled to a divorce, or (iv) for separate maintenance, the court may make such further decree as it shall deem expedient concerning the maintenance and support of the spouses, notwithstanding a party's failure to prove his grounds for divorce, provided that a claim for support has been properly pled by the party seeking support. However, the court shall have no authority to decree maintenance and support payable by the estate of a deceased spouse.
- B. Any maintenance and support shall be subject to the provisions of § 20-109, and no permanent maintenance and support shall be awarded from a spouse if there exists in such spouse's favor a ground of divorce under the provisions of subdivision A (1) of § 20-91. However, the court may make such an award notwithstanding the existence of such ground if the court determines from clear and convincing evidence, that a denial of support and maintenance would constitute a manifest injustice, based upon the respective degrees of fault during the marriage and the relative economic circumstances of the parties.
- C. The court, in its discretion, may decree that maintenance and support of a spouse be made in periodic payments for a defined duration, or in periodic payments for an undefined duration, or in a lump sum award, or in any combination thereof. If the court awards periodic support, such periodic amount shall not be greater than the payor's net income. For the purposes of this section, "net income" means gross income minus federal income taxes, state income taxes, and contributions made pursuant to the Federal Insurance Contributions Act (26 U.S.C. § 3101 et seq.).
- D. In addition to or in lieu of an award pursuant to subsection C, the court may reserve the right of a party to receive support in the future. In any case in which the right to support is so reserved, there shall be a rebuttable presumption that the reservation will continue for a period equal to 50 percent of the length of time between the date of the marriage and the date of separation. Once granted, the duration of such a reservation shall not be subject to modification.
- E. The court, in determining whether to award support and maintenance for a spouse, shall consider the circumstances and factors which contributed to the dissolution of the marriage, specifically including adultery and any other ground for divorce under the provisions of subdivision A (3) or (6) of § 20-91 or § 20-95. In determining the nature, amount and duration of an award pursuant to this section, the court shall consider the following:
- 1. The obligations, needs and financial resources of the parties, including but not limited to income from all pension, profit sharing or retirement plans, of whatever nature;
 - 2. The standard of living established during the marriage;
 - 3. The duration of the marriage;
- 4. The age and physical and mental condition of the parties and any special circumstances of the family;
- 5. The extent to which the age, physical or mental condition or special circumstances of any child of the parties would make it appropriate that a party not seek employment outside of the home;
 - 6. The contributions, monetary and nonmonetary, of each party to the well-being of the family;
 - 7. The property interests of the parties, both real and personal, tangible and intangible;
 - 8. The provisions made with regard to the marital property under § 20-107.3;
- 9. The earning capacity, including the skills, education and training of the parties and the present employment opportunities for persons possessing such earning capacity;
- 10. The opportunity for, ability of, and the time and costs involved for a party to acquire the appropriate education, training and employment to obtain the skills needed to enhance his or her earning

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ability;

11. 10. The decisions regarding employment, career, economics, education and parenting arrangements made by the parties during the marriage and their effect on present and future earning potential, including the length of time one or both of the parties have been absent from the job market;

12. 11. The extent to which either party has contributed to the attainment of education, training, career position or profession of the other party; and

13. 12. Such other factors, including the tax consequences to each party and the circumstances and factors that contributed to the dissolution, specifically including any ground for divorce, as are necessary to consider the equities between the parties.

- F. In contested cases in the circuit courts, any order granting, reserving or denying a request for spousal support shall be accompanied by written findings and conclusions of the court identifying the factors in subsection E which support the court's order. Any order granting or reserving any request for spousal support shall state whether the retirement of either party was contemplated by the court and specifically considered by the court in making its award, and, if so, the order shall state the facts the court contemplated and specifically considered as to the retirement of the party. If the court awards periodic support for a defined duration, such findings shall identify the basis for the nature, amount and duration of the award and, if appropriate, a specification of the events and circumstances reasonably contemplated by the court which support the award.
- G. For purposes of this section and § 20-109, "date of separation" means the earliest date at which the parties are physically separated and at least one party intends such separation to be permanent provided the separation is continuous thereafter and "defined duration" means a period of time (i) with a specific beginning and ending date or (ii) specified in relation to the occurrence or cessation of an event or condition other than death or termination pursuant to § 20-110.
- H. Where there are no minor children whom the parties have a mutual duty to support, an order directing the payment of 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. If known, the name, date of birth and social security number of each party and, unless otherwise ordered, each party's residential and, if different, mailing address, residential and employer telephone number, driver's license number, and the name and address of his 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;
- 2. The amount of periodic spousal support expressed in fixed sums, together with the payment interval, the date payments are due, and the date the first payment is due;
 - 3. A statement as to whether there is an order for health care coverage for a party;
- 4. 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 spousal support obligations first, with any payment in excess of the current obligation applied to arrearages;
- 5. If spousal support payments are ordered to be paid directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change; and
- 6. Notice that in determination of a spousal support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

§ 20-108.1. Determination of child or spousal support.

- A. In any proceeding on the issue of determining spousal support, the court shall consider all evidence presented relevant to any issues joined in that proceeding. The court's decision shall be rendered based upon the evidence relevant to each individual case.
- B. In any proceeding on the issue of determining child support under this title, Title 16.1, or Title 63.2, the court shall consider all evidence presented relevant to any issues joined in that proceeding. The court's decision in any such proceeding shall be rendered upon the evidence relevant to each individual case. However, there shall be a rebuttable presumption in any judicial or administrative proceeding for child support, including cases involving split custody or shared custody, that the amount of the award that would result from the application of the guidelines set out in § 20-108.2 is the correct amount of child support to be awarded. Liability for support shall be determined retroactively for the period measured from the date that the proceeding was commenced by the filing of an action with any court provided the complainant exercised due diligence in the service of the respondent or, if earlier, the date an order of the Department of Social Services entered pursuant to Title 63.2 and directing payment of support was delivered to the sheriff or process server for service on the obligor.

