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SENATE BILL NO. 728

Offered January 26, 2010

A *BILL to amend and reenact §§ 20-108.2 and 63.2-1900 of the Code of Virginia and to repeal § 63.2-1954.1 of the Code of Virginia, relating to child support orders; emergency.*

Patron—Quayle

Unanimous consent to introduce

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That §§ 20-108.2 and 63.2-1900 of the Code of Virginia are amended and reenacted as follows:**

§ 20-108.2. Guideline for determination of child support; quadrennial review by Child Support Guidelines Review Panel; executive summary.

A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.2, 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 § 20-108.1. 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 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

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. However, unless one of the following exemptions applies where the sole custody child support obligation as computed pursuant to subdivision G 1 is less than \$65 per month, there shall be a presumptive minimum child support obligation of \$65 per month payable by the payor parent. Exemptions from this presumptive minimum monthly child support obligation shall include: parents unable to pay child support because they lack sufficient assets from which to pay child support and who, in addition, are institutionalized in a psychiatric facility; are imprisoned for life with no chance of parole; are medically verified to be totally and permanently disabled with no evidence of potential for paying child support, including recipients of Supplemental Security Income (SSI); or are otherwise involuntarily unable to produce income. "Number of children" means 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

INTRODUCED

SB728

57	1250	232	360	451	497	502	507
58	1300	241	373	467	526	536	542
59	1350	249	386	483	545	570	576
60	1400	257	398	499	563	605	611
61	1450	265	411	515	581	633	645
62	1500	274	426	533	602	656	680
63							
64	1550	282	436	547	617	672	714
65	1600	289	447	560	632	689	737
66	1650	295	458	573	647	705	754
67	1700	302	468	587	662	721	772
68	1750	309	479	600	676	738	789
69	1800	315	488	612	690	752	805
70	1850	321	497	623	702	766	819
71	1900	326	506	634	714	779	834
72	1950	332	514	645	727	793	848
73	2000	338	523	655	739	806	862
74	2050	343	532	666	751	819	877
75	2100	349	540	677	763	833	891
76	2150	355	549	688	776	846	905
77	2200	360	558	699	788	860	920
78	2250	366	567	710	800	873	934
79	2300	371	575	721	812	886	948
80	2350	377	584	732	825	900	963
81	2400	383	593	743	837	913	977
82	2450	388	601	754	849	927	991
83	2500	394	610	765	862	940	1006
84							
85	2550	399	619	776	874	954	1020
86	2600	405	627	787	886	967	1034
87	2650	410	635	797	897	979	1048
88	2700	415	643	806	908	991	1060
89	2750	420	651	816	919	1003	1073
90	2800	425	658	826	930	1015	1085
91	2850	430	667	836	941	1027	1098
92	2900	435	675	846	953	1039	1112
93	2950	440	683	856	964	1052	1125
94	3000	445	691	866	975	1064	1138
95	3050	450	699	876	987	1076	1152
96	3100	456	707	886	998	1089	1165
97	3150	461	715	896	1010	1101	1178
98	3200	466	723	906	1021	1114	1191
99	3250	471	732	917	1032	1126	1205
100	3300	476	740	927	1044	1139	1218
101	3350	481	748	937	1055	1151	1231
102	3400	486	756	947	1067	1164	1245
103	3450	492	764	957	1078	1176	1258
104	3500	497	772	967	1089	1189	1271
105							
106	3550	502	780	977	1101	1201	1285
107	3600	507	788	987	1112	1213	1298
108	3650	512	797	997	1124	1226	1311
109	3700	518	806	1009	1137	1240	1326
110	3750	524	815	1020	1150	1254	1342
111	3800	530	824	1032	1163	1268	1357
112	3850	536	834	1043	1176	1283	1372
113	3900	542	843	1055	1189	1297	1387

