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SENATE BILL NO. 498
Senate Amendments in [ ] — February 13, 1996
A BILL to amend and reenact § 20-108.2 of the Code of Virginia, relating to child support; health insurance; Medicaid.

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Patrons—Earley, Norment and Quayle

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Referred to the Committee for Courts of Justice

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Be it enacted by the General Assembly of Virginia:
1. That § 20-108.2 of the Code of Virginia is amended and reenacted as follows:
§ 20-108.2. Guideline for determination of child support.
A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.1, including cases involving split custody or shared custody, that the amount of the award which would result from the application of the guidelines set forth in this section is the correct amount of child support to be awarded. In order to rebut the presumption, the court shall make written findings in the order as set out in § 20-108.1, which findings may be incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a particular case as determined by relevant evidence pertaining to the factors set out in §§ 20-107.2 and 20-108.1. The Department of Social Services shall set child support at the amount resulting from computations using the guidelines set out in this section pursuant to the authority granted to it in Chapter 13 (§ 63.1-249 et seq.) of Title 63.1 and subject to the provisions of § 63.1-264.2.
B. For purposes of application of the guideline, a basic child support obligation shall be computed using the schedule set out below. For combined monthly gross income amounts falling between amounts shown in the schedule, basic child support obligation amounts shall be extrapolated. "Number of children" shall mean the number of children for whom the parents share joint legal responsibility and for whom support is being sought.

SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

COMBINED MONTHLY GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
0–599	65	65	65	65	65	65
600	110	111	113	114	115	116
650	138	140	142	143	145	146
700	153	169	170	172	174	176
750	160	197	199	202	204	206
800	168	226	228	231	233	236
850	175	254	257	260	263	266
900	182	281	286	289	292	295
950	189	292	315	318	322	325
1000	196	304	344	348	351	355
1050	203	315	373	377	381	385
1100	210	326	402	406	410	415
1150	217	337	422	435	440	445
1200	225	348	436	465	470	475
1250	232	360	451	497	502	507
1300	241	373	467	526	536	542
1350	249	386	483	545	570	576
1400	257	398	499	563	605	611
1450	265	411	515	581	633	645
1500	274	426	533	602	656	680
1550	282	436	547	617	672	714

57	1600	289	447	560	632	689	737
58	1650	295	458	573	647	705	754
59	1700	302	468	587	662	721	772
60	1750	309	479	600	676	738	789
61	1800	315	488	612	690	752	805
62	1850	321	497	623	702	766	819
63	1900	326	506	634	714	779	834
64	1950	332	514	645	727	793	848
65	2000	338	523	655	739	806	862
66	2050	343	532	666	751	819	877
67	2100	349	540	677	763	833	891
68	2150	355	549	688	776	846	905
69	2200	360	558	699	788	860	920
70	2250	366	567	710	800	873	934
71	2300	371	575	721	812	886	948
72	2350	377	584	732	825	900	963
73	2400	383	593	743	837	913	977
74	2450	388	601	754	849	927	991
75	2500	394	610	765	862	940	1006
76	2550	399	619	776	874	954	1020
77	2600	405	627	787	886	967	1034
78	2650	410	635	797	897	979	1048
79	2700	415	643	806	908	991	1060
80	2750	420	651	816	919	1003	1073
81	2800	425	658	826	930	1015	1085
82	2850	430	667	836	941	1027	1098
83	2900	435	675	846	953	1039	1112
84	2950	440	683	856	964	1052	1125
85	3000	445	691	866	975	1064	1138
86	3050	450	699	876	987	1076	1152
87	3100	456	707	886	998	1089	1165
88	3150	461	715	896	1010	1101	1178
89	3200	466	723	906	1021	1114	1191
90	3250	471	732	917	1032	1126	1205
91	3300	476	740	927	1044	1139	1218
92	3350	481	748	937	1055	1151	1231
93	3400	486	756	947	1067	1164	1245
94	3450	492	764	957	1078	1176	1258
95	3500	497	772	967	1089	1189	1271
96	3550	502	780	977	1101	1201	1285
97	3600	507	788	987	1112	1213	1298
98	3650	512	797	997	1124	1226	1311
99	3700	518	806	1009	1137	1240	1326
100	3750	524	815	1020	1150	1254	1342
101	3800	530	824	1032	1163	1268	1357
102	3850	536	834	1043	1176	1283	1372
103	3900	542	843	1055	1189	1297	1387
104	3950	547	852	1066	1202	1311	1402
105	4000	553	861	1078	1214	1325	1417
106	4050	559	871	1089	1227	1339	1432
107	4100	565	880	1101	1240	1353	1448
108	4150	571	889	1112	1253	1367	1463
109	4200	577	898	1124	1266	1382	1478
110	4250	583	907	1135	1279	1396	1493
111	4300	589	917	1147	1292	1410	1508
112	4350	594	926	1158	1305	1424	1523
113	4400	600	935	1170	1318	1438	1538