In order to rebut the presumption, the court shall make written findings in the order, which findings

may be incorporated by reference, that the application of such guidelines would be unjust or inappropriate in a particular case. The finding that rebuts the guidelines shall state the amount of support that would have been required under the guidelines, shall give a justification of why the order varies from the guidelines, and shall be determined by relevant evidence pertaining to the following factors affecting the obligation, the ability of each party to provide child support, and the best interests of the child:

- 1. Actual monetary support for other family members or former family members;
- 2. Arrangements regarding custody of the children, including the cost of visitation travel;
- 3. Imputed income to a party who is voluntarily unemployed or voluntarily under-employed; provided that income may not be imputed to a custodial parent when a child is not in school, child care services are not available and the cost of such child care services are not included in the computation and provided further, that any consideration of imputed income based on a change in a party's employment shall be evaluated with consideration of the good faith and reasonableness of employment decisions made by the party, including to attend and complete an educational or vocational program likely to maintain or increase the party's earning potential;
- 4. Any child care costs incurred on behalf of the child or children due to the attendance of a custodial parent in an educational or vocational program likely to maintain or increase the party's earning potential;
 - 5. 4. Debts of either party arising during the marriage for the benefit of the child;
- 6. 5. Direct payments ordered by the court for maintaining life insurance coverage pursuant to subsection D, education expenses, or other court-ordered direct payments for the benefit of the child;
 - 7. 6. Extraordinary capital gains such as capital gains resulting from the sale of the marital abode;
 - 8. 7. Any special needs of a child resulting from any physical, emotional, or medical condition;
 - 9. 8. Independent financial resources of the child or children;

- 40. 9. Standard of living for the child or children established during the marriage;
- 11. Earning capacity, obligations, 10. Obligations, financial resources, and special needs of each parent;
- 12. 11. Provisions made with regard to the marital property under § 20-107.3, where said property earns income or has an income-earning potential;
- 13. 12. Tax consequences to the parties including claims for exemptions, child tax credit, and child care credit for dependent children;
- 44. 13. A written agreement, stipulation, consent order, or decree between the parties which includes the amount of child support; and
 - 45. 14. Such other factors as are necessary to consider the equities for the parents and children.
- C. In any proceeding under this title, Title 16.1, or Title 63.2 on the issue of determining child support, the court shall have the authority to order either party or both parties to provide health care coverage or cash medical support, as defined in § 63.2-1900, or both, for dependent children if reasonable under all the circumstances and health care coverage for a spouse or former spouse.
- D. In any proceeding under this title, Title 16.1, or Title 63.2 on the issue of determining child support, the court shall have the authority to order a party to (i) maintain any existing life insurance policy on the life of either party provided the party so ordered has the right to designate a beneficiary and (ii) designate a child or children of the parties as the beneficiary of all or a portion of such life insurance for so long as the party so ordered has a statutory obligation to pay child support for the child or children.
- E. Except when the parties have otherwise agreed, in any proceeding under this title, Title 16.1, or Title 63.2 on the issue of determining child support, the court shall have the authority to and may, in its discretion, order one party to execute all appropriate tax forms or waivers to grant to the other party the right to take the income tax dependency exemption for any tax year or future years, for any child or children of the parties for federal and state income tax purposes.
- F. Notwithstanding any other provision of law, any amendments to this section shall not be retroactive to a date before the effective date of the amendment, and shall not be the basis for a material change in circumstances upon which a modification of child support may be based.
- G. Child support payments, whether current or arrears, received by a parent for the benefit of and owed to a child in the parent's custody, whether the payments were ordered under this title, Title 16.1, or Title 63.2, shall not be subject to garnishment. A depository wherein child support payments have been deposited on behalf of and traceable to an individual shall not be required to determine the portion of deposits that are subject to garnishment.
- H. In any proceeding on the issue of determining child or spousal support or an action for separate maintenance under this title, Title 16.1, or Title 63.2, when the earning capacity, voluntary unemployment, or voluntary under-employment of a party is in controversy, the court in which the action is pending, upon the motion of any party and for good cause shown, may order a party to submit

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to a vocational evaluation by a vocational expert employed by the moving party, including, but not limited to, any interviews and testing as requested by the expert. The order may permit the attendance of the vocational expert at the deposition of the person to be evaluated. The order shall specify the name and address of the expert, the scope of the evaluation, and shall fix the time for filing the report with the court and furnishing copies to the parties. The court may award costs or fees for the evaluation and the services of the expert at any time during the proceedings. The provisions of this section shall not preclude the applicability of any other rule or law.

§ 20-108.2. Guideline for determination of child support; quadrennial review by Child Support Guidelines Review Panel; executive summary.

A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.2, including cases involving split custody, shared custody, or multiple custody arrangements pursuant to subdivisions G 4, 5, and 6, 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 § 20-108.1. 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 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

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 net income amounts falling between amounts shown in the schedule, basic child support obligation amounts shall be extrapolated. However, unless one of the following exemptions applies where the sole custody child support obligation as computed pursuant to subdivision G 1 is less than the statutory minimum per month, there shall be a presumptive minimum child support obligation of the statutory minimum per month payable by the payor parent. If the gross net income of the obligor 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, then the court, upon hearing evidence that there is no ability to pay the presumptive statutory minimum, may set an obligation below the presumptive statutory minimum provided doing so does 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. Exemptions from this presumptive minimum monthly child support obligation shall include: parents unable to pay child support because they lack sufficient assets from which to pay child support and who, in addition, are institutionalized in a psychiatric facility; are imprisoned for life with no chance of parole; are medically verified to be totally and permanently disabled with no evidence of potential for paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise involuntarily unable to produce income. "Number of children" means the number of children for whom the parents share joint legal responsibility and for whom support is being sought. The guidelines worksheet relied upon by the court or the Department of Social Services to compute a child support obligation for a support order issued by such court or the Department shall be placed in the court's file or the Department's file, and a copy of such guidelines worksheet shall be provided to the parties.

SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

	BCHEDUEL OF MO	CALLED DAY	DIC CILLD DO	I OKI ODLIGI	1110110		
225	COMBINED						
226	MONTHLY						
227	GROSS NET	ONE	TWO	THREE	FOUR	FIVE	SIX
228	INCOME	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
229	0-350	68	104	126	141	155	169
230	400	78	119	144	161	177	192
231	450	88	133	162	181	199	216
232	500	97	148	179	200	220	239
233	550	107	162	197	220	242	263
234	600	116	177	215	240	264	287
235	650	126	191	232	259	285	310
236	700	135	206	250	279	307	333
237	750	145	220	267	298	328	357
238	800	154	234	284	317	349	379
239	850	163	248	300	336	369	401
240	900	171	260	316	353	388	422
241	950	179	273	331	369	406	442
242	1000	187	285	346	386	425	462
243	1050	196	298	361	403	443	482
244	1100	204	310	375	419	461	501
245	1150	212	323	390	436	480	521