114	3950	547	852	1066	1202	1311	1402
115	4000	553	861	1078	1214	1325	1417
116	4050	559	871	1089	1227	1339	1432
117	4100	565	880	1101	1240	1353	1448
118	4150	571	889	1112	1253	1367	1463
119	4200	577	898	1124	1266	1382	1478
120	4250	583	907	1135	1279	1396	1493
121	4300	589	917	1147	1292	1410	1508
122	4350	594	926	1158	1305	1424	1523
123	4400	600	935	1170	1318	1438	1538
124	4450	606	944	1181	1331	1452	1553
125	4500	612	954	1193	1344	1467	1569
126							
127	4550	618	963	1204	1357	1481	1584
128	4600	624	972	1216	1370	1495	1599
129	4650	630	981	1227	1383	1509	1614
130	4700	635	989	1237	1395	1522	1627
131	4750	641	997	1247	1406	1534	1641
132	4800	646	1005	1257	1417	1546	1654
133	4850	651	1013	1267	1428	1558	1667
134	4900	656	1021	1277	1439	1570	1679
135	4950	661	1028	1286	1450	1582	1692
136	5000	666	1036	1295	1460	1593	1704
137	5050	671	1043	1305	1471	1605	1716
138	5100	675	1051	1314	1481	1616	1728
139	5150	680	1058	1323	1492	1628	1741
140	5200	685	1066	1333	1502	1640	1753
141	5250	690	1073	1342	1513	1651	1765
142	5300	695	1081	1351	1524	1663	1778
143	5350	700	1088	1361	1534	1674	1790
144	5400	705	1096	1370	1545	1686	1802
145	5450	710	1103	1379	1555	1697	1815
146	5500	714	1111	1389	1566	1709	1827
147							
148	5550	719	1118	1398	1576	1720	1839
149	5600	724	1126	1407	1587	1732	1851
150	5650	729	1133	1417	1598	1743	1864
151	5700	734	1141	1426	1608	1755	1876
152	5750	739	1148	1435	1619	1766	1888
153	5800	744	1156	1445	1629	1778	1901
154	5850	749	1163	1454	1640	1790	1913
155	5900	753	1171	1463	1650	1801	1925
156	5950	758	1178	1473	1661	1813	1937
157	6000	763	1186	1482	1672	1824	1950
158	6050	768	1193	1491	1682	1836	1962
159	6100	773	1201	1501	1693	1847	1974
160	6150	778	1208	1510	1703	1859	1987
161	6200	783	1216	1519	1714	1870	1999
162	6250	788	1223	1529	1724	1882	2011
163	6300	792	1231	1538	1735	1893	2023
164	6350	797	1238	1547	1745	1905	2036
165	6400	802	1246	1557	1756	1916	2048
166	6450	807	1253	1566	1767	1928	2060
167	6500	812	1261	1575	1777	1940	2073
168							
169	6550	816	1267	1583	1786	1949	2083