114	4450	606	944	1181	1331	1452	1553
115	4500	612	954	1193	1344	1467	1569
116	4550	618	963	1204	1357	1481	1584
117	4600	624	972	1216	1370	1495	1599
118	4650	630	981	1227	1383	1509	1614
119	4700	635	989	1237	1395	1522	1627
120	4750	641	997	1247	1406	1534	1641
121	4800	646	1005	1257	1417	1546	1654
122	4850	651	1013	1267	1428	1558	1667
123	4900	656	1021	1277	1439	1570	1679
124	4950	661	1028	1286	1450	1582	1692
125	5000	666	1036	1295	1460	1593	1704
126	5050	671	1043	1305	1471	1605	1716
127	5100	675	1051	1314	1481	1616	1728
128	5150	680	1058	1323	1492	1628	1741
129	5200	685	1066	1333	1502	1640	1753
130	5250	690	1073	1342	1513	1651	1765
131	5300	695	1081	1351	1524	1663	1778
132	5350	700	1088	1361	1534	1674	1790
133	5400	705	1096	1370	1545	1686	1802
134	5450	710	1103	1379	1555	1697	1815
135	5500	714	1111	1389	1566	1709	1827
136	5550	719	1118	1398	1576	1720	1839
137	5600	724	1126	1407	1587	1732	1851
138	5650	729	1133	1417	1598	1743	1864
139	5700	734	1141	1426	1608	1755	1876
140	5750	739	1148	1435	1619	1766	1888
141	5800	744	1156	1445	1629	1778	1901
142	5850	749	1163	1454	1640	1790	1913
143	5900	753	1171	1463	1650	1801	1925
144	5950	758	1178	1473	1661	1813	1937
145	6000	763	1186	1482	1672	1824	1950
146	6050	768	1193	1491	1682	1836	1962
147	6100	773	1201	1501	1693	1847	1974
148	6150	778	1208	1510	1703	1859	1987
149	6200	783	1216	1519	1714	1870	1999
150	6250	788	1223	1529	1724	1882	2011
151	6300	792	1231	1538	1735	1893	2023
152	6350	797	1238	1547	1745	1905	2036
153	6400	802	1246	1557	1756	1916	2048
154	6450	807	1253	1566	1767	1928	2060
155	6500	812	1261	1575	1777	1940	2073
156	6550	816	1267	1583	1786	1949	2083
157	6600	820	1272	1590	1794	1957	2092
158	6650	823	1277	1597	1801	1965	2100
159	6700	827	1283	1604	1809	1974	2109
160	6750	830	1288	1610	1817	1982	2118
161	6800	834	1293	1617	1824	1990	2127
162	6850	837	1299	1624	1832	1999	2136
163	6900	841	1304	1631	1839	2007	2145
164	6950	845	1309	1637	1847	2016	2154
165	7000	848	1315	1644	1855	2024	2163
166	7050	852	1320	1651	1862	2032	2172
167	7100	855	1325	1658	1870	2041	2181
168	7150	859	1331	1665	1878	2049	2190
169	7200	862	1336	1671	1885	2057	2199