246	1200	220	335	405	453	498	541
247	1250	228	347	420	469	516	561
248	1300	237	360	435	486	535	581
249	1350	245	372	450	503	553	601
$\frac{1}{250}$	1400	253	385	465	519	571	
251 251							
251 252	1450	261	397	480	536	589	641
252	1500	269	410	495	552	608	661
253	1550	278	422	509	569	626	
254	1600	286	434	524	585	644	700 大
255	1650	293	446	538	601	661	
256	1700	301	457	552	616	678	
257	1750	309	469	566	632	695	756
258	1800	316	481	579	647	712	756 774 U
259	1850	324	492	593	663	729	792
260	1900	331	504	607	678	746	811
261	1950	339	515	621	693	763	829
262	2000	347	527	635	709	780	848
263	2050	354	538	648	724	797	866 I
264	2100	362	550	662	740	814	884
265	2150	369	561	676	755	830	903
266	2200	377	573	690	770	847	921
267	2250	385	584	703	786	864	940
268	2300	392	596	717	801	881	958
269	2350	400	607	731	817	898	976
270	2400	407	619	745	832	915	995
271	2450	415	630	759	847	932	1013
272	2500	423	642	772	863	949	1032
273	2550	430	653	786	878	966	1050
274	2600	438	665	800	894	983	1050 1068 1087 1105
275	2650	445	676	814	909	1000	1087 ∞
							1007 8
276	2700	453	688	828	924	1017	1103
277	2750	460	699	841	940	1034	1124
278	2800	468	711	855	955	1051	1142
279	2850	476	722	869	971	1068	1160
280	2900		734	883	986		1179
		483				1084	
281	2950	491	745	896	1001	1101	1197
282	3000	498	757	910	1017	1118	1216
283	3050	506	768	924	1032	1135	1234
284	3100	514	780	938	1047	1152	1252
285	3150	521	791	952	1063	1169	1271
203							
286	3200	529	803	965	1078	1186	1289
287	3250	536	814	979	1094	1203	1308
288	3300	544	826	993	1109	1220	1326
289	3350	551	837	1006	1123	1236	1343
290	3400	559	848	1019	1138	1252	1361
291							
291	3450	566	859	1032	1152	1268	1378
292	3500	574	870	1045	1167	1283	1395
293	3550	581	881	1057	1181	1299	1412
294	3600	588	892	1070	1196	1315	1430
295	3650	596	903	1083	1210	1331	1447
296	3700	603	914	1096	1224	1347	1464
207							
297	3750	611	925	1109	1239	1363	1481
298	3800	618	936	1122	1253	1379	1499
299	3850	626	947	1135	1268	1395	1516
300	3900	632	956	1146	1280	1408	1531
301	3950	638	966	1157	1293	1422	1546
302	4000	645	975	1168	1305	1436	1561
303	4050	651	985	1180	1318	1449	1575
304	4100	658	994	1191	1330	1463	1590
305	4150	664	1004	1202	1342	1477	1605
306	4200	670	1013	1213	1355	1490	1620
207							
307	4250	677	1023	1224	1367	1504	1635
308	4300	682	1030	1233	1377	1515	1647
309	4350	687	1038	1242	1387	1526	1658
310	4400	693	1046	1251	1397	1537	1670
311							
J11 212	4450	698	1054	1260	1407	1548	1682
312	4500	704	1062	1268	1417	1559	1694
313	4550	709	1069	1277	1427	1569	1706

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314	4600	714	1077	1286	1437	1580	1718
315	4650	720	1085	1295	1447	1591	1730
316	4700	725	1093	1304	1457	1602	1742
317	4750	731	1100	1313	1466	1613	1753
318	4800	736	1108	1322	1476	1624	1765
319	4850	741	1116	1331	1486	1635	1777
320	4900	747	1124	1339	1496	1646	1789
321	4950	752	1131	1348	1506	1656	1800
322	5000	755	1136	1353	1511	1662	1807
323	5050	759	1141	1358	1516	1668	1813
324	5100	762	1145	1362	1522	1674	1820
325							
323	5150	766	1150	1367	1527	1680	1826
326	5200	769	1155	1372	1533	1686	1833
327	5250	773	1159	1377	1538	1692	1839
328	5300	776	1164	1382	1544	1698	1846
329	5350	780	1169	1387	1549	1704	1852
330	5400	783	1173	1392	1554	1710	1859
331	5450	787	1178	1397	1560	1716	1865
332							
334	5500	790	1183	1401	1565	1722	1872
333	5550	794	1187	1406	1571	1728	1878
334	5600	797	1192	1411	1576	1734	1885
335	5650	800	1196	1416	1582	1740	1891
333							
336	5700	803	1201	1421	1587	1746	1897
337	5750	806	1205	1425	1592	1751	1904
338	5800	809	1209	1430	1598	1757	1910
339							
	5850	812	1213	1435	1603	1763	1917
340	5900	815	1217	1440	1608	1769	1923
341	5950	818	1221	1444	1613	1775	1929
342	6000	821	1226	1449	1619	1781	1936
343	6050	823	1230	1454	1624	1787	1942
344	6100	826	1234	1459	1629	1792	1948
345	6150	829	1238	1464	1635	1798	1955
346	6200	832	1242	1468	1640	1804	1961
347	6250	835	1246	1473	1645	1810	1967
348	6300	838	1251	1478	1651	1816	1974
349	6350	841	1255	1483		1822	1980
					1656		
350	6400	844	1259	1487	1661	1827	1986
351	6450	847	1263	1492	1667	1833	1993
352	6500	849	1267	1497	1672	1839	1999
252							
353	6550	852	1271	1502	1677	1845	2005
354	6600	855	1276	1506	1683	1851	2012
355	6650	858	1280	1511	1688	1857	2018
356	6700	861	1285	1517	1694	1864	2026
357	6750	865	1291	1524	1703	1873	2036
358	6800	869	1297	1532	1711	1882	2046
359	6850	873	1303	1539	1719	1891	2056
360							
	6900	877	1309	1547	1728	1900	2066
361	6950	881	1315	1554	1736	1909	2076
362	7000	885	1321	1561	1744	1919	2085
363	7050	889	1328	1569	1752	1928	2095
364							
304	7100	893	1334	1576	1761	1937	2105
365	7150	897	1340	1584	1769	1946	2115
366	7200	901	1346	1591	1777	1955	2125
367	7250	905	1352	1599	1786	1964	2135
260							
368	7300	909	1358	1606	1794	1973	2145
369	7350	913	1364	1613	1802	1982	2155
370	7400	917	1370	1621	1810	1991	2165
371							
3/1	7450	921	1376	1628	1819	2001	2175
372	7500	925	1382	1636	1827	2010	2185
373	7550	929	1389	1643	1835	2019	2194
374	7600	933	1395	1650	1844	2028	2204
31 7 275							
375	7650	937	1401	1658	1852	2037	2214
376	7700	941	1407	1665	1860	2046	2224
377	7750	944	1411	1670	1865	2051	2230
378							
3/0	7800	946	1413	1672	1867	2054	2233
379	7850	948	1416	1674	1870	2057	2236
380	7900	950	1419	1676	1873	2060	2239
381	7950	953	1421	1679	1875	2063	2242
201	1730	733	1441	10/7	1013	2005	22 4 2

