1   **VIRGINIA ACTS OF ASSEMBLY — CHAPTER**

2   *An Act to amend and reenact §§ 20-49.8, 20-108.1, 20-108.2 and 63.1-250.1 of the Code of Virginia,*
3   *relating to child support; retroactive determinations.*

4   [H 551]
5   Approved

6   **Be it enacted by the General Assembly of Virginia:**
7   **1. That §§ 20-49.8, 20-108.1, 20-108.2 and 63.1-250.1 of the Code of Virginia are amended and**
8   **reenacted as follows:**
9   § 20-49.8. Judgment or order; costs; birth record.
10   A. A judgment or order establishing parentage may include any provision directed against the
11 appropriate party to the proceeding, concerning the duty of support, including an equitable
12 apportionment of the expenses incurred on behalf of the child from the date ~~notice~~ ~~of~~ the proceeding
13 under this chapter was ~~given~~ ~~to~~ *filed with the court against* the alleged parent, which may be in favor of
14 the natural parent or any other person or agency who incurred such expenses *provided the complainant*
15 *exercised due diligence in the service of the respondent*. The judgment or order may also include
16 provisions for the custody and guardianship of the child, visitation privileges with the child, or any other
17 matter in the best interest of the child. In circumstances where the parent is outside the jurisdiction of
18 the court, the court may enter a further order requiring the furnishing of bond or other security for the
19 payment required by the judgment or order. The judgment or order may direct either party to pay the
20 reasonable and necessary unpaid expenses of the mother's pregnancy and delivery or equitably apportion
21 the unpaid expenses between the parties. However, when the Commonwealth, through the Medicaid
22 program, has paid such expenses, the court may order reimbursement to the Commonwealth for such
23 expenses.
24   B. A determination of paternity made by any other state shall be given full faith and credit, whether
25 established through voluntary acknowledgment or through administrative or judicial process; provided,
26 however, that, except as may otherwise be required by law, such full faith and credit shall be given only
27 for the purposes of establishing a duty to make payments of support and other payments contemplated
28 by subsection A.
29   C. For each court determination of parentage made under the provisions of this chapter, a certified
30 copy of the order or judgment shall be transmitted to the State Registrar of Vital Records by the clerk
31 of the court within thirty days after the order becomes final. Such order shall set forth the full name and
32 date and place of birth of the person whose parentage has been determined, the full names of both
33 parents, including the maiden name, if any, of the mother and the name and address of an informant
34 who can furnish the information necessary to complete a new birth record. In addition, when the State
35 Registrar receives a document signed by a man indicating his consent to submit to scientifically reliable
36 genetic tests, including blood tests, to determine paternity and the genetic test results affirming at least a
37 ninety-eight percent probability of paternity, a new birth record shall be completed as provided in
38 § 32.1-261. When the State Registrar receives a copy of a judgment or order for a person born outside
39 of this Commonwealth, such order shall be forwarded to the appropriate registration authority in the
40 state of birth or the appropriate federal agency.
41   § 20-108.1. Determination of child or spousal support.
42   A. In any proceeding on the issue of determining spousal support, the court shall consider all
43 evidence presented relevant to any issues joined in that proceeding. The court's decision shall be
44 rendered based upon the evidence relevant to each individual case.
45   B. In any proceeding on the issue of determining child support under this title or Title 16.1 or 63.1,
46 the court shall consider all evidence presented relevant to any issues joined in that proceeding. The
47 court's decision in any such proceeding shall be rendered upon the evidence relevant to each individual
48 case. However, there shall be a rebuttable presumption in any judicial or administrative proceeding for
49 child support, including cases involving split custody or shared custody, that the amount of the award
50 which would result from the application of the guidelines set out in § 20-108.2 is the correct amount of
51 child support to be awarded. *Liability for support shall be determined retroactively for the period*
52 *measured from the date that the proceeding was commenced by the filing of an action with the court*
53 *provided the complainant exercised due diligence in the service of the respondent.*
54   In order to rebut the presumption, the court shall make written findings in the order, which findings
55 may be incorporated by reference, that the application of such guidelines would be unjust or
56 inappropriate in a particular case. The finding that rebuts the guidelines shall state the amount of support

