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HOUSE BILL NO. 2190

Offered January 14, 2015

A BILL to amend and reenact §§ 20-108.1, 20-108.2, 63.2-1921, 63.2-1952, and 63.2-1960 of the Code of Virginia and to amend the Code of Virginia by adding in Article 10 of Chapter 19 of Title 63.2 a section numbered 63.2-1961, relating to prisoners' responsibility for child support.

Patron—McQuinn

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-108.1, 20-108.2, 63.2-1921, 63.2-1952, and 63.2-1960 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 10 of Chapter 19 of Title 63.2 a section numbered 63.2-1961 as follows:

§ 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, Title 16.1, or Title 63.2, 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 that 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 any court provided the complainant exercised due diligence in the service of the respondent or, if earlier, the date an order of the Department of Social Services entered pursuant to Title 63.2 and directing payment of support was delivered to the sheriff or process server for service on the obligor.

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

1. Actual monetary support for other family members or former family members;
2. Arrangements regarding custody of the children, including the cost of visitation travel;
3. Imputed income to a party who is voluntarily unemployed or voluntarily under-employed; provided that income may not be imputed to a custodial parent when a child is not in school, child care services are not available and the cost of such child care services are not included in the computation and provided further, that any consideration of imputed income based on a change in a party's employment shall be evaluated with consideration of the good faith and reasonableness of employment decisions made by the party, including to attend and complete an educational or vocational program likely to maintain or increase the party's earning potential;
4. Any child care costs incurred on behalf of the child or children due to the attendance of a custodial parent in an educational or vocational program likely to maintain or increase the party's earning potential;
5. Debts of either party arising during the marriage for the benefit of the child;
6. Direct payments ordered by the court for maintaining life insurance coverage pursuant to subsection D, education expenses, or other court-ordered direct payments for the benefit of the child;
7. Extraordinary capital gains such as capital gains resulting from the sale of the marital abode;
8. Any special needs of a child resulting from any physical, emotional, or medical condition;
9. Independent financial resources of the child or children;
10. Standard of living for the child or children established during the marriage;
11. Earning capacity, obligations, financial resources, and special needs of each parent;
12. Provisions made with regard to the marital property under § 20-107.3, where said property earns income or has an income-earning potential;
13. Tax consequences to the parties including claims for exemptions, child tax credit, and child care

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59 credit for dependent children;

60 14. A written agreement, stipulation, consent order, or decree between the parties which includes the
61 amount of child support; and

62 15. Such other factors as are necessary to consider the equities for the parents and children.

63 C. In any proceeding under this title, Title 16.1, or Title 63.2 on the issue of determining child
64 support, the court shall have the authority to order either party or both parties to provide health care
65 coverage or cash medical support, as defined in § 63.2-1900, or both, for dependent children if
66 reasonable under all the circumstances and health care coverage for a spouse or former spouse.

67 D. In any proceeding under this title, Title 16.1, or Title 63.2 on the issue of determining child
68 support, the court shall have the authority to order a party to (i) maintain any existing life insurance
69 policy on the life of either party provided the party so ordered has the right to designate a beneficiary
70 and (ii) designate a child or children of the parties as the beneficiary of all or a portion of such life
71 insurance for so long as the party so ordered has a statutory obligation to pay child support for the child
72 or children.

73 E. Except when the parties have otherwise agreed, in any proceeding under this title, Title 16.1, or
74 Title 63.2 on the issue of determining child support, the court shall have the authority to and may, in its
75 discretion, order one party to execute all appropriate tax forms or waivers to grant to the other party the
76 right to take the income tax dependency exemption for any tax year or future years, for any child or
77 children of the parties for federal and state income tax purposes.

78 F. Notwithstanding any other provision of law, any amendments to this section shall not be
79 retroactive to a date before the effective date of the amendment, and shall not be the basis for a material
80 change in circumstances upon which a modification of child support may be based.

81 G. Child support payments, whether current or arrears, received by a parent for the benefit of and
82 owed to a child in the parent's custody, whether the payments were ordered under this title, Title 16.1,
83 or Title 63.2, shall not be subject to garnishment. A depository wherein child support payments have
84 been deposited on behalf of and traceable to an individual shall not be required to determine the portion
85 of deposits that are subject to garnishment.