202							
382	8000	955	1424	1681	1878	2065	2245
383	8050	957	1426	1683	1880	2068	2248
384	8100	959	1429	1685	1883	2071	2251
385	8150	961	1432	1688	1885	2074	2254
386	8200	963	1434	1690	1888	2076	2257
207							
387	8250	965	1436	1692	1890	2079	
388	8300	967	1439	1694	1892	2082	2263
389	8350	969	1441	1696	1895	2084	2266
390	8400	971	1444	1699	1897	2087	2269 大
391	8450	973	1446	1701	1899	2089	2271
392	8500	974	1447	1702	1901	2091	2273
374							
393	8550	975	1449	1704	1903	2093	2276 2278 U
394	8600	976	1450	1705	1905	2096	
395	8650	977	1452	1707	1907	2098	2280
396	8700	978	1453	1709	1909	2100	2282
397	8750	979	1455	1710	1911	2102	2284
398	8800	980	1456	1712	1912	2104	2287
399							2207
	8850	981	1457	1714	1914	2106	2289
400	8900	982	1459	1715	1916	2108	2291
401	8950	983	1460	1717	1918	2110	2293
402	9000	984	1462	1719	1920	2112	2295
403	9050	985	1463	1720	1922	2114	2298
404	9100	986	1465	1722	1923	2116	2300
405							
	9150	987	1466	1724	1925	2118	2302
406	9200	991	1471	1730	1932	2125	2310
407	9250	994	1477	1737	1940	2134	2319
408	9300	998	1483	1743	1947	2142	2328
409	9350	1002	1488	1750	1955	2150	
410	9400	1005	1494	1757	1962	2159	2337 2346
411		1009					2355 ∞
	9450		1499	1764	1970	2167	
412	9500	1013	1505	1771	1978	2176	2365
413	9550	1017	1511	1778	1986	2185	2375
414	9600	1021	1518	1786	1995	2194	2385
415	9650	1025	1524	1793	2003	2203	2395
416	9700	1029	1530	1801	2011	2212	2405
417	9750		1536		2020	2222	
		1033		1808			2415
418	9800	1037	1543	1816	2028	2231	2425
419	9850	1041	1549	1823	2036	2240	2435
420	9900	1046	1555	1831	2045	2249	2445
421	9950	1050	1561	1838	2053	2258	2455
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424	10100	1062	1580	1860	2078	2286	2485
425							
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426	10200	1070	1592	1875	2095	2304	2505
427	10250	1074	1599	1883	2103	2314	2515
428	10300	1079	1605	1891	2112	2323	2525
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430	10400	1087	1618	1906	2129	2342	2546
431	10450	1091	1624	1914	2138	2351	2556
432							
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433	10550	1100	1637	1929	2155	2370	2576
434	10600	1104	1643	1937	2163	2380	2587
435	10650	1108	1650	1944	2172	2389	2597
436	10700	1112	1656	1952	2180	2398	2607
437	10750	1117	1662	1960	2189	2408	2617
438	10800	1121	1669	1967	2197	2417	2627
439							2638
	10850	1125	1675	1975	2206	2427	
440	10900	1129	1682	1983	2214	2436	2648
441	10950	1134	1688	1990	2223	2445	2658
442	11000	1138	1694	1998	2232	2455	2668
443	11050	1142	1701	2005	2240	2464	2678
444	11100	1146	1707	2013	2249	2474	2689
445	11150	1150	1714	2013	2257	2483	2699
446	11200	1154	1718	2026	2263	2489	2706
447	11250	1157	1722	2030	2267	2494	2711
448	11300	1159	1726	2034	2272	2499	2717
449	11350	1162	1730	2038	2276	2504	2722

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450	11400	1165	1733	2042	2281	2509	2727
451	11450	1168	1737	2046	2285	2514	2733
452	11500	1171	1741	2050	2290	2519	2738
452							
453	11550	1173	1745	2054	2294	2524	2743
454	11600	1176	1749	2058	2299	2529	2749
455	11650	1179	1752	2062	2303	2534	2754
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457	11750	1185	1760	2070	2312	2543	2765
458	11800	1187	1764	2074	2317	2548	2770
459							
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460	11900	1193	1771	2082	2326	2558	2781
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462	12000	1199	1779	2090	2335	2568	2791
463	12050	1201	1783	2094	2339	2573	2797
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465	12150	1207	1790	2102	2348	2583	2808
466							
467	12200	1210	1795	2107	2354	2589	2815
467	12250	1213	1800	2113	2360	2596	2822
468	12300	1216	1804	2118	2366	2603	2829
469	12350	1220	1809	2124	2372	2610	2837
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471	12450	1226	1818	2135	2384	2623	2851
472	12500	1229	1823	2140	2391	2630	2858
473	12550	1232	1828	2146	2397	2636	2866
474	12600	1235	1832	2151	2403	2643	2873
475	12650	1239	1837	2157	2409	2650	2880
476	12700	1242	1842	2162	2415	2657	2888
477	12750	1245	1846	2168	2421	2663	2895
478	12800	1248	1851	2173	2427	2670	2902
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480	12900	1254	1860	2184	2439	2683	2917
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482	13000	1261	1870	2195	2452	2697	2931
483							
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485	13150	1270	1884	2211	2470	2717	2953
486	13200	1273	1888	2217	2476	2724	2961
487	13250	1276	1893	2222	2482	2730	2968
488	13300	1279	1898	2228	2488	2737	2975
489	13350	1283	1902	2233	2494	2744	2983
490	13400	1286	1907	2239	2501	2751	2990
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496	13700	1303	1935	2274	2540	2794	3037
497	13750	1306	1939	2280	2546	2801	3045
498	13800	1308	1944	2286	2553	2808	3053
499	13850	1311	1948	2292	2560	2816	3061
500	13900	1314	1953	2298	2566	2823	3069
501	13950	1317	1957	2304	2573	2830	3077
502	14000	1320	1962	2310	2580	2838	3085
503	14050	1322	1967	2316	2586	2845	3093
504							
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505	14150	1328	1976	2328	2600	2860	3109
506	14200	1331	1980	2333	2607	2867	3117
507	14250	1334	1985	2339	2613	2875	3125
508	14300	1336	1990	2345	2620	2882	3133
509	14350	1339	1994	2351	2627	2889	3141
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511	14450	1345	2003	2363	2640	2904	3157
512	14500	1347	2008	2369	2647	2911	3164
513	14550	1350	2013	2375	2653	2919	3172
514	14600	1353	2017	2381	2660	2926	3172
515			2017	2387			3188
515 5 16	14650	1356			2667	2933	
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517	14750	1361	2031	2399	2680	2948	3204