57 that would have been required under the guidelines, shall give a justification of why the order varies
58 from the guidelines, and shall be determined by relevant evidence pertaining to the following factors
59 affecting the obligation, the ability of each party to provide child support, and the best interests of the
60 child:
61   1. Actual monetary support for other children, other family members or former family members;
62   2. Arrangements regarding custody of the children;
63   3. Imputed income to a party who is voluntarily unemployed or voluntarily under-employed;
64 provided that income may not be imputed to the custodial parent when a child is not in school, child
65 care services are not available and the cost of such child care services are not included in the
66 computation;
67   4. Debts of either party arising during the marriage for the benefit of the child;
68   5. Debts incurred for production of income;
69   6. Direct payments ordered by the court for health care coverage, maintaining life insurance coverage
70 pursuant to subsection D, education expenses, or other court-ordered direct payments for the benefit of
71 the child and costs related to the provision of health care coverage pursuant to subdivision 7 of
72 § 20-60.3;
73   7. Extraordinary capital gains such as capital gains resulting from the sale of the marital abode;
74   8. Age, physical and mental condition of the child or children, including extraordinary medical or
75 dental expenses, and child-care expenses;
76   9. Independent financial resources, if any, of the child or children;
77   10. Standard of living for the family established during the marriage;
78   11. Earning capacity, obligations and needs, and financial resources of each parent;
79   12. Education and training of the parties and the ability and opportunity of the parties to secure such
80 education and training;
81   13. Contributions, monetary and nonmonetary, of each party to the well-being of the family;
82   14. Provisions made with regard to the marital property under § 20-107.3;
83   15. Tax consequences to the parties regarding claims for dependent children and child care expenses;
84   16. A written agreement between the parties which includes the amount of child support;
85   17. A pendente lite decree, which includes the amount of child support, agreed to by both parties or
86 by counsel for the parties; and
87   18. Such other factors, including tax consequences to each party, as are necessary to consider the
88 equities for the parents and children.
89   C. In any proceeding under this title or Title 16.1 or Title 63.1 on the issue of determining child
90 support, the court shall have the authority to order a party to provide health care coverage, as defined in
91 § 63.1-250, for dependent children if reasonable under all the circumstances and health care coverage for
92 a spouse or former spouse.
93   D. In any proceeding under this title, Title 16.1 or Title 63.1 on the issue of determining child
94 support, the court shall have the authority to order a party to (i) maintain any existing life insurance
95 policy on the life of either party provided the party so ordered has the right to designate a beneficiary
96 and (ii) designate a child or children of the parties as the beneficiary of all or a portion of such life
97 insurance for so long as the party so ordered has a statutory obligation to pay child support for the child
98 or children.
99   § 20-108.2. Guideline for determination of child support.
100   A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child
101 support under this title or Title 16.1 or 63.1, including cases involving split custody or shared custody,
102 that the amount of the award which would result from the application of the guidelines set forth in this
103 section is the correct amount of child support to be awarded. In order to rebut the presumption, the
104 court shall make written findings in the order as set out in § 20-108.1, which findings may be
105 incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a
106 particular case as determined by relevant evidence pertaining to the factors set out in §§ 20-107.2 and
107 20-108.1. The Department of Social Services shall set child support at the amount resulting from
108 computations using the guidelines set out in this section pursuant to the authority granted to it in
109 Chapter 13 (§ 63.1-249 et seq.) of Title 63.1 and subject to the provisions of § 63.1-264.2.
110   B. For purposes of application of the guideline, a basic child support obligation shall be computed
111 using the schedule set out below. For combined monthly gross income amounts falling between amounts
112 shown in the schedule, basic child support obligation amounts shall be extrapolated. "Number of
113 children" shall mean the number of children for whom the parents share joint legal responsibility and for
114 whom support is being sought.
115   SCHEDULE OF
116
117   MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

