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HOUSE BILL NO. 994

House Amendments in [] — February 15, 1994

A BILL to amend and reenact § 20-60.3 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.1-252.2, relating to support orders.

Patron—Mims

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 20-60.3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.1-252.2 as follows:

§ 20-60.3. Contents of support orders.

All orders directing the payment of child or 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. Notice that support payments may be withheld as they become due pursuant to § 20-79.1 or § 20-79.2, from earnings as defined in § 63.1-250, without further amendments of this order or having to file an application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to § 20-79.1;

2. Notice that support payments may be withheld pursuant to Chapter 13 (§ 63.1-249 et seq.) of Title 63.1 without further amendments to the order upon application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to Chapter 13 of Title 63.1;

3. The names and dates of birth of each child to whom a duty of support is then owed by the person responsible for support;

4. If known, the name, date of birth and social security number of each parent of the child and, if different and if known, the name, date of birth and social security number of the person responsible for support and, unless otherwise ordered, the current address and place of employment of each such parent or responsible person;

5. The amount of periodic support expressed in fixed sums, together with the payment interval, the date payments are due, and the date the first payment is due;

6. An order for health care coverage for dependent children pursuant to §§ 20-108.1 and 20-108.2 if available at reasonable cost as defined in § 63.1-250 and a statement as to whether there is an order for health care coverage for a spouse or former spouse;

7. 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 support obligations first, with any payment in excess of the current obligation applied to arrearages;

8. If child support payments are ordered to be paid through the Department of Social Services, and unless the court for good cause shown orders otherwise, the parties shall give each other and the Department of Social Services at least thirty days' written notice, in advance, of any change of address;

9. The separate amounts due to each person under the order, unless the court specifically orders a unitary award of child and spousal support due or the order affirms a separation agreement containing provision for such unitary award; and

10. Notice that in determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law; and

11. Notice that the Department of Social Services may, pursuant to Chapter 13 (§ 63.1-249 et seq.) of Title 63.1 and in accordance with § 20-108.2, initiate a review of the amount of support ordered by any court. If a change in circumstances as defined in the State Board of Social Services' [~~regulation~~ regulations promulgated pursuant to Chapter 13 (§ 63.1-249 et seq.) of Title 63.1] has occurred, the Department shall report its findings and a proposed modified order to the court which entered the order. Notice pursuant to § 8.01-296 shall be served on both parties. Either party may request a hearing on the proposed modified order by filing a request with such court within thirty days of receipt of notice by the requesting party. Unless a hearing is requested within the time limits, no hearing shall be required and the modified order shall be effective thirty days after the notice is received and shall amend any prior court order. [The Department shall have the burden of proof.]

If the order being reviewed by the Department deviates from the guidelines, based on one or more

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60 *factors set out in § 20-108.1, a hearing shall be scheduled with the court which entered the order.*

61 *§ 63.1-252.2. Authority to initiate reviews of certain orders.*

62 *The Department may, pursuant to this chapter and in accordance with § 20-108.2, initiate a review*
63 *of the amount of support ordered by any court. If a change in circumstances as defined in State Board*
64 *regulation has occurred, the Department shall report its findings and a proposed modified order to the*
65 *court which entered the order. Notice pursuant to § 8.01-296 shall be served on both parties. Either*
66 *party may request a hearing on the proposed modified order by filing a request with such court within*
67 *thirty days of receipt of notice by the requesting party. [The Department shall have the burden of*
68 *proof.] Unless a hearing is requested within the time limits, no hearing shall be required and the*
69 *modified order shall be effective thirty days after the notice is received and shall amend any prior court*
70 *order.*

71 *If the order being reviewed by the Department deviates from the guidelines, based on one or more of*
72 *the deviating factors set out in § 20-108.1, a hearing shall be scheduled with the court which entered*
73 *the order.*