

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 63.1-250.1 of the Code of Virginia, relating to issuance of certain*
3 *orders regarding child support enforcement.*

4 [H 1260]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 63.1-250.1 of the Code of Virginia is amended and reenacted as follows:**

8 § 63.1-250.1. Authority to issue certain orders.

9 A. In the absence of a court order, the Department of Social Services shall have the authority to
10 issue orders directing the payment of child, and child and spousal support and, if available at reasonable
11 cost as defined in § 63.1-250, to require a provision for health care coverage for dependent children of
12 the obligor. In ordering the payment of child support, the Department shall set such support at the
13 amount resulting from computation pursuant to the guideline set out in § 20-108.2, subject to the
14 provisions of § 63.1-264.2.

15 B. *The Department of Social Services shall have the authority, upon notice from the Department of*
16 *Medical Assistance Services, to use any existing enforcement mechanisms provided by this chapter to*
17 *collect the wages, salary, or other employment income or to withhold amounts from state tax refunds of*
18 *any obligor who has not used payments received from a third party to reimburse, as appropriate, either*
19 *the other parent of such child or the provider of such services, to the extent necessary to reimburse the*
20 *Department of Medical Assistance Services.*

21 B. C. The Department may order the obligor and payee to notify each other or the Department upon
22 request of current gross income as defined in § 20-108.2 of the Code and any other pertinent
23 information which may affect child support amounts. For good cause shown, the Department may order
24 that such information be provided to the Department and made available to the parties for inspection in
25 lieu of the parties' providing such information directly to each other.

26 C. D. The Department shall develop procedures governing the method and timing of periodic review
27 and adjustment of child support orders established or enforced or both pursuant to Title IV-D of the
28 Social Security Act. The Department shall, at the request of either parent subject to the order or of a
29 state child support enforcement agency, initiate a review of such order, and initiate appropriate action to
30 adjust such order in accordance with the provisions of § 20-108.2 and subject to the provisions of
31 § 63.1-264.2.

32 D. E. The Commissioner, the Director of the Division of Child Support Enforcement and district
33 managers of Division of Child Support Enforcement offices shall have the right to subpoena financial
34 records of the responsible person and obligee from any person, firm, corporation, association, or political
35 subdivision or department of the Commonwealth and to summons the responsible parent and obligee to
36 appear in the Division's offices to provide essential information for whatever establishment or
37 enforcement actions are necessary for the collection of child support. The district managers shall be
38 trained in the correct use of the subpoena process prior to exercising subpoena authority.

39 E. F. In the absence of a court order, the Department may establish an administrative support order
40 on an out-of-state obligor if the obligor and the obligee maintained a matrimonial domicile within the
41 Commonwealth. The Department may also take action to enforce an administrative or court order on an
42 out-of-state obligor. Service of such actions shall be in accordance with the provisions of §§ 8.01-296,
43 8.01-327, or § 8.01-329, or by certified mail, return receipt requested.

ENROLLED

HB1260ER