170	6600	820	1272	1590	1794	1957	2092
171	6650	823	1277	1597	1801	1965	2100
172	6700	827	1283	1604	1809	1974	2109
173	6750	830	1288	1610	1817	1982	2118
174	6800	834	1293	1617	1824	1990	2127
175	6850	837	1299	1624	1832	1999	2136
176	6900	841	1304	1631	1839	2007	2145
177	6950	845	1309	1637	1847	2016	2154
178	7000	848	1315	1644	1855	2024	2163
179	7050	852	1320	1651	1862	2032	2172
180	7100	855	1325	1658	1870	2041	2181
181	7150	859	1331	1665	1878	2049	2190
182	7200	862	1336	1671	1885	2057	2199
183	7250	866	1341	1678	1893	2066	2207
184	7300	870	1347	1685	1900	2074	2216
185	7350	873	1352	1692	1908	2082	2225
186	7400	877	1358	1698	1916	2091	2234
187	7450	880	1363	1705	1923	2099	2243
188	7500	884	1368	1712	1931	2108	2252
189							
190	7550	887	1374	1719	1938	2116	2261
191	7600	891	1379	1725	1946	2124	2270
192	7650	895	1384	1732	1954	2133	2279
193	7700	898	1390	1739	1961	2141	2288
194	7750	902	1395	1746	1969	2149	2297
195	7800	905	1400	1753	1977	2158	2305
196	7850	908	1405	1758	1983	2164	2313
197	7900	910	1409	1764	1989	2171	2320
198	7950	913	1414	1770	1995	2178	2328
199	8000	916	1418	1776	2001	2185	2335
200	8050	918	1423	1781	2007	2192	2343
201	8100	921	1428	1787	2014	2198	2350
202	8150	924	1432	1793	2020	2205	2357
203	8200	927	1437	1799	2026	2212	2365
204	8250	929	1441	1804	2032	2219	2372
205	8300	932	1446	1810	2038	2226	2380
206	8350	935	1450	1816	2045	2232	2387
207	8400	937	1455	1822	2051	2239	2395
208	8450	940	1459	1827	2057	2246	2402
209	8500	943	1464	1833	2063	2253	2410
210							
211	8550	945	1468	1839	2069	2260	2417
212	8600	948	1473	1845	2076	2266	2425
213	8650	951	1478	1850	2082	2273	2432
214	8700	954	1482	1856	2088	2280	2440
215	8750	956	1487	1862	2094	2287	2447
216	8800	959	1491	1868	2100	2294	2455
217	8850	962	1496	1873	2107	2300	2462
218	8900	964	1500	1879	2113	2307	2470
219	8950	967	1505	1885	2119	2314	2477
220	9000	970	1509	1891	2125	2321	2484
221	9050	973	1514	1896	2131	2328	2492
222	9100	975	1517	1901	2137	2334	2498
223	9150	977	1521	1905	2141	2339	2503
224	9200	979	1524	1909	2146	2344	2509
225	9250	982	1527	1914	2151	2349	2514
226	9300	984	1531	1918	2156	2354	2520

227	9350	986	1534	1922	2160	2359	2525
228	9400	988	1537	1926	2165	2365	2531
229	9450	990	1541	1930	2170	2370	2536
230	9500	993	1544	1935	2175	2375	2541
231							
232	9550	995	1547	1939	2179	2380	2547
233	9600	997	1551	1943	2184	2385	2552
234	9650	999	1554	1947	2189	2390	2558
235	9700	1001	1557	1951	2194	2396	2563
236	9750	1003	1561	1956	2198	2401	2569
237	9800	1006	1564	1960	2203	2406	2574
238	9850	1008	1567	1964	2208	2411	2580
239	9900	1010	1571	1968	2213	2416	2585
240	9950	1012	1574	1972	2218	2421	2590
241	10000	1014	1577	1977	2222	2427	2596

242 For gross monthly income between \$10,000 and \$20,000, add the amount of child support for
 243 \$10,000 to the following percentages of gross income above \$10,000:

244	ONE	TWO	THREE	FOUR	FIVE	SIX
245	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
246	3.1%	5.1%	6.8%	7.8%	8.8%	9.5%

247 For gross monthly income between \$20,000 and \$50,000, add the amount of child support for
 248 \$20,000 to the following percentages of gross income above \$20,000:

249	ONE	TWO	THREE	FOUR	FIVE	SIX
250	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
251	2%	3.5%	5%	6%	6.9%	7.8%

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

254	ONE	TWO	THREE	FOUR	FIVE	SIX
255	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
256	1%	2%	3%	4%	5%	6%

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

262 If a parent's gross income includes disability insurance benefits, it shall also include any amounts
 263 paid to or for the child who is the subject of the order and derived by the child from the parent's
 264 entitlement to disability insurance benefits. To the extent that such derivative benefits are included in a
 265 parent's gross income, that parent shall be entitled to a credit against his or her ongoing basic child
 266 support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic child
 267 support obligations, the credit may be used to reduce arrearages.