518	14800	1364	2036	2405	2686	2955	3212
519	14850	1368	2040	2410	2692	2961	3219
520	14900	1371	2045	2415	2698	2967	3226
521	14950	1375	2050	2420	2703	2974	3232
522	15000	1378	2055	2425	2709	2980	
523	15050	1382	2059	2430	2714	2986	3239 Z
524	15100	1385	2064	2435	2720	2992	3252
525	15150	1389	2069	2440	2726	2998	3259
526	15200	1392	2074	2445	2731	3004	3266
527	15250	1396	2078	2450	2737	3010	3272
528	15300	1400	2083	2455	2742	3017	3279 O
529	15350	1403	2088	2460	2748	3023	3286
530	15400	1407	2093	2465	2754	3029	3292 U
531	15450	1410	2098	2470	2759	3035	3299
532	15500	1414	2102	2475	2765	3041	3306
533	15550	1417	2107	2480	2770	3047	3312
534	15600	1421	2112	2485	2776	3053	3319
535	15650	1424	2117	2490	2781	3060	3326 I
536	15700	1428	2121	2495	2787	3066	3333
537	15750	1431	2126	2500	2793	3072	3339
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539	15850	1438	2136	2510	2804	3084	3353
540	15900	1442	2140	2515	2809	3090	3359
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543	16050	1453	2155	2530	2826	3109	3379
544	16100	1456	2159	2535	2832	3115	3386
545	16150	1458	2162	2538	2835	3119	3390
546	16200	1459	2164	2541	2838	3122	3390 3394 3397 &
547	16250	1461	2167	2544	2841	3125	
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549	16350	1464	2171	2549	2847	3132	3404
550	16400	1465	2173	2551	2850	3135	3408
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557	16700 16750	1473 1475	2186 2188	2567 2570	2867 2870	3154 3157	3428 3432
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560	16900	1479	2194	2577	2879	3167	3442
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563	17050	1483	2200	2585	2887	3176	3452
564	17100	1484	2203	2588	2890	3179	3456
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567	17250	1488	2209	2595	2899	3189	3466
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572	17500	1495	2219	2608	2913	3204	3483
573	17550	1497	2222	2611	2916	3208	3487
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575	17650	1499	2226	2616	2922	3214	3494
576	17700	1501	2228	2618	2925	3217	3497
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579	17850	1505	2234	2626	2933	3227	3507
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582 583	18000	1509	2240	2634	2942	3236	3518
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586	18200	1514	2249	2644	2052	3249	2521
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589	18350	1520	2256	2652	2963	3259	3542
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593	18550	1528	2268	2665	2976	3274	3559
594	18600	1530	2271	2668	2980	3278	3563
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598	18800	1539	2283	2680	2994	3293	3579
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601	18950	1545	2291	2689	3004	3304	3592
602	19000	1547	2294	2692	3007	3308	3596
603	19050	1550	2297	2695	3011	3312	3600
604	19100	1552	2300	2698	3014	3316	3604
605	19150	1554	2303	2702	3014	3319	3608
606	19200	1556	2306	2705	3021	3323	3612
607	19250	1558	2309	2708	3025	3327	3616
608	19300	1560	2312	2711	3023	3327	3621
609				2714	3031	3335	
610	19350	1563	2315				3625
611	19400	1565	2318	2717	3035	3338	3629
612	19450	1567	2320	2720	3038	3342	3633
613	19500	1569	2323	2723	3042	3346	3637
013	19550	1571	2326	2726	3045	3350	3641
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621	19950	1588	2350	2751	3073	3380	3674
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627	20250	1601	2367	2769	3093	3403	3699
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636	20700	1621	2393	2797	3124	3437	3736
637	20750	1623	2396	2800	3128	3440	3740
638	20800	1625	2399	2803	3131	3444	3744
639	20850	1627	2402	2806	3135	3448	3748
640	20900	1629	2405	2809	3138	3452	3752
641	20950	1631	2408	2812	3141	3456	3756
642	21000	1634	2411	2815	3145	3459	3760
643	21050	1636	2414	2818	3148	3463	3764
644	21100	1638	2417	2822	3152	3467	3768
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646	21200	1642	2423	2828	3159	3474	3777
647	21250	1644	2425	2831	3162	3478	3781
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658	21800	1667	2458	2868	3204	3524	
659						3529	3831 Z
059	21850	1668	2461	2872	3208		3830
660	21900	1670	2464	2876	3213	3534	3841
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664					3230		3862
004	22100	1678	2476	2891		3553	
665	22150	1680	2479	2895	3234	3557	3867 3872. U
666	22200	1681	2482	2899	3238	3562	3872
667	22250	1683	2485	2903	3243	3567	3877
668	22300	1685	2488	2907	3247	3571	3882
669							
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670	22400	1689	2494	2914	3255	3581	3892
671	22450	1691	2497	2918	3260	3586	3898 T
672	22500	1692	2500	2922	3264	3590	3903
673	22550	1694	2503	2926	3268	3595	3903 3908
674							
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675	22650	1698	2509	2934	3277	3604	3918
676	22700	1700	2512	2937	3281	3609	3923
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682	23000	1711	2530	2960	3307	3637	3949 3954 B 3959 3964
683 684	23050	1713	2533	2964	3311	3642	3959 &
684	23100	1715	2536		3315	3647	3964
00 1				2968			
685	23150	1717	2539	2972	3320	3651	3969
686 687	23200	1718	2542	2976	3324	3656	3974
687	23250	1720	2545	2979	3328	3661	3979
688	23300	1722	2548	2983	3332	3666	3984
689	23350	1724	2551	2987	3337	3670	3990
(00							
690	23400	1726	2554	2991	3341	3675	3995
691	23450	1728	2557	2995	3345	3680	4000
692	23500	1730	2560	2999	3349	3684	4005
693	23550	1731	2563	3002	3354	3689	4010
694	23600	1733	2566	3006	3358	3694	4015
695							
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696	23700	1737	2572	3014	3367	3703	4025
697	23750	1739	2575	3018	3371	3708	4031
698	23800	1741	2578	3022	3375	3713	4036
699	23850	1742	2581	3025	3379	3717	4041
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701	23950	1746	2587	3033	3388	3727	4051
702	24000	1748	2590	3037	3392	3731	4056
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706	24200	1755	2602	3052	3409	3750	4077
707	24250	1757	2605	3056	3414	3755	4082
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710	24400	1763	2614	3068	3426	3769	4097
711			2617	3071			4102
/11 712	24450	1765			3431	3774	
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713	24550	1768	2623	3079	3439	3783	4112
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715	24650	1772	2629	3087	3448	3793	4123
716	24700	1774	2632	3091	3452	3797	4128
717	24750	1776	2635	3094	3456	3802	4133
718	24800	1778	2638	3098	3461	3807	4138
719	24850	1780	2641	3102	3465	3811	4143
720	24900	1781	2644	3106	3469	3816	4148
721							
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722	25000	1785	2650	3114	3478	3826	4158
723	25050	1787	2653	3117	3482	3830	4163
724							
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725	25150	1791	2659	3125	3491	3840	4174
726	25200	1792	2662	3129	3495	3844	4179
727	25250	1794	2665	3133	3499	3849	4184
728	25300						
		1796	2668	3136	3503	3854	4189
729	25350	1798	2671	3140	3508	3858	4194
730	25400	1800	2674	3144	3512	3863	4199
731	25450	1802	2677	3148	3516	3868	4204
732	25500	1804	2680	3152	3521	3873	4210
732							
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734	25600	1807	2685	3159	3529	3882	4220
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736	25700	1811	2691	3167	3538	3891	4230
737							
737	25750	1813	2694	3171	3542	3896	4235
738	25800	1815	2697	3175	3546	3901	4240
739	25850	1817	2700	3179	3550	3906	4245
740	25900	1818	2703	3182	3555	3910	4250
741	25950	1820	2706	3186	3559	3915	4256
742	26000	1822	2709	3190	3563	3920	4261
743	26050	1824	2712	3194	3568	3924	4266
744	26100	1826	2715	3198	3572	3929	4271
745	26150	1828	2718	3202	3576	3934	4276
746							
	26200	1830	2721	3205	3580	3938	4281
747	26250	1831	2724	3209	3585	3943	4286
748	26300	1833	2727	3213	3589	3948	4291
749	26350	1835	2730	3217	3593	3953	4296
750	26400	1837	2733	3221	3598	3957	4302
751	26450	1839	2736	3225	3602	3962	4307
752	26500	1841	2739	3228	3606	3967	4312
753	26550	1842	2742	3232	3610	3971	4317
754	26600	1844	2745	3236	3615	3976	4322
755	26650	1846	2748			3981	
733 756				3240	3619		4327
<u>756</u>	26700	1848	2751	3244	3623	3986	4332
757	26750	1850	2754	3248	3627	3990	4337
758	26800	1852	2757	3251	3632	3995	4342
759	26850	1854	2760	3255	3636	4000	4348
760							
	26900	1855	2763	3259	3640	4004	4353
761	26950	1857	2766	3263	3645	4009	4358
762	27000	1859	2769	3267	3649	4014	4363
763	27050	1861	2772	3270	3653	4018	4368
764	27100	1863	2775	3274	3657	4023	4373
765							
	27150	1865	2778	3278	3662	4028	4378
766	27200	1867	2781	3282	3666	4033	4383
767	27250	1868	2784	3286	3670	4037	4389
768	27300	1870	2787	3290	3675	4042	4394
769	27350	1872	2790	3293	3679	4047	4399
770							
	27400	1874	2793	3297	3683	4051	4404
771	27450	1876	2796	3301	3687	4056	4409
772	27500	1878	2799	3305	3692	4061	4414
773	27550	1880	2802	3309	3696	4066	4419
774	27600	1881	2805	3313	3700	4070	4424
775							
115	27650	1883	2808	3316	3704	4075	4429
<u>776</u>	27700	1885	2811	3320	3709	4080	4435
777	27750	1887	2814	3324	3713	4084	4440
778	27800	1889	2817	3328	3717	4089	4445
779	27850	1891	2820	3332	3722	4094	4450
780							
780	27900	1892	2823	3336	3726	4098	4455
781	27950	1894	2826	3339	3730	4103	4460
782	28000	1896	2829	3343	3734	4108	4465
783	28050	1898	2832	3347	3739	4113	4470
784	28100	1899	2833	3348	3740	4114	4472
70 7 70 <i>5</i>							
785 786	28150	1900	2834	3349	3741	4115	4473
786	28200	1900	2835	3349	3741	4115	4473
787	28250	1901	2836	3350	3742	4116	4474
788	28300	1902	2836	3350	3742	4116	4474
789	28350	1902	2837	3351	3743	4117	4475
107	20330	1702	2031	JJJ 1	3173	711/	7713