Line	COMBINED MONTHLY GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
118	COMBINED						
119	MONTHLY						
120	GROSS	ONE	TWO	THREE	FOUR	FIVE	SIX
121	INCOME	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
122	0-599	65	65	65	65	65	65
123	600	110	111	113	114	115	116
124	650	138	140	142	143	145	146
125	700	153	169	170	172	174	176
126	750	160	197	199	202	204	206
127	800	168	226	228	231	233	236
128	850	175	254	257	260	263	266
129	900	182	281	286	289	292	295
130	950	189	292	315	318	322	325
131	1000	196	304	344	348	351	355
132	1050	203	315	373	377	381	385
133	1100	210	326	402	406	410	415
134	1150	217	337	422	435	440	445
135	1200	225	348	436	465	470	475
136	1250	232	360	451	497	502	507
137	1300	241	373	467	526	536	542
138	1350	249	386	483	545	570	576
139	1400	257	398	499	563	605	611
140	1450	265	411	515	581	633	645
141	1500	274	426	533	602	656	680
142	1550	282	436	547	617	672	714
143	1600	289	447	560	632	689	737
144	1650	295	458	573	647	705	754
145	1700	302	468	587	662	721	772
146	1750	309	479	600	676	738	789
147	1800	315	488	612	690	752	805
148	1850	321	497	623	702	766	819
149	1900	326	506	634	714	779	834
150	1950	332	514	645	727	793	848
151	2000	338	523	655	739	806	862
152	2050	343	532	666	751	819	877
153	2100	349	540	677	763	833	891
154	2150	355	549	688	776	846	905
155	2200	360	558	699	788	860	920
156	2250	366	567	710	800	873	934
157	2300	371	575	721	812	886	948
158	2350	377	584	732	825	900	963
159	2400	383	593	743	837	913	977
160	2450	388	601	754	849	927	991
161	2500	394	610	765	862	940	1006
162	2550	399	619	776	874	954	1020
163	2600	405	627	787	886	967	1034
164	2650	410	635	797	897	979	1048
165	2700	415	643	806	908	991	1060
166	2750	420	651	816	919	1003	1073
167	2800	425	658	826	930	1015	1085
168	2850	430	667	836	941	1027	1098
169	2900	435	675	846	953	1039	1112
170	2950	440	683	856	964	1052	1125
171	3000	445	691	866	975	1064	1138
172	3050	450	699	876	987	1076	1152
173	3100	456	707	886	998	1089	1165

