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HOUSE BILL NO. 551**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee for Courts of Justice
on February 11, 1996)

(Patron Prior to Substitute—Delegate McDonnell)

*A BILL to amend and reenact §§ 20-49.8, 20-108.1, 20-108.2 and 63.1-250.1 of the Code of Virginia, relating to child support; retroactive determinations.***Be it enacted by the General Assembly of Virginia:****1. That §§ 20-49.8, 20-108.1, 20-108.2 and 63.1-250.1 of the Code of Virginia are amended and reenacted as follows:**

§ 20-49.8. Judgment or order; costs; birth record.

A. A judgment or order establishing parentage may include any provision directed against the appropriate party to the proceeding, concerning the duty of support, including an equitable apportionment of the expenses incurred on behalf of the child from the date ~~notice of~~ the proceeding under this chapter was ~~given to~~ *filed with the court against* the alleged parent, which may be in favor of the natural parent or any other person or agency who incurred such expenses *provided the complainant exercised due diligence in the service of the respondent*. The judgment or order may also include provisions for the custody and guardianship of the child, visitation privileges with the child, or any other matter in the best interest of the child. In circumstances where the parent is outside the jurisdiction of the court, the court may enter a further order requiring the furnishing of bond or other security for the payment required by the judgment or order. The judgment or order may direct either party to pay the reasonable and necessary unpaid expenses of the mother's pregnancy and delivery or equitably apportion the unpaid expenses between the parties. However, when the Commonwealth, through the Medicaid program, has paid such expenses, the court may order reimbursement to the Commonwealth for such expenses.

B. A determination of paternity made by any other state shall be given full faith and credit, whether established through voluntary acknowledgment or through administrative or judicial process; provided, however, that, except as may otherwise be required by law, such full faith and credit shall be given only for the purposes of establishing a duty to make payments of support and other payments contemplated by subsection A.

C. For each court determination of parentage made under the provisions of this chapter, a certified copy of the order or judgment shall be transmitted to the State Registrar of Vital Records by the clerk of the court within thirty days after the order becomes final. Such order shall set forth the full name and date and place of birth of the person whose parentage has been determined, the full names of both parents, including the maiden name, if any, of the mother and the name and address of an informant who can furnish the information necessary to complete a new birth record. In addition, when the State Registrar receives a document signed by a man indicating his consent to submit to scientifically reliable genetic tests, including blood tests, to determine paternity and the genetic test results affirming at least a ninety-eight percent probability of paternity, a new birth record shall be completed as provided in § 32.1-261. When the State Registrar receives a copy of a judgment or order for a person born outside of this Commonwealth, such order shall be forwarded to the appropriate registration authority in the state of birth or the appropriate federal agency.

§ 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 or Title 16.1 or 63.1, 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 which 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 the court provided the complainant exercised due diligence in the service of the respondent.*

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

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60 from the guidelines, and shall be determined by relevant evidence pertaining to the following factors
61 affecting the obligation, the ability of each party to provide child support, and the best interests of the
62 child:

- 63 1. Actual monetary support for other children, other family members or former family members;
- 64 2. Arrangements regarding custody of the children;
- 65 3. Imputed income to a party who is voluntarily unemployed or voluntarily under-employed;
66 provided that income may not be imputed to the custodial parent when a child is not in school, child
67 care services are not available and the cost of such child care services are not included in the
68 computation;
- 69 4. Debts of either party arising during the marriage for the benefit of the child;
- 70 5. Debts incurred for production of income;
- 71 6. Direct payments ordered by the court for health care coverage, maintaining life insurance coverage
72 pursuant to subsection D, education expenses, or other court-ordered direct payments for the benefit of
73 the child and costs related to the provision of health care coverage pursuant to subdivision 7 of
74 § 20-60.3;
- 75 7. Extraordinary capital gains such as capital gains resulting from the sale of the marital abode;
- 76 8. Age, physical and mental condition of the child or children, including extraordinary medical or
77 dental expenses, and child-care expenses;
- 78 9. Independent financial resources, if any, of the child or children;
- 79 10. Standard of living for the family established during the marriage;
- 80 11. Earning capacity, obligations and needs, and financial resources of each parent;
- 81 12. Education and training of the parties and the ability and opportunity of the parties to secure such
82 education and training;
- 83 13. Contributions, monetary and nonmonetary, of each party to the well-being of the family;
- 84 14. Provisions made with regard to the marital property under § 20-107.3;
- 85 15. Tax consequences to the parties regarding claims for dependent children and child care expenses;
- 86 16. A written agreement between the parties which includes the amount of child support;
- 87 17. A pendente lite decree, which includes the amount of child support, agreed to by both parties or
88 by counsel for the parties; and
- 89 18. Such other factors, including tax consequences to each party, as are necessary to consider the
90 equities for the parents and children.