268 Gross income shall be subject to deduction of reasonable business expenses for persons with income
 269 from self-employment, a partnership, or a closely held business. "Gross income" shall not include:

- 270 1. Benefits from public assistance and social services programs as defined in § 63.2-100;
- 271 2. Federal supplemental security income benefits;
- 272 3. Child support received; or
- 273 4. Income received by the payor from secondary employment income not previously included in
 274 "gross income," where the payor obtained the income to discharge a child support arrearage established
 275 by a court or administrative order and the payor is paying the arrearage pursuant to the order.
 276 "Secondary employment income" includes but is not limited to income from an additional job, from
 277 self-employment, or from overtime employment. The cessation of such secondary income upon the
 278 payment of the arrearage shall not be the basis for a material change in circumstances upon which a
 279 modification of child support may be based.

280 For purposes of this subsection: (i) spousal support received shall be included in gross income and
 281 spousal support paid shall be deducted from gross income when paid pursuant to an order or written
 282 agreement and (ii) one-half of any self-employment tax paid shall be deducted from gross income.

283 Where there is an existing court or administrative order or written agreement relating to the child or
 284 children of a party to the proceeding, who are not the child or children who are the subject of the
 285 present proceeding, then there is a presumption that there shall be deducted from the gross income of

the party subject to such order or written agreement, the amount that the party is actually paying for the support of a child or children pursuant to such order or agreement.

Where a party to the proceeding has a natural or adopted child or children in the party's household or primary physical custody, and the child or children are not the subject of the present proceeding, there is a presumption that there shall be deducted from the gross income of that party the amount as shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that represents that party's support obligation based solely on that party's income as being the total income available for the natural or adopted child or children in the party's household or primary physical custody, who are not the subject of the present proceeding. Provided, however, that the existence of a party's financial responsibility for such a child or children shall not of itself constitute a material change in circumstances for modifying a previous order of child support in any modification proceeding. Any adjustment to gross income under this subsection 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, as determined by the court.

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. Except for good cause shown or the agreement of the parties, in addition to any other child support obligations established pursuant to this section, any child support order shall provide that the parents pay in proportion to their gross incomes, as used for calculating the monthly support obligation, any reasonable and necessary unreimbursed medical or dental expenses that are in excess of \$250 for any calendar year for each child who is the subject of the obligation. The method of payment of those expenses shall be contained in the support order. Each parent shall pay his respective share of expenses as those expenses are incurred. Any amount paid under this subsection shall not be adjusted by, nor added to, the child support calculated in accordance with subsection G. For the purposes of this section, medical or dental expenses shall include but not be limited to eyeglasses, prescription medication, prosthetics, orthodontics, and mental health or developmental disabilities services, including but not limited to services provided by a social worker, psychologist, psychiatrist, counselor, or therapist.

E. Any costs for health care coverage as defined in § 63.2-1900 and dental care coverage, when actually being paid by a parent or that parent's spouse, 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 or that parent's spouse providing the coverage would otherwise have, shall be added to the basic child support obligation. ~~Where the court orders that a custodial parent enroll a child in health care coverage sponsored by the Department of Social Services, the Department shall deduct the cost of the coverage prior to disbursement of the child support payment in accordance with § 63.2-1954.1.~~

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. When requested by the noncustodial parent, the court may require the custodial parent to present documentation to verify the costs incurred for child care under this subsection. 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. Upon the request of either party, and upon a showing of the tax savings a party derives from child-care cost deductions or credits, the court shall factor actual tax consequences into its calculation of the child-care costs to be added to the basic child support obligation.

G. 1. Sole custody support. The sole custody 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, (ii) costs for health care coverage to the extent allowable by subsection E, ~~(iii) cash medical support in cases where the child is a recipient of Medicaid or the Family Access to Medical Insurance Security Plan as set forth in clause (ii) of the definition of cash medical support in § 63.2-1900, and (iv) (iii)~~ 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 or that parent's spouse. Unreimbursed medical and dental expenses shall be calculated and allocated in accordance with subsection D.