174	3150	461	715	896	1010	1101	1178
175	3200	466	723	906	1021	1114	1191
176	3250	471	732	917	1032	1126	1205
177	3300	476	740	927	1044	1139	1218
178	3350	481	748	937	1055	1151	1231
179	3400	486	756	947	1067	1164	1245
180	3450	492	764	957	1078	1176	1258
181	3500	497	772	967	1089	1189	1271
182	3550	502	780	977	1101	1201	1285
183	3600	507	788	987	1112	1213	1298
184	3650	512	797	997	1124	1226	1311
185	3700	518	806	1009	1137	1240	1326
186	3750	524	815	1020	1150	1254	1342
187	3800	530	824	1032	1163	1268	1357
188	3850	536	834	1043	1176	1283	1372
189	3900	542	843	1055	1189	1297	1387
190	3950	547	852	1066	1202	1311	1402
191	4000	553	861	1078	1214	1325	1417
192	4050	559	871	1089	1227	1339	1432
193	4100	565	880	1101	1240	1353	1448
194	4150	571	889	1112	1253	1367	1463
195	4200	577	898	1124	1266	1382	1478
196	4250	583	907	1135	1279	1396	1493
197	4300	589	917	1147	1292	1410	1508
198	4350	594	926	1158	1305	1424	1523
199	4400	600	935	1170	1318	1438	1538
200	4450	606	944	1181	1331	1452	1553
201	4500	612	954	1193	1344	1467	1569
202	4550	618	963	1204	1357	1481	1584
203	4600	624	972	1216	1370	1495	1599
204	4650	630	981	1227	1383	1509	1614
205	4700	635	989	1237	1395	1522	1627
206	4750	641	997	1247	1406	1534	1641
207	4800	646	1005	1257	1417	1546	1654
208	4850	651	1013	1267	1428	1558	1667
209	4900	656	1021	1277	1439	1570	1679
210	4950	661	1028	1286	1450	1582	1692
211	5000	666	1036	1295	1460	1593	1704
212	5050	671	1043	1305	1471	1605	1716
213	5100	675	1051	1314	1481	1616	1728
214	5150	680	1058	1323	1492	1628	1741
215	5200	685	1066	1333	1502	1640	1753
216	5250	690	1073	1342	1513	1651	1765
217	5300	695	1081	1351	1524	1663	1778
218	5350	700	1088	1361	1534	1674	1790
219	5400	705	1096	1370	1545	1686	1802
220	5450	710	1103	1379	1555	1697	1815
221	5500	714	1111	1389	1566	1709	1827
222	5550	719	1118	1398	1576	1720	1839
223	5600	724	1126	1407	1587	1732	1851
224	5650	729	1133	1417	1598	1743	1864
225	5700	734	1141	1426	1608	1755	1876
226	5750	739	1148	1435	1619	1766	1888
227	5800	744	1156	1445	1629	1778	1901
228	5850	749	1163	1454	1640	1790	1913
229	5900	753	1171	1463	1650	1801	1925

230	5950	758	1178	1473	1661	1813	1937
231	6000	763	1186	1482	1672	1824	1950
232	6050	768	1193	1491	1682	1836	1962
233	6100	773	1201	1501	1693	1847	1974
234	6150	778	1208	1510	1703	1859	1987
235	6200	783	1216	1519	1714	1870	1999
236	6250	788	1223	1529	1724	1882	2011
237	6300	792	1231	1538	1735	1893	2023
238	6350	797	1238	1547	1745	1905	2036
239	6400	802	1246	1557	1756	1916	2048
240	6450	807	1253	1566	1767	1928	2060
241	6500	812	1261	1575	1777	1940	2073
242	6550	816	1267	1583	1786	1949	2083
243	6600	820	1272	1590	1794	1957	2092
244	6650	823	1277	1597	1801	1965	2100
245	6700	827	1283	1604	1809	1974	2109
246	6750	830	1288	1610	1817	1982	2118
247	6800	834	1293	1617	1824	1990	2127
248	6850	837	1299	1624	1832	1999	2136
249	6900	841	1304	1631	1839	2007	2145
250	6950	845	1309	1637	1847	2016	2154
251	7000	848	1315	1644	1855	2024	2163
252	7050	852	1320	1651	1862	2032	2172
253	7100	855	1325	1658	1870	2041	2181
254	7150	859	1331	1665	1878	2049	2190
255	7200	862	1336	1671	1885	2057	2199
256	7250	866	1341	1678	1893	2066	2207
257	7300	870	1347	1685	1900	2074	2216
258	7350	873	1352	1692	1908	2082	2225
259	7400	877	1358	1698	1916	2091	2234
260	7450	880	1363	1705	1923	2099	2243
261	7500	884	1368	1712	1931	2108	2252
262	7550	887	1374	1719	1938	2116	2261
263	7600	891	1379	1725	1946	2124	2270
264	7650	895	1384	1732	1954	2133	2279
265	7700	898	1390	1739	1961	2141	2288
266	7750	902	1395	1746	1969	2149	2297
267	7800	905	1400	1753	1977	2158	2305
268	7850	908	1405	1758	1983	2164	2313
269	7900	910	1409	1764	1989	2171	2320
270	7950	913	1414	1770	1995	2178	2328
271	8000	916	1418	1776	2001	2185	2335
272	8050	918	1423	1781	2007	2192	2343
273	8100	921	1428	1787	2014	2198	2350
274	8150	924	1432	1793	2020	2205	2357
275	8200	927	1437	1799	2026	2212	2365
276	8250	929	1441	1804	2032	2219	2372
277	8300	932	1446	1810	2038	2226	2380
278	8350	935	1450	1816	2045	2232	2387
279	8400	937	1455	1822	2051	2239	2395
280	8450	940	1459	1827	2057	2246	2402
281	8500	943	1464	1833	2063	2253	2410
282	8550	945	1468	1839	2069	2260	2417
283	8600	948	1473	1845	2076	2266	2425
284	8650	951	1478	1850	2082	2273	2432
285	8700	954	1482	1856	2088	2280	2440