91 C. In any proceeding under this title or Title 16.1 or Title 63.1 on the issue of determining child
92 support, the court shall have the authority to order a party to provide health care coverage, as defined in
93 § 63.1-250, for dependent children if reasonable under all the circumstances and health care coverage for
94 a spouse or former spouse.

95 D. In any proceeding under this title, Title 16.1 or Title 63.1 on the issue of determining child
96 support, the court shall have the authority to order a party to (i) maintain any existing life insurance
97 policy on the life of either party provided the party so ordered has the right to designate a beneficiary
98 and (ii) designate a child or children of the parties as the beneficiary of all or a portion of such life
99 insurance for so long as the party so ordered has a statutory obligation to pay child support for the child
100 or children.

101 § 20-108.2. Guideline for determination of child support.

102 A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child
103 support under this title or Title 16.1 or 63.1, including cases involving split custody or shared custody,
104 that the amount of the award which would result from the application of the guidelines set forth in this
105 section is the correct amount of child support to be awarded. In order to rebut the presumption, the
106 court shall make written findings in the order as set out in § 20-108.1, which findings may be
107 incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a
108 particular case as determined by relevant evidence pertaining to the factors set out in §§ 20-107.2 and
109 20-108.1. The Department of Social Services shall set child support at the amount resulting from
110 computations using the guidelines set out in this section pursuant to the authority granted to it in
111 Chapter 13 (§ 63.1-249 et seq.) of Title 63.1 and subject to the provisions of § 63.1-264.2.

112 B. For purposes of application of the guideline, a basic child support obligation shall be computed
113 using the schedule set out below. For combined monthly gross income amounts falling between amounts
114 shown in the schedule, basic child support obligation amounts shall be extrapolated. "Number of
115 children" shall mean the number of children for whom the parents share joint legal responsibility and for
116 whom support is being sought.

117 SCHEDULE OF

118 MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

119
120 COMBINED

121	MONTHLY						
122	GROSS	ONE	TWO	THREE	FOUR	FIVE	SIX
123	INCOME	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
124	0-599	65	65	65	65	65	65
125	600	110	111	113	114	115	116
126	650	138	140	142	143	145	146
127	700	153	169	170	172	174	176
128	750	160	197	199	202	204	206
129	800	168	226	228	231	233	236
130	850	175	254	257	260	263	266
131	900	182	281	286	289	292	295
132	950	189	292	315	318	322	325
133	1000	196	304	344	348	351	355
134	1050	203	315	373	377	381	385
135	1100	210	326	402	406	410	415
136	1150	217	337	422	435	440	445
137	1200	225	348	436	465	470	475
138	1250	232	360	451	497	502	507
139	1300	241	373	467	526	536	542
140	1350	249	386	483	545	570	576
141	1400	257	398	499	563	605	611
142	1450	265	411	515	581	633	645
143	1500	274	426	533	602	656	680
144	1550	282	436	547	617	672	714
145	1600	289	447	560	632	689	737
146	1650	295	458	573	647	705	754
147	1700	302	468	587	662	721	772
148	1750	309	479	600	676	738	789
149	1800	315	488	612	690	752	805
150	1850	321	497	623	702	766	819
151	1900	326	506	634	714	779	834
152	1950	332	514	645	727	793	848
153	2000	338	523	655	739	806	862
154	2050	343	532	666	751	819	877
155	2100	349	540	677	763	833	891
156	2150	355	549	688	776	846	905
157	2200	360	558	699	788	860	920
158	2250	366	567	710	800	873	934
159	2300	371	575	721	812	886	948
160	2350	377	584	732	825	900	963
161	2400	383	593	743	837	913	977
162	2450	388	601	754	849	927	991
163	2500	394	610	765	862	940	1006
164	2550	399	619	776	874	954	1020
165	2600	405	627	787	886	967	1034
166	2650	410	635	797	897	979	1048
167	2700	415	643	806	908	991	1060
168	2750	420	651	816	919	1003	1073
169	2800	425	658	826	930	1015	1085
170	2850	430	667	836	941	1027	1098
171	2900	435	675	846	953	1039	1112
172	2950	440	683	856	964	1052	1125
173	3000	445	691	866	975	1064	1138
174	3050	450	699	876	987	1076	1152
175	3100	456	707	886	998	1089	1165
176	3150	461	715	896	1010	1101	1178