2. Split custody support. 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, with the noncustodial parent owing the larger amount paying the difference to the other parent. Unreimbursed medical and dental expenses shall be calculated and

348 allocated in accordance with subsection D.

349 For the purpose of this section and § 20-108.1, split custody shall be limited to those situations
350 where each parent has physical custody of a child or children born of the parents, born of either parent
351 and adopted by the other parent or adopted by both parents. For the purposes of calculating a child
352 support obligation where split custody exists, a separate family unit exists for each parent, and child
353 support for that family unit shall be calculated upon the number of children in that family unit who are
354 born of the parents, born of either parent and adopted by the other parent or adopted by both parents.
355 Where split custody exists, a parent is a custodial parent to the children in that parent's family unit and
356 is a noncustodial parent to the children in the other parent's family unit.

357 3. Shared custody support.

358 (a) Where a party has custody or visitation of a child or children for more than 90 days of the year,
359 as such days are defined in subdivision G 3 (c), a shared custody child support amount based on the
360 ratio in which the parents share the custody and visitation of any child or children shall be calculated in
361 accordance with this subdivision. The presumptive support to be paid shall be the shared custody
362 support amount, unless a party affirmatively shows that the sole custody support amount calculated as
363 provided in subdivision G 1 is less than the shared custody support amount. If so, the lesser amount
364 shall be the support to be paid. For the purposes of this subsection, the following shall apply:

365 (i) Income share. "Income share" means a parent's percentage of the combined monthly gross income
366 of both parents. The income share of a parent is that parent's gross income divided by the combined
367 gross incomes of the parties.

368 (ii) Custody share. "Custody share" means the number of days that a parent has physical custody,
369 whether by sole custody, joint legal or joint residential custody, or visitation, of a shared child per year
370 divided by the number of days in the year. The actual or anticipated "custody share" of the parent who
371 has or will have fewer days of physical custody shall be calculated for a one-year period. The "custody
372 share" of the other parent shall be presumed to be the number of days in the year less the number of
373 days calculated as the first parent's "custody share." For purposes of this calculation, the year may begin
374 on such date as is determined in the discretion of the court, and the day may begin at such time as is
375 determined in the discretion of the court. For purposes of this calculation, a day shall be as defined in
376 subdivision G 3 (c).

377 (iii) Shared support need. "Shared support need" means the presumptive guideline amount of needed
378 support for the shared child or children calculated pursuant to subsection B of this section, for the
379 combined gross income of the parties and the number of shared children, multiplied by 1.4.

380 (iv) Sole custody support. "Sole custody support" means the support amount determined in
381 accordance with subdivision G 1.

382 (b) Support to be paid. The shared support need of the shared child or children shall be calculated
383 pursuant to subdivision G 3 (a) (iii). This amount shall then be multiplied by the other parent's custody
384 share. To that sum for each parent shall be added the other parent's or that parent's spouse's cost of
385 health care coverage to the extent allowable by subsection E, plus the other parent's work-related
386 child-care costs to the extent allowable by subsection F. This total for each parent shall be multiplied by
387 that parent's income share. The support amounts thereby calculated that each parent owes the other shall
388 be subtracted one from the other and the difference shall be the shared custody support one parent owes
389 to the other, with the payor parent being the one whose shared support is the larger. Unreimbursed
390 medical and dental expenses shall be calculated and allocated in accordance with subsection D.

391 (c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours; however,
392 where the parent who has the fewer number of overnight periods during the year has an overnight
393 period with a child, but has physical custody of the shared child for less than 24 hours during such
394 overnight period, there is a presumption that each parent shall be allocated one-half of a day of custody
395 for that period.