790	28400	1903	2020	2251	2742	4117	4476
790 791			2838 2838	3351 3351	3743	4117	4476
791 792	28450	1904			3744	4118	
793	28500	1904	2839 2840	3352 3352	3744 3745	4118	4477 4477 H
794	28550	1905				4119	
79 4 795	28600	1906	2840	3353	3745	4120	4478 4
796	28650	1906	2841 2842	3353 3354	3745 3746	4120	4478 4 4479 4
790 797	28700	1907				4121	
798	28750	1908	2842	3354	3746	4121	4480
790 700	28800	1908	2843	3354	3747	4122	4480
799 800	28850	1909	2844	3355	3747	4122	4401
000 001	28900	1909	2844	3355	3748	4123	4481
803 001	28950	1910	2845	3356	3748	4123	4482 4483 U
801 802 803	29000	1911	2846	3356	3749	4124	
903 904	29050 29100	1911 1912	2846	3357	3749	4124	4483 4484 C
804 805	29150	1912	2847 2848	3357 3358	3750 3750	4125 4125	4484
806	29200	1913	2848	3358	3750 3751	4126	4485
807	29250	1913	2849	3358	3751	4126	4485 T
806 807 808	29300	1914	2850	3359	3752	4127	4406
809	29350	1915	2850	3359	3752 3752	4128	4486 4487 U
810	29400	1916	2851	3360	3753	4128	4487
811	29450	1917	2852	3360	3753	4129	4488
812	29500	1917	2852	3361	3754	4129	4488
812 813	29550	1918	2853	3361	3754	4130	4489
814	29600	1919	2854	3361	3755	4130	4490
815	29650	1919	2855	3362	3755	4131	4490
816	29700	1920	2855	3362	3756	4131	4491
816 817	29750	1921	2856	3363	3756	4132	4.40.4
818	29800	1921	2857	3363	3757	4132	4491 4492 4492 4493 2
819	29850	1922	2857	3364	3757	4133	4492 👸
820	29900	1923	2858	3364	3758	4133	4493
821 822	29950	1923	2859	3365	3758	4134	4494
822	30000	1924	2859	3365	3759	4135	4494
823	30050	1925	2860	3365	3759	4135	4495
824 825	30100	1925	2861	3366	3760	4136	4495
825	30150	1926	2861	3366	3760	4136	4496
826	30200	1926	2862	3367	3761	4137	4497
827 828	30250	1927	2863	3367	3761	4137	4497
828	30300	1928	2863	3368	3762	4138	4498
829	30350	1928	2864	3368	3762	4138	4498
830	30400	1929	2865	3368	3763	4139	4499
831 832	30450	1930 1930	2865	3369	3763 2764	4139	4499
833	30500 30550	1930	2866 2867	3369 3370	3764 3764	4140 4140	4500 4501
834	30600	1931	2867	3370	3765	4141	4501
835	30650	1932	2868	3370	3765	4141	4502
836	30700	1933	2869	3371	3765	4142	4502
837	30750	1934	2869	3371	3766	4143	4503
838	30800	1934	2870	3372	3766	4143	4504
839	30850	1935	2871	3372	3767	4144	4504
840	30900	1936	2871	3373	3767	4144	4505
841	30950	1936	2872	3373	3768	4145	4505
842	31000	1937	2873	3374	3768	4145	4506
843	31050	1938	2874	3374	3769	4146	4506
844	31100	1938	2874	3375	3769	4146	4507
845	31150	1939	2875	3375	3770	4147	4508
846	31200	1940	2876	3375	3770	4147	4508
847	31250	1940	2876	3376	3771	4148	4509
848	31300	1941	2877	3376	3771	4148	4509
849	31350	1942	2878	3377	3772	4149	4510
850 851	31400	1942	2878	3377	3772	4150	4511
851 852	31450	1943	2879	3378	3773	4150	4511
852 853	31500	1943	2880	3378	3773 3774	4151	4512 4512
853 854	31550	1944	2880	3378	3774 3774	4151	4512 4513
855	31600 31650	1945 1945	2881	3379 3379	3774 3775	4152	4513 4513
856	31700	1945 1946	2882 2882	3380	3775 3775	4152 4153	4513 4514
857	31750	1946 1947	2883	3380	3775 3776	4153	4515
00,	31730	1771	2003	3300	3110	7133	7313