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177	3200	466	723	906	1021	1114	1191
178	3250	471	732	917	1032	1126	1205
179	3300	476	740	927	1044	1139	1218
180	3350	481	748	937	1055	1151	1231
181	3400	486	756	947	1067	1164	1245
182	3450	492	764	957	1078	1176	1258
183	3500	497	772	967	1089	1189	1271
184	3550	502	780	977	1101	1201	1285
185	3600	507	788	987	1112	1213	1298
186	3650	512	797	997	1124	1226	1311
187	3700	518	806	1009	1137	1240	1326
188	3750	524	815	1020	1150	1254	1342
189	3800	530	824	1032	1163	1268	1357
190	3850	536	834	1043	1176	1283	1372
191	3900	542	843	1055	1189	1297	1387
192	3950	547	852	1066	1202	1311	1402
193	4000	553	861	1078	1214	1325	1417
194	4050	559	871	1089	1227	1339	1432
195	4100	565	880	1101	1240	1353	1448
196	4150	571	889	1112	1253	1367	1463
197	4200	577	898	1124	1266	1382	1478
198	4250	583	907	1135	1279	1396	1493
199	4300	589	917	1147	1292	1410	1508
200	4350	594	926	1158	1305	1424	1523
201	4400	600	935	1170	1318	1438	1538
202	4450	606	944	1181	1331	1452	1553
203	4500	612	954	1193	1344	1467	1569
204	4550	618	963	1204	1357	1481	1584
205	4600	624	972	1216	1370	1495	1599
206	4650	630	981	1227	1383	1509	1614
207	4700	635	989	1237	1395	1522	1627
208	4750	641	997	1247	1406	1534	1641
209	4800	646	1005	1257	1417	1546	1654
210	4850	651	1013	1267	1428	1558	1667
211	4900	656	1021	1277	1439	1570	1679
212	4950	661	1028	1286	1450	1582	1692
213	5000	666	1036	1295	1460	1593	1704
214	5050	671	1043	1305	1471	1605	1716
215	5100	675	1051	1314	1481	1616	1728
216	5150	680	1058	1323	1492	1628	1741
217	5200	685	1066	1333	1502	1640	1753
218	5250	690	1073	1342	1513	1651	1765
219	5300	695	1081	1351	1524	1663	1778
220	5350	700	1088	1361	1534	1674	1790
221	5400	705	1096	1370	1545	1686	1802
222	5450	710	1103	1379	1555	1697	1815
223	5500	714	1111	1389	1566	1709	1827
224	5550	719	1118	1398	1576	1720	1839
225	5600	724	1126	1407	1587	1732	1851
226	5650	729	1133	1417	1598	1743	1864
227	5700	734	1141	1426	1608	1755	1876
228	5750	739	1148	1435	1619	1766	1888
229	5800	744	1156	1445	1629	1778	1901
230	5850	749	1163	1454	1640	1790	1913
231	5900	753	1171	1463	1650	1801	1925
232	5950	758	1178	1473	1661	1813	1937
233	6000	763	1186	1482	1672	1824	1950