396 (d) Minimum standards. Any calculation under this subdivision shall not create or reduce a support
397 obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal
398 adequate housing and provide other basic necessities for the child. If the gross income of either party is
399 equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of
400 Health and Human Services from time to time, then the shared custody support calculated pursuant to
401 this subsection shall not be the presumptively correct support and the court may consider whether the
402 sole custody support or the shared custody support is more just and appropriate.

403 (e) Support modification. When there has been an award of child support based on the shared
404 custody formula and one parent consistently fails to exercise custody or visitation in accordance with the
405 parent's custody share upon which the award was based, there shall be a rebuttable presumption that the
406 support award should be modified.

407 (f) In the event that the shared custody support calculation indicates that the net support is to be paid
408 to the parent who would not be the parent receiving support pursuant to the sole custody calculation,

409 then the shared support shall be deemed to be the lesser support.

410 H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this
411 section is reviewed by October 31, 2001, and every four years thereafter, by the Child Support
412 Guidelines Review Panel, consisting of 15 members comprised of four legislative members and 11
413 nonlegislative citizen members. Members shall be appointed as follows: three members of the House
414 Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be
415 appointed by the Speaker of the House of Delegates in accordance with the principles of proportional
416 representation contained in the Rules of the House of Delegates; one member of the Senate Committee
417 for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by
418 the Senate Committee on Rules; and one representative of a juvenile and domestic relations district
419 court, one representative of a circuit court, one representative of the Department of Social Services'
420 Division of Child Support Enforcement, three members of the Virginia State Bar, two custodial parents,
421 two noncustodial parents, and one child advocate, upon the recommendation of the Secretary of Health
422 and Human Resources, to be appointed by the Governor. The Panel shall determine the adequacy of the
423 guideline for the determination of appropriate awards for the support of children by considering current
424 research and data on the cost of and expenditures necessary for rearing children, and any other resources
425 it deems relevant to such review. The Panel shall report its findings to the General Assembly as
426 provided in the procedures of the Division of Legislative Automated Systems for the processing of
427 legislative documents and reports before the General Assembly next convenes following such review.

428 Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen
429 members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to
430 fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall
431 be filled in the same manner as the original appointments.

432 Legislative members shall receive such compensation as provided in § 30-19.12, and nonlegislative
433 citizen members shall receive such compensation for the performance of their duties as provided in
434 § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the
435 performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of
436 compensation and expenses of the members shall be provided by the Department of Social Services.

437 The Department of Social Services shall provide staff support to the Panel. All agencies of the
438 Commonwealth shall provide assistance to the Panel, upon request.

439 The chairman of the Panel shall submit to the Governor and the General Assembly a quadrennial
440 executive summary of the interim activity and work of the Panel no later than the first day of 2006
441 regular session of the General Assembly and every four years thereafter. The executive summary shall
442 be submitted as provided in the procedures of the Division of Legislative Automated Systems for the
443 processing of legislative documents and reports and shall be posted on the General Assembly's website.

444 § 63.2-1900. Definitions.

445 As used in this chapter, unless the context requires a different meaning:

446 "Administrative order" or "administrative support order" means a noncourt-ordered legally
447 enforceable support obligation having the force and effect of a support order established by the court.

448 "Assignment of rights" means the legal procedure whereby an individual assigns support rights to the
449 Commonwealth on behalf of a dependent child or spouse and dependent child.

450 "Authorization to seek or enforce a support obligation" means a signed authorization to the
451 Commonwealth to seek or enforce support on behalf of a dependent child or a spouse and dependent
452 child or on behalf of a person deemed to have submitted an application by operation of law.

453 "Cash medical support" means (i) the proportional amount the court or the Department shall order
454 both parents to pay toward reasonable and necessary unreimbursed medical or dental expenses pursuant
455 to subsection D of § 20-108.2 and (ii) where the child is a recipient of Medicaid or the Family Access
456 to Medical Insurance Security Plan and other health care coverage is not available or accessible to either
457 parent at a reasonable cost, the court or the Department shall order the noncustodial parent to pay to the
458 Department 2.5 percent of his gross income, to be prorated as agreed to by the Department and the
459 Department of Medical Assistance Services.