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858	31800	1947	2884	3381	3776	4154	4515
859	31850	1948	2884	3381	3777	4154	4516
860	31900	1949	2885	3382	3777	4155	4516
861	31950	1949	2886	3382	3778	4155	4517
862	32000	1950	2886	3382	3778	4156	4518
863	32050	1951	2887	3383	3779	4156	4518
864	32100	1951	2888	3383	3779	4157	4519
865	32150	1952	2888	3384	3780	4158	4519
866	32200	1953	2889	3384	3780	4158	4520
867	32250	1953	2890	3385	3781	4159	4520
868	32300	1954	2890	3385	3781	4159	4521
869	32350	1955	2891	3385	3782	4160	4522
870	32400	1955	2892	3386	3782	4160	4522
871	32450	1956	2893	3386	3783	4161	4523
872	32500	1957	2893	3387	3783	4161	4523
873	32550	1957	2894	3387	3784	4162	4524
874	32600	1958	2895	3388	3784	4162	4525
875	32650	1959	2895	3388	3784	4163	4525
876	32700	1959	2896	3389	3785	4163	4526
877	32750	1960	2897	3389	3785	4164	4526
878	32800	1960	2897	3389	3786	4165	4527
879	32850	1961	2898	3390	3786	4165	4527
880	32900	1962	2899	3390	3787	4166	4528
881	32950	1962	2899	3391	3787	4166	4529
882	33000	1963	2900	3391	3788	4167	4529
883	33050	1964	2901	3392	3788	4167	4530
884	33100	1964	2901	3392	3789	4168	4530
885 886	33150	1965	2902	3392	3789	4168	4531
887	33200 33250	1966	2903 2903	3393 3393	3790 3790	4169	4532
888	33300	1966 1967	2903 2904	3394	3790 3791	4169 4170	4532 4533
889	33350	1967	2904 2905	3394	3791	4170	4533
890	33400	1968	2905	3395	3792	4171	4534
891	33450	1969	2906	3395	3792	4171	4534
892	33500	1909	2907	3395	3792	4172	4535
893	33550	1970	2907	3396	3793	4173	4536
894	33600	1971	2908	3396	3794	4173	4536
895	33650	1972	2909	3397	3794	4174	4537
896	33700	1972	2909	3397	3795	4174	4537
897	33750	1973	2910	3398	3795	4175	4538
898	33800	1974	2911	3398	3796	4175	4539
899	33850	1974	2912	3399	3796	4176	4539
900	33900	1975	2912	3399	3797	4176	4540
901	33950	1976	2913	3399	3797	4177	4540
902	34000	1976	2914	3400	3798	4177	4541
903	34050	1977	2914	3400	3798	4178	4541
904	34100	1977	2915	3401	3799	4178	4542
905	34150	1978	2916	3401	3799	4179	4543
906	34200	1979	2916	3402	3800	4179	4543
907	34250	1979	2917	3402	3800	4180	4544
908	34300	1980	2917	3402	3800	4181	4544
909	34350	1981	2918	3403	3801	4181	4545
910	34400	1981	2919	3403	3801	4182	4545
911	34450	1982	2919	3404	3802	4182	4546
912	34500	1983	2920	3404	3802	4183	4546
913	34550	1983	2921	3405	3803	4183	4547
914	34600	1984	2921	3405	3803	4184	4548
915	34650	1984	2922	3405	3804	4184	4548
916 017	34700	1985	2923	3406	3804	4185	4549
917	34750	1986	2923	3406	3805	4185	4549
918	34800	1986	2924	3407	3805	4186	4550
919 020	34850	1987	2925	3407	3806	4186	4550
920	34900	1988	2925	3407	3806	4187	4551
921	34950	1988	2926	3408	3807	4187	4552
922	35000	1989	2927	3408	3807	4188	4552
923 924	For gross net month				unt of child supp	0011 101 \$33,000	to the

For gross net monthly incomes above \$35,000, add the amount of child support for \$35,000 to the following percentages of gross net income above \$35,000.

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ONE CHILD TWO CHILDREN THREE FOUR FIVE SIX CHILDREN

CHILDREN CHILDREN CHILDREN

2.6% 3.4% 3.8% 4.2% 4.6% 5.0%

C. For purposes of this section, "gross:

"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.

"Net income" means gross income minus federal income taxes, state income taxes, and contributions made pursuant to the Federal Insurance Contributions Act (26 U.S.C. § 3101 et seq.).

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:

- 1. Benefits from public assistance and social services programs as defined in § 63.2-100;
- 2. Federal supplemental security income benefits;
- 3. Child support received; or
- 4. Income received by the payor from secondary employment income not previously included in "gross income," where the payor obtained the income to discharge a child support arrearage established by a court or administrative order and the payor is paying the arrearage pursuant to the order. "Secondary employment income" includes but is not limited to income from an additional job, from self-employment, or from overtime employment. The cessation of such secondary 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 net 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 net 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 or net 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 *net* monthly income of the parties averaged over the period of retroactivity.