ENGROSSED

SB498E

170	7250	866	1341	1678	1893	2066	2207
171	7300	870	1347	1685	1900	2074	2216
172	7350	873	1352	1692	1908	2082	2225
173	7400	877	1358	1698	1916	2091	2234
174	7450	880	1363	1705	1923	2099	2243
175	7500	884	1368	1712	1931	2108	2252
176	7550	887	1374	1719	1938	2116	2261
177	7600	891	1379	1725	1946	2124	2270
178	7650	895	1384	1732	1954	2133	2279
179	7700	898	1390	1739	1961	2141	2288
180	7750	902	1395	1746	1969	2149	2297
181	7800	905	1400	1753	1977	2158	2305
182	7850	908	1405	1758	1983	2164	2313
183	7900	910	1409	1764	1989	2171	2320
184	7950	913	1414	1770	1995	2178	2328
185	8000	916	1418	1776	2001	2185	2335
186	8050	918	1423	1781	2007	2192	2343
187	8100	921	1428	1787	2014	2198	2350
188	8150	924	1432	1793	2020	2205	2357
189	8200	927	1437	1799	2026	2212	2365
190	8250	929	1441	1804	2032	2219	2372
191	8300	932	1446	1810	2038	2226	2380
192	8350	935	1450	1816	2045	2232	2387
193	8400	937	1455	1822	2051	2239	2395
194	8450	940	1459	1827	2057	2246	2402
195	8500	943	1464	1833	2063	2253	2410
196	8550	945	1468	1839	2069	2260	2417
197	8600	948	1473	1845	2076	2266	2425
198	8650	951	1478	1850	2082	2273	2432
199	8700	954	1482	1856	2088	2280	2440
200	8750	956	1487	1862	2094	2287	2447
201	8800	959	1491	1868	2100	2294	2455
202	8850	962	1496	1873	2107	2300	2462
203	8900	964	1500	1879	2113	2307	2470
204	8950	967	1505	1885	2119	2314	2477
205	9000	970	1509	1891	2125	2321	2484
206	9050	973	1514	1896	2131	2328	2492
207	9100	975	1517	1901	2137	2334	2498
208	9150	977	1521	1905	2141	2339	2503
209	9200	979	1524	1909	2146	2344	2509
210	9250	982	1527	1914	2151	2349	2514
211	9300	984	1531	1918	2156	2354	2520
212	9350	986	1534	1922	2160	2359	2525
213	9400	988	1537	1926	2165	2365	2531
214	9450	990	1541	1930	2170	2370	2536
215	9500	993	1544	1935	2175	2375	2541
216	9550	995	1547	1939	2179	2380	2547
217	9600	997	1551	1943	2184	2385	2552
218	9650	999	1554	1947	2189	2390	2558
219	9700	1001	1557	1951	2194	2396	2563
220	9750	1003	1561	1956	2198	2401	2569
221	9800	1006	1564	1960	2203	2406	2574
222	9850	1008	1567	1964	2208	2411	2580
223	9900	1010	1571	1968	2213	2416	2585
224	9950	1012	1574	1972	2218	2421	2590
225	10000	1014	1577	1977	2222	2427	2596
226							

227 For gross monthly income between $10,000 and $20,000, add the amount
228 of child support for $10,000 to the following percentages of gross
229 income above $10,000:
230
231
232 | ONE | TWO | THREE | FOUR | FIVE | SIX |
233 | CHILD | CHILDREN | CHILDREN | CHILDREN | CHILDREN | CHILDREN |
234 | 3.1% | 5.1% | 6.8% | 7.8% | 8.8% | 9.5% |
235
236 For gross monthly income between $20,000 and $50,000, add the amount
237 of child support for $20,000 to the following percentages of gross
238 income above $20,000:
239
240 | ONE | TWO | THREE | FOUR | FIVE | SIX |
241 | CHILD | CHILDREN | CHILDREN | CHILDREN | CHILDREN | CHILDREN |
242 | 2% | 3.5% | 5% | 6% | 6.9% | 7.8% |
243
244 For gross monthly income over $50,000, add the amount of child support
245 for $50,000 to the following percentages of gross income above $50,000:
246
247 | ONE | TWO | THREE | FOUR | FIVE | SIX |
248 | CHILD | CHILDREN | CHILDREN | CHILDREN | CHILDREN | CHILDREN |
249 | 1% | 2% | 3% | 4% | 5% | 6% |
250

251 C. For purposes of this section, "gross income" shall mean all income from all sources, and shall
252 include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends,
253 severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits except as
254 listed below, workers' compensation benefits, unemployment insurance benefits, disability insurance
255 benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards. Gross income shall be
256 subject to deduction of reasonable business expenses for persons with income from self-employment, a
257 partnership, or a closely held business. "Gross income" shall not include benefits from public assistance
258 programs as defined in § 63.1-87, federal supplemental security income benefits, or child support
259 received. For purposes of this subsection, spousal support included in gross income shall be limited to
260 spousal support paid pursuant to a pre-existing order or written agreement and spousal support shall be
261 deducted from the gross income of the payor when paid pursuant to a pre-existing order or written
262 agreement between the parties to the present proceeding.