234	6050	768	1193	1491	1682	1836	1962
235	6100	773	1201	1501	1693	1847	1974
236	6150	778	1208	1510	1703	1859	1987
237	6200	783	1216	1519	1714	1870	1999
238	6250	788	1223	1529	1724	1882	2011
239	6300	792	1231	1538	1735	1893	2023
240	6350	797	1238	1547	1745	1905	2036
241	6400	802	1246	1557	1756	1916	2048
242	6450	807	1253	1566	1767	1928	2060
243	6500	812	1261	1575	1777	1940	2073
244	6550	816	1267	1583	1786	1949	2083
245	6600	820	1272	1590	1794	1957	2092
246	6650	823	1277	1597	1801	1965	2100
247	6700	827	1283	1604	1809	1974	2109
248	6750	830	1288	1610	1817	1982	2118
249	6800	834	1293	1617	1824	1990	2127
250	6850	837	1299	1624	1832	1999	2136
251	6900	841	1304	1631	1839	2007	2145
252	6950	845	1309	1637	1847	2016	2154
253	7000	848	1315	1644	1855	2024	2163
254	7050	852	1320	1651	1862	2032	2172
255	7100	855	1325	1658	1870	2041	2181
256	7150	859	1331	1665	1878	2049	2190
257	7200	862	1336	1671	1885	2057	2199
258	7250	866	1341	1678	1893	2066	2207
259	7300	870	1347	1685	1900	2074	2216
260	7350	873	1352	1692	1908	2082	2225
261	7400	877	1358	1698	1916	2091	2234
262	7450	880	1363	1705	1923	2099	2243
263	7500	884	1368	1712	1931	2108	2252
264	7550	887	1374	1719	1938	2116	2261
265	7600	891	1379	1725	1946	2124	2270
266	7650	895	1384	1732	1954	2133	2279
267	7700	898	1390	1739	1961	2141	2288
268	7750	902	1395	1746	1969	2149	2297
269	7800	905	1400	1753	1977	2158	2305
270	7850	908	1405	1758	1983	2164	2313
271	7900	910	1409	1764	1989	2171	2320
272	7950	913	1414	1770	1995	2178	2328
273	8000	916	1418	1776	2001	2185	2335
274	8050	918	1423	1781	2007	2192	2343
275	8100	921	1428	1787	2014	2198	2350
276	8150	924	1432	1793	2020	2205	2357
277	8200	927	1437	1799	2026	2212	2365
278	8250	929	1441	1804	2032	2219	2372
279	8300	932	1446	1810	2038	2226	2380
280	8350	935	1450	1816	2045	2232	2387
281	8400	937	1455	1822	2051	2239	2395
282	8450	940	1459	1827	2057	2246	2402
283	8500	943	1464	1833	2063	2253	2410
284	8550	945	1468	1839	2069	2260	2417
285	8600	948	1473	1845	2076	2266	2425
286	8650	951	1478	1850	2082	2273	2432
287	8700	954	1482	1856	2088	2280	2440
288	8750	956	1487	1862	2094	2287	2447
289	8800	959	1491	1868	2100	2294	2455

290	8850	962	1496	1873	2107	2300	2462
291	8900	964	1500	1879	2113	2307	2470
292	8950	967	1505	1885	2119	2314	2477
293	9000	970	1509	1891	2125	2321	2484
294	9050	973	1514	1896	2131	2328	2492
295	9100	975	1517	1901	2137	2334	2498
296	9150	977	1521	1905	2141	2339	2503
297	9200	979	1524	1909	2146	2344	2509
298	9250	982	1527	1914	2151	2349	2514
299	9300	984	1531	1918	2156	2354	2520
300	9350	986	1534	1922	2160	2359	2525
301	9400	988	1537	1926	2165	2365	2531
302	9450	990	1541	1930	2170	2370	2536
303	9500	993	1544	1935	2175	2375	2541
304	9550	995	1547	1939	2179	2380	2547
305	9600	997	1551	1943	2184	2385	2552
306	9650	999	1554	1947	2189	2390	2558
307	9700	1001	1557	1951	2194	2396	2563
308	9750	1003	1561	1956	2198	2401	2569
309	9800	1006	1564	1960	2203	2406	2574
310	9850	1008	1567	1964	2208	2411	2580
311	9900	1010	1571	1968	2213	2416	2585
312	9950	1012	1574	1972	2218	2421	2590
313	10000	1014	1577	1977	2222	2427	2596

314
315 For gross monthly income between \$10,000 and \$20,000, add the amount of child support for
316 \$10,000 to the following percentages of gross income above \$10,000:

317	ONE	TWO	THREE	FOUR	FIVE	SIX
318						
319	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
320	3.1%	5.1%	6.8%	7.8%	8.8%	9.5%

321
322 For gross monthly income between \$20,000 and \$50,000, add the amount of child support for
323 \$20,000 to the following percentages of gross income above \$20,000:

324	ONE	TWO	THREE	FOUR	FIVE	SIX
325						
326	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
327	2%	3.5%	5%	6%	6.9%	7.8%

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

331	ONE	TWO	THREE	FOUR	FIVE	SIX
332						
333	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
334	1%	2%	3%	4%	5%	6%

335
336 C. For purposes of this section, "gross income" shall mean all income from all sources, and shall
337 include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends,
338 severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits except as
339 listed below, workers' compensation benefits, unemployment insurance benefits, disability insurance
340 benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards.