460 "Court order" means any judgment or order of any court having jurisdiction to order payment of
461 support or an order of a court of comparable jurisdiction of another state ordering payment of a set or
462 determinable amount of support moneys.

463 "Custodial parent" means the natural or adoptive parent with whom the child resides; a stepparent or
464 other person who has physical custody of the child and with whom the child resides; or a local board
465 that has legal custody of a child in foster care.

466 "Debt" means the total unpaid support obligation established by court order, administrative process or
467 by the payment of public assistance and owed by a noncustodial parent to either the Commonwealth or
468 to his dependent(s).

469 "Department-sponsored health care coverage" means any health care coverage that the Department
470 may make available through a private contractor for children receiving child support services from the

Department.

"Dependent child" means any person who meets the eligibility criteria set forth in § 63.2-602, whose support rights have been assigned or whose authorization to seek or enforce a support obligation has been given to the Commonwealth and whose support is required by Titles 16.1 and 20.

"Employee" means any individual receiving income.

"Employer" means the source of any income.

"Financial institution" means a depository institution, an institution-affiliated party, any federal credit union or state credit union including an institution-affiliated party of such a credit union, and any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in this Commonwealth.

"Financial records" includes, but is not limited to, records held by employers showing income, profit sharing contributions and benefits paid or payable and records held by financial institutions, broker-dealers and other institutions and entities showing bank accounts, IRA and separate contributions, gross winnings, dividends, interest, distributive share, stocks, bonds, agricultural subsidies, royalties, prizes and awards held for or due and payable to a responsible person.

"Foreign support order" means any order issued outside of the Commonwealth by a court or tribunal as defined in § 20-88.32.

"Health care coverage" means any plan providing hospital, medical or surgical care coverage for dependent children provided such coverage is available and can be obtained by a parent, parents, or a parent's spouse at a reasonable cost.

"Income" means any periodic form of payment due an individual from any source and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, payments pursuant to a pension or retirement program, interest, trust income, annuities, capital gains, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, net rental income, gifts, prizes or awards.

"Mistake of fact" means an error in the identity of the payor or the amount of current support or arrearage.

"Net income" means that income remaining after the following deductions have been taken from gross income: federal income tax, state income tax, federal income compensation act benefits, any union dues where collection thereof is required under federal law, and any other amounts required by law.

"Noncustodial parent" means a responsible person who is or may be obligated under Virginia law for support of a dependent child or child's caretaker.

"Obligee" means (i) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered, (ii) a state or political subdivision to which the rights under a duty of support or support order have been assigned or that has independent claims based on financial assistance provided to an individual obligee, or (iii) an individual seeking a judgment determining parentage of the individual's child.

"Obligor" means an individual, or the estate of a decedent, who (i) owes or is alleged to owe a duty of support, (ii) is alleged but has not been adjudicated to be a parent of a child, or (iii) is liable under a support order.

"Payee" means any person to whom spousal or child support is to be paid.

"Reasonable cost" pertaining to health care coverage for dependent children means available, in an amount not to exceed five percent of the parents' combined gross income, and accessible through employers, unions or other groups, or Department-sponsored health care coverage, without regard to service delivery mechanism; unless the court deems otherwise in the best interests of the child or by agreement of the parties.

2. That § 63.2-1954.1 of the Code of Virginia is repealed.

3. That any provision in a support order issued after July 1, 2009, establishing an obligation to pay 2.5 percent cash medical support for a child who is a recipient of Medicaid or the Family Access to Medical Insurance Security Plan shall be terminated and not enforced by the Department. Additionally, the Department shall refund to the payor any payments made to the Department pursuant to such a provision.

4. That an emergency exists and this act is in force from its passage.