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286	8750	956	1487	1862	2094	2287	2447
287	8800	959	1491	1868	2100	2294	2455
288	8850	962	1496	1873	2107	2300	2462
289	8900	964	1500	1879	2113	2307	2470
290	8950	967	1505	1885	2119	2314	2477
291	9000	970	1509	1891	2125	2321	2484
292	9050	973	1514	1896	2131	2328	2492
293	9100	975	1517	1901	2137	2334	2498
294	9150	977	1521	1905	2141	2339	2503
295	9200	979	1524	1909	2146	2344	2509
296	9250	982	1527	1914	2151	2349	2514
297	9300	984	1531	1918	2156	2354	2520
298	9350	986	1534	1922	2160	2359	2525
299	9400	988	1537	1926	2165	2365	2531
300	9450	990	1541	1930	2170	2370	2536
301	9500	993	1544	1935	2175	2375	2541
302	9550	995	1547	1939	2179	2380	2547
303	9600	997	1551	1943	2184	2385	2552
304	9650	999	1554	1947	2189	2390	2558
305	9700	1001	1557	1951	2194	2396	2563
306	9750	1003	1561	1956	2198	2401	2569
307	9800	1006	1564	1960	2203	2406	2574
308	9850	1008	1567	1964	2208	2411	2580
309	9900	1010	1571	1968	2213	2416	2585
310	9950	1012	1574	1972	2218	2421	2590
311	10000	1014	1577	1977	2222	2427	2596

313 For gross monthly income between $10,000 and $20,000, add the amount of child support for
314 $10,000 to the following percentages of gross income above $10,000:

ONE	TWO	THREE	FOUR	FIVE	SIX
CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
3.1%	5.1%	6.8%	7.8%	8.8%	9.5%

320 For gross monthly income between $20,000 and $50,000, add the amount of child support for
321 $20,000 to the following percentages of gross income above $20,000:

ONE	TWO	THREE	FOUR	FIVE	SIX
CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
2%	3.5%	5%	6%	6.9%	7.8%

327 For gross monthly income over $50,000, add the amount of child support for $50,000 to the
328 following percentages of gross income above $50,000:

ONE	TWO	THREE	FOUR	FIVE	SIX
CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
1%	2%	3%	4%	5%	6%

334 C. For purposes of this section, "gross income" shall mean all income from all sources, and shall
335 include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends,
336 severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits except as
337 listed below, workers' compensation benefits, unemployment insurance benefits, disability insurance
338 benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards.
339 Gross income shall be subject to deduction of reasonable business expenses for persons with income
340 from self-employment, a partnership, or a closely held business. "Gross income" shall not include
341 benefits from public assistance programs as defined in § 63.1-87, federal supplemental security income
342 benefits, or child support received. For purposes of this subsection, spousal support included in gross
343 income shall be limited to spousal support paid pursuant to a pre-existing order or written agreement

