

LD3785358

## HOUSE BILL NO. 994

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice  
on March 6, 1994)

(Patron Prior to Substitute—Delegate Mims)

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.

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 on and after July 1, 1994, 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 and § 63.1-252.2, initiate a review of the amount of support ordered by any court.

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

A. The Department may, pursuant to this chapter and in accordance with § 20-108.2, initiate a review of the amount of support ordered by any court. If a material change in circumstances 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 court shall (i) enter the modified order, which shall be effective upon entry and shall modify any prior court order, or (ii) schedule a hearing on its motion and so notify the parties and the Department. If a hearing is held, the Department shall have the burden of proof.

60       *B. However, if the order being reviewed by the Department deviated from the guidelines, when*  
61 *entered, based on one or more of the deviating factors set out in § 20-108.1 and the Department*  
62 *determines that there has been a material change in circumstances, the procedure set forth in subsection*  
63 *A shall not apply and the Department shall schedule a hearing with the court which entered the order.*  
64       *C. A material change in circumstances shall be deemed to have occurred if the difference between*  
65 *the existing child support award and the amount which would result from application of the guidelines*  
66 *is at least ten percent of the existing child support award but not less than twenty-five dollars per*  
67 *month.*