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

268 E. [*1.*] Any costs for health care coverage as defined in § 63.1-250, when actually being paid by a
269 parent, to the extent such costs are directly allocable to the child or children, and which are the extra
270 costs of covering the child or children beyond whatever coverage the parent providing the coverage
271 would otherwise have, shall be added to the basic child support obligation. [*If health care coverage is*
272 *not available and the child or children are receiving Medicaid, the average monthly per-child cost as*
273 *determined by the Department of Medical Assistance Services for Medicaid chidlren enrolled in*
274 *capitation shall be added to the basic support obligation of the noncustodial parent.*
275 *2. If health care coverage is unavailable or not provided, the monthly per child cost as determined*
276 *by the Department of Medical Assistance Services for Medicaid children enrolled in capitation shall be*
277 *added to the basic child support obligation.*]

278 F. Any child-care costs incurred on behalf of the child or children due to employment of the
279 custodial parent shall be added to the basic child support obligation. Child-care costs shall not exceed
280 the amount required to provide quality care from a licensed source. Where appropriate, the court shall
281 consider the willingness and availability of the noncustodial parent to provide child care personally in
282 determining whether child-care costs are necessary or excessive.

283 G. 1. Except in cases involving split custody or shared custody, a total monthly child support
284 obligation shall be established by adding (i) the monthly basic child support obligation, as determined
285 from the schedule contained in subsection B of this section, (ii) all extraordinary medical expenses, (iii)

286 costs for health care coverage to the extent allowable by subsection E, and (iv) work-related child-care
287 costs and taking into consideration all the factors set forth in subsection B of § 20-108.1. The total
288 monthly child support obligation shall be divided between the parents in the same proportion as their
289 monthly gross incomes bear to their monthly combined gross income. The monthly obligation of each
290 parent shall be computed by multiplying each parent's percentage of the parents' monthly combined
291 gross income by the total monthly child support obligation.
292   However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health
293 care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent.
294   2. In cases involving split custody, the amount of child support to be paid shall be the difference
295 between the amounts owed by each parent as a noncustodial parent, computed in accordance with
296 subdivision 1 of this subsection, with the noncustodial parent owing the larger amount paying the
297 difference to the other parent.
298   For the purpose of this section and § 20-108.1, split custody shall be limited to those situations
299 where each parent has physical custody of a child or children born of the parents, born of either parent
300 and adopted by the other parent or adopted by both parents. For the purposes of calculating a child
301 support obligation where split custody exists, a separate family unit exists for each parent, and child
302 support for that family unit shall be calculated upon the number of children in that family unit who are
303 born of the parents, born of either parent and adopted by the other parent or adopted by both parents.
304 Where split custody exists, a parent is a custodial parent to the children in that parent's family unit and
305 is a noncustodial parent to the children in the other parent's family unit.
306   3. In cases involving shared custody, the amount of child support to be paid is the difference
307 between the amounts owed by each parent to the other parent, with the parent owing the larger amount
308 paying the difference to the other parent.
309   To compute the monthly amount to be paid by one parent to the other parent, the following
310 calculations shall be made:
311   (a) The "basic child support obligation" of each parent shall be the "total shared support" multiplied
312 by the other parent's "custody share." The "total shared support" of both parties equals statutory
313 guideline amount determined pursuant to subsection B for the combined income of the parties and the
314 number of shared children multiplied by 1.25. A parent's "custody share" equals the number of days that
315 parent has physical custody of a shared child per year divided by the number of days in the year.
316   (b) To each parent's "basic child support obligation" shall be added the other parent's costs of health
317 care coverage, to the extent allowable by subsection E, and the other parent's work-related child care
318 costs to the extent allowable by subsection F.
319   (c) The obligation of each parent to the other shall be then computed by multiplying each parent's
320 percentage of the parents' monthly combined gross income by the support obligation obtained in
321 subdivision G 3 (b).
322   The shared custody rules set forth herein apply when each parent has physical custody of a child or
323 children born of the parties, born of either parent and adopted by the other parent, or adopted by both
324 parents, for more than 110 days of the year. Any calculation under this subdivision shall not create or
325 reduce a support obligation to an amount which seriously impairs the custodial parent's ability to
326 maintain minimal adequate housing and provide other basic necessities for the child.