344 and spousal support shall be deducted from the gross income of the payor when paid pursuant to a
345 pre-existing order or written agreement between the parties to the present proceeding.
346 *In cases in which retroactive liability for support is being determined, the court or administrative*
347 *agency may use the gross monthly income of the parties averaged over the period of retroactivity.*
348 D. Any extraordinary medical and dental expenses for treatment of the child or children shall be
349 added to the basic child support obligation. For purposes of this section, extraordinary medical and
350 dental expenses are uninsured expenses in excess of $100 for a single illness or condition and shall
351 include but not be limited to eyeglasses, prescription medication, prostheses, and mental health services
352 whether provided by a social worker, psychologist, psychiatrist, or counselor.
353 E. Any costs for health care coverage as defined in § 63.1-250, when actually being paid by a parent,
354 to the extent such costs are directly allocable to the child or children, and which are the extra costs of
355 covering the child or children beyond whatever coverage the parent providing the coverage would
356 otherwise have, shall be added to the basic child support obligation.
357 F. Any child-care costs incurred on behalf of the child or children due to employment of the
358 custodial parent shall be added to the basic child support obligation. Child-care costs shall not exceed
359 the amount required to provide quality care from a licensed source. Where appropriate, the court shall
360 consider the willingness and availability of the noncustodial parent to provide child care personally in
361 determining whether child-care costs are necessary or excessive.
362 G. 1. Except in cases involving split custody or shared custody, a total monthly child support
363 obligation shall be established by adding (i) the monthly basic child support obligation, as determined
364 from the schedule contained in subsection B of this section, (ii) all extraordinary medical expenses, (iii)
365 costs for health care coverage to the extent allowable by subsection E, and (iv) work-related child-care
366 costs and taking into consideration all the factors set forth in subsection B of § 20-108.1. The total
367 monthly child support obligation shall be divided between the parents in the same proportion as their
368 monthly gross incomes bear to their monthly combined gross income. The monthly obligation of each
369 parent shall be computed by multiplying each parent's percentage of the parents' monthly combined
370 gross income by the total monthly child support obligation.
371 However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health
372 care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent.
373 2. In cases involving split custody, the amount of child support to be paid shall be the difference
374 between the amounts owed by each parent as a noncustodial parent, computed in accordance with
375 subdivision 1 of this subsection, with the noncustodial parent owing the larger amount paying the
376 difference to the other parent.
377 For the purpose of this section and § 20-108.1, split custody shall be limited to those situations
378 where each parent has physical custody of a child or children born of the parents, born of either parent
379 and adopted by the other parent or adopted by both parents. For the purposes of calculating a child
380 support obligation where split custody exists, a separate family unit exists for each parent, and child
381 support for that family unit shall be calculated upon the number of children in that family unit who are
382 born of the parents, born of either parent and adopted by the other parent or adopted by both parents.
383 Where split custody exists, a parent is a custodial parent to the children in that parent's family unit and
384 is a noncustodial parent to the children in the other parent's family unit.
385 3. In cases involving shared custody, the amount of child support to be paid is the difference
386 between the amounts owed by each parent to the other parent, with the parent owing the larger amount
387 paying the difference to the other parent.
388 To compute the monthly amount to be paid by one parent to the other parent, the following
389 calculations shall be made:
390 (a) The "basic child support obligation" of each parent shall be the "total shared support" multiplied
391 by the other parent's "custody share." The "total shared support" of both parties equals statutory
392 guideline amount determined pursuant to subsection B for the combined income of the parties and the
393 number of shared children multiplied by 1.25. A parent's "custody share" equals the number of days that
394 parent has physical custody of a shared child per year divided by the number of days in the year.
395 (b) To each parent's "basic child support obligation" shall be added the other parent's costs of health
396 care coverage, to the extent allowable by subsection E, and the other parent's work-related child care
397 costs to the extent allowable by subsection F.
398 (c) The obligation of each parent to the other shall be then computed by multiplying each parent's
399 percentage of the parents' monthly combined gross income by the support obligation obtained in
400 subdivision G 3 (b).
401 The shared custody rules set forth herein apply when each parent has physical custody of a child or
402 children born of the parties, born of either parent and adopted by the other parent, or adopted by both
403 parents, for more than 110 days of the year. Any calculation under this subdivision shall not create or
404 reduce a support obligation to an amount which seriously impairs the custodial parent's ability to