- D. Except for good cause shown or the agreement of the parties, in addition to any other child support obligations established pursuant to this section, any child support order shall provide that the parents pay in proportion to their gross net incomes, as used for calculating the monthly support obligation, any reasonable and necessary unreimbursed medical or dental expenses. The method of payment of those expenses shall be contained in the support order. Each parent shall pay his respective share of expenses as those expenses are incurred. Any amount paid under this subsection shall not be adjusted by, nor added to, the child support calculated in accordance with subsection G. For the purposes of this section, medical or dental expenses shall include but not be limited to eyeglasses, prescription medication, prosthetics, orthodontics, and mental health or developmental disabilities services, including but not limited to services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.
 - E. The costs for health care coverage as defined in § 63.2-1900, vision care coverage, and dental

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care coverage for the child or children who are the subject of the child support order that are being paid by a parent or that parent's spouse shall be added to the basic child support obligation. To determine the cost to be added to the basic child support obligation, the cost per person shall be applied to the child or children who are subject of the child support order. If the per child cost is provided by the insurer, that is the cost per person. Otherwise, to determine the cost per person, the cost of individual coverage for the policy holder shall be subtracted from the total cost of the coverage, and the remaining amount shall be divided by the number of remaining covered persons.

- 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. Upon the request of either party, and upon a showing of the tax savings a party derives from child-care cost deductions or credits, the court shall factor actual tax consequences into its calculation of the child-care costs to be added to the basic child support obligation.
- 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, (ii) costs for health care coverage to the extent allowable by subsection E, and (iii) 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 net incomes bear to their monthly combined gross net income. The monthly obligation of each parent shall be computed by multiplying each parent's percentage of the parents' monthly combined gross net 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 or that parent's spouse. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

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, with the noncustodial parent owing the larger amount paying the difference to the other parent. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

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 90 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 net income of both parents. The income share of a parent is that parent's gross net income divided by the combined gross net 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 *net* 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 or that parent's spouse'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. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.
- (c) Definition of a day. For the purposes of this section, "day" means a period of 24 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 24 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 net income of 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, 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.
- 4. Multiple shared custody support. In cases with different shared custody arrangements for two or more minor children of the parties, the procedures in subdivision G 3 shall apply, except that one shared guideline shall be used to determine the total amount of child support owed by one parent to the other by:
- (a) Calculating each parent's custody share by adding the total number of days, as defined in subdivision G 3 (c), that each parent has with each child and dividing such total number of days by the number of children of the parties to determine the average number of shared custody days; and
- (b) Using each parent's custody share as determined in subdivision G 4 (a) for each parent to calculate the child support owed, in accordance with the provisions of subdivision G 3.
- 5. Sole and shared custody support. In cases where one parent has sole custody of one or more minor children of the parties, and the parties share custody of one or more other minor children of the parties, the procedures in subdivisions G 1 and 3 shall apply, except that one sole custody support guideline calculation and one shared custody support guideline calculation shall be used to determine the total amount of child support owed by one parent to the other by:
 - (a) Calculating the sole custody support obligation by:
- (i) Calculating the per child monthly basic child support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;
- (ii) Calculating the sole custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 5 (a) (i) by the number of children subject to the sole custody support obligation; and
- (iii) Applying the sole custody pro rata monthly basic child support obligation determined in subdivision G 5 (a) (ii) to the procedures in subdivision G 1.
 - (b) Calculating the shared custody child support obligation by:
- (i) Calculating the per child monthly basic child support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;
- (ii) Calculating the shared custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 5 (b) (i) by the number of

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 children subject to the shared custody support obligation; and

- (iii) Applying the shared custody pro rata monthly basic child support obligation determined in subdivision G 5 (b) (ii) to the procedures in subdivision G 3.
- (c) Determining the total amount of child support owed by one parent to the other. Where one parent owes both the sole custody support obligation and the shared custody support obligation to the other parent, the total of both such obligations calculated pursuant to subdivisions G 5 (a) and G 5 (b) shall be added to determine the total amount of child support owed by one parent to the other. Where one parent owes one such obligation to the other parent, and such other parent owes the other such obligation to the other such obligation to the other such parent, the parent owing the greater obligation amount to the other parent shall pay the difference between the obligations to such other parent.
- 6. Split and shared custody support. In cases where the parents have split custody of two or more children, and there is a shared custody arrangement with one or more other minor children of the parties, the procedures set forth in subdivisions G 2 and G 3 shall apply, except that one split custody child support guideline calculation and one shared custody child support guideline calculation shall be used to calculate the total amount of child support owed by one parent to the other by:
 - (a) Calculating the split custody child support obligation by:
- (i) Calculating the per child monthly basic child custody support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;
- (ii) Calculating the split custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 6 (a) (i) by the number of children subject to the split custody support obligation; and
- (iii) Applying the split custody pro rata monthly basic child support obligation determined in subdivision G 6 (a) (ii) for each parent to the procedures in subdivision G 2.
 - (b) Calculating the shared custody child support obligation by:
- (i) Calculating the per child monthly basic child custody support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;
- (ii) Calculating the shared custody pro rata monthly basic child custody support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 6 (b) (i) by the number of children subject to the shared custody support obligation; and
- (iii) Applying the shared custody pro rata monthly basic child support obligation determined in subdivision G 6 (b) (ii) to the procedures in subdivision G 3.
- (c) Determining the total amount of child support owed by one parent to the other. Where one parent owes both the split custody support obligation and the shared custody support obligation to the other parent, the total of both such obligations calculated pursuant to subdivisions G 6 (a) and G 6 (b) shall be added to determine the total amount of child support owed by one parent to the other. Where one parent owes one such obligation to the other parent, and such other parent owes the other such obligation to the other such parent, the parent owing the greater obligation amount to the other parent shall pay the difference between the obligations to such other parent.
- H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this section is reviewed by October 31, 2001, and every four years thereafter, by the Child Support Guidelines Review Panel, consisting of 15 members comprised of four legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows: three members of the House Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by the Senate Committee on Rules; and one representative of a juvenile and domestic relations district court, one representative of a circuit court, one representative of the Department of Social Services' Division of Child Support Enforcement, three members of the Virginia State Bar, two custodial parents, two noncustodial parents, and one child advocate, upon the recommendation of the Secretary of Health and Human Resources, to be appointed by the Governor. 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 as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports before the General Assembly next convenes following such review.

Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

 Legislative members shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Social Services.

The Department of Social Services shall provide staff support to the Panel. All agencies of the Commonwealth shall provide assistance to the Panel, upon request.

The chairman of the Panel shall submit to the Governor and the General Assembly a quadrennial executive summary of the interim activity and work of the Panel no later than the first day of 2006 regular session of the General Assembly and every four years thereafter. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

2. That the provisions of this act shall apply only to suits commenced on or after July 1, 2020, and

2. That the provisions of this act shall apply only to suits commenced on or after July 1, 2020, and that the provisions of this act shall not be construed to create a material change in circumstances for the purposes of modifying an existing support order.