341 Gross income shall be subject to deduction of reasonable business expenses for persons with income
342 from self-employment, a partnership, or a closely held business. "Gross income" shall not include
343 benefits from public assistance programs as defined in § 63.1-87, federal supplemental security income
344 benefits, or child support received. For purposes of this subsection, spousal support included in gross
345 income shall be limited to spousal support paid pursuant to a pre-existing order or written agreement
346 and spousal support shall be deducted from the gross income of the payor when paid pursuant to a
347 pre-existing order or written agreement between the parties to the present proceeding.

In cases in which retroactive liability for support is being determined, the court or administrative agency may use the gross monthly income of the parties averaged over the period of retroactivity.

D. Any extraordinary medical and dental expenses for treatment of the child or children shall be added to the basic child support obligation. For purposes of this section, extraordinary medical and dental expenses are uninsured expenses in excess of \$100 for a single illness or condition and shall include but not be limited to eyeglasses, prescription medication, prostheses, and mental health services whether provided by a social worker, psychologist, psychiatrist, or counselor.

E. Any costs for health care coverage as defined in § 63.1-250, when actually being paid by a parent, to the extent such costs are directly allocable to the child or children, and which are the extra costs of covering the child or children beyond whatever coverage the parent providing the coverage would otherwise have, shall be added to the basic child support obligation.

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. 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.

G. 1. Except in cases involving split custody or shared custody, a 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 of this section, (ii) all extraordinary medical expenses, (iii) costs for health care coverage to the extent allowable by subsection E, and (iv) 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 incomes bear to their monthly combined gross income. The monthly obligation of each parent shall be computed by multiplying each parent's percentage of the parents' monthly combined gross 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.

2. 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 of this subsection, with the noncustodial parent owing the larger amount paying the difference to the other parent.

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. In cases involving shared custody, the amount of child support to be paid is the difference between the amounts owed by each parent to the other parent, with the parent owing the larger amount paying the difference to the other parent.

To compute the monthly amount to be paid by one parent to the other parent, the following calculations shall be made:

(a) The "basic child support obligation" of each parent shall be the "total shared support" multiplied by the other parent's "custody share." The "total shared support" of both parties equals statutory guideline amount determined pursuant to subsection B for the combined income of the parties and the number of shared children multiplied by 1.25. A parent's "custody share" equals the number of days that parent has physical custody of a shared child per year divided by the number of days in the year.

(b) To each parent's "basic child support obligation" shall be added the other parent's costs of health care coverage, to the extent allowable by subsection E, and the other parent's work-related child care costs to the extent allowable by subsection F.

(c) The obligation of each parent to the other shall be then computed by multiplying each parent's percentage of the parents' monthly combined gross income by the support obligation obtained in subdivision G 3 (b).

The shared custody rules set forth herein apply when each parent has physical custody of a child or children born of the parties, born of either parent and adopted by the other parent, or adopted by both parents, for more than 110 days of the year. 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.

H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this

section is reviewed by July 1, 1990, and every four years thereafter, by a panel which includes representatives of the courts, the executive branch, the General Assembly, the bar, custodial and noncustodial parents and child advocates. 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 before it next convenes following such review.

§ 63.1-250.1. Authority to issue certain orders.

A. In the absence of a court order, the Department of Social Services shall have the authority to issue orders directing the payment of child, and child and spousal support and, if available at reasonable cost as defined in § 63.1-250, to require a provision for health care coverage for dependent children of the obligor, which shall include the requirements specified for employers pursuant to subdivision A 5 of § 20-79.3. *Liability for child support shall be determined retroactively for the period measured from the date the order directing payment is delivered to the sheriff or process server for service upon the obligor.*

In ordering the payment of child support, the Department shall set such support at the amount resulting from computation pursuant to the guideline set out in § 20-108.2, subject to the provisions of § 63.1-264.2.

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

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

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

E. The Commissioner, the Director of the Division of Child Support Enforcement and district managers of Division of Child Support Enforcement offices shall have the right to subpoena financial records of the responsible person and obligee from any person, firm, corporation, association, or political subdivision or department of the Commonwealth and to summons the responsible parent and obligee to appear in the Division's offices to provide essential information for whatever establishment or enforcement actions are necessary for the collection of child support. The Commissioner, Director and district managers may also subpoena copies of state and federal income tax returns. The district managers shall be trained in the correct use of the subpoena process prior to exercising subpoena authority.

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