405 maintain minimal adequate housing and provide other basic necessities for the child.
406   H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this
407 section is reviewed by July 1, 1990, and every four years thereafter, by a panel which includes
408 representatives of the courts, the executive branch, the General Assembly, the bar, custodial and
409 noncustodial parents and child advocates. The panel shall determine the adequacy of the guideline for
410 the determination of appropriate awards for the support of children by considering current research and
411 data on the cost of and expenditures necessary for rearing children, and any other resources it deems
412 relevant to such review. The panel shall report its findings to the General Assembly before it next
413 convenes following such review.
414   § 63.1-250.1. Authority to issue certain orders.
415   A. In the absence of a court order, the Department of Social Services shall have the authority to
416 issue orders directing the payment of child, and child and spousal support and, if available at reasonable
417 cost as defined in § 63.1-250, to require a provision for health care coverage for dependent children of
418 the obligor, which shall include the requirements specified for employers pursuant to subdivision A 5 of
419 § 20-79.3. *Liability for child support shall be determined retroactively for the period measured from the*
420 *date the order directing payment is delivered to the sheriff or process server for service upon the*
421 *obligor.*
422   In ordering the payment of child support, the Department shall set such support at the amount
423 resulting from computation pursuant to the guideline set out in § 20-108.2, subject to the provisions of
424 § 63.1-264.2.
425   B. The Department of Social Services shall have the authority, upon notice from the Department of
426 Medical Assistance Services, to use any existing enforcement mechanisms provided by this chapter to
427 collect the wages, salary, or other employment income or to withhold amounts from state tax refunds of
428 any obligor who has not used payments received from a third party to reimburse, as appropriate, either
429 the other parent of such child or the provider of such services, to the extent necessary to reimburse the
430 Department of Medical Assistance Services.
431   C. The Department may order the obligor and payee to notify each other or the Department upon
432 request of current gross income as defined in § 20-108.2 and any other pertinent information which may
433 affect child support amounts. For good cause shown, the Department may order that such information be
434 provided to the Department and made available to the parties for inspection in lieu of the parties'
435 providing such information directly to each other.
436   D. The Department shall develop procedures governing the method and timing of periodic review
437 and adjustment of child support orders established or enforced or both pursuant to Title IV-D of the
438 Social Security Act. The Department shall, at the request of either parent subject to the order or of a
439 state child support enforcement agency, initiate a review of such order, and initiate appropriate action to
440 adjust such order in accordance with the provisions of § 20-108.2 and subject to the provisions of
441 § 63.1-264.2.
442   E. The Commissioner, the Director of the Division of Child Support Enforcement and district
443 managers of Division of Child Support Enforcement offices shall have the right to subpoena financial
444 records of the responsible person and obligee from any person, firm, corporation, association, or political
445 subdivision or department of the Commonwealth and to summons the responsible parent and obligee to
446 appear in the Division's offices to provide essential information for whatever establishment or
447 enforcement actions are necessary for the collection of child support. The Commissioner, Director and
448 district managers may also subpoena copies of state and federal income tax returns. The district
449 managers shall be trained in the correct use of the subpoena process prior to exercising subpoena
450 authority.
451   F. In the absence of a court order, the Department may establish an administrative support order on
452 an out-of-state obligor if the obligor and the obligee maintained a matrimonial domicile within the
453 Commonwealth. The Department may also take action to enforce an administrative or court order on an
454 out-of-state obligor. Service of such actions shall be in accordance with the provisions of §§ 8.01-296,
455 8.01-327, or § 8.01-329, or by certified mail, return receipt requested.