86 H. In any proceeding on the issue of determining child or spousal support or an action for separate
87 maintenance under this title, Title 16.1, or Title 63.2, when the earning capacity, voluntary
88 unemployment, or voluntary under-employment of a party is in controversy, the court in which the
89 action is pending, upon the motion of any party and for good cause shown, may order a party to submit
90 to a vocational evaluation by a vocational expert employed by the moving party, including, but not
91 limited to, any interviews and testing as requested by the expert. The order may permit the attendance of
92 the vocational expert at the deposition of the person to be evaluated. The order shall specify the name
93 and address of the expert, the scope of the evaluation, and shall fix the time for filing the report with
94 the court and furnishing copies to the parties. The court may award costs or fees for the evaluation and
95 the services of the expert at any time during the proceedings. The provisions of this section shall not
96 preclude the applicability of any other rule or law.

97 *I. In any proceeding on the issue of determining child support under this title, Title 16.1, or Title*
98 *63.2, the court shall order that, for any party who is sentenced to a term of incarceration during the*
99 *period he is obligated to pay support, the amount of the award be modified in order to reflect the*
100 *amount calculated under the child support obligations set forth in § 20-108.2. The modification may be*
101 *made from the date the party is sentenced to a term of incarceration.*

102 **§ 20-108.2. Guideline for determination of child support; quadrennial review by Child Support**
103 **Guidelines Review Panel; executive summary.**

104 A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child
105 support under this title or Title 16.1 or 63.2, including cases involving split custody or shared custody,
106 that the amount of the award which would result from the application of the guidelines set forth in this
107 section is the correct amount of child support to be awarded. In order to rebut the presumption, the
108 court shall make written findings in the order as set out in § 20-108.1, which findings may be
109 incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a
110 particular case as determined by relevant evidence pertaining to the factors set out in § 20-108.1. The
111 Department of Social Services shall set child support at the amount resulting from computations using
112 the guidelines set out in this section pursuant to the authority granted to it in Chapter 19 (§ 63.2-1900 et
113 seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

114 B. For purposes of application of the guideline, a basic child support obligation shall be computed
115 using the schedule set out below. For combined monthly gross income amounts falling between amounts
116 shown in the schedule, basic child support obligation amounts shall be extrapolated. However, unless
117 one of the following exemptions applies where the sole custody child support obligation as computed
118 pursuant to subdivision G 1 is less than the statutory minimum per month, there shall be a presumptive
119 minimum child support obligation of the statutory minimum per month payable by the payor parent. If
120 the gross income of the obligor is equal to or less than 150 percent of the federal poverty level

promulgated by the U.S. Department of Health and Human Services from time to time, then the court, upon hearing evidence that there is no ability to pay the presumptive statutory minimum, may set an obligation below the presumptive statutory minimum provided doing so does 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. 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 imprisoned with no opportunity for an institutional work assignment*; 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
0-350	68	104	126	141	155	169
400	78	119	144	161	177	192
450	88	133	162	181	199	216
500	97	148	179	200	220	239
550	107	162	197	220	242	263
600	116	177	215	240	264	287
650	126	191	232	259	285	310
700	135	206	250	279	307	333
750	145	220	267	298	328	357
800	154	234	284	317	349	379
850	163	248	300	336	369	401
900	171	260	316	353	388	422
950	179	273	331	369	406	442
1000	187	285	346	386	425	462
1050	196	298	361	403	443	482
1100	204	310	375	419	461	501
1150	212	323	390	436	480	521
1200	220	335	405	453	498	541
1250	228	347	420	469	516	561
1300	237	360	435	486	535	581
1350	245	372	450	503	553	601
1400	253	385	465	519	571	621
1450	261	397	480	536	589	641
1500	269	410	495	552	608	661
1550	278	422	509	569	626	680
1600	286	434	524	585	644	700
1650	293	446	538	601	661	718
1700	301	457	552	616	678	737
1750	309	469	566	632	695	756
1800	316	481	579	647	712	774
1850	324	492	593	663	729	792
1900	331	504	607	678	746	811
1950	339	515	621	693	763	829
2000	347	527	635	709	780	848
2050	354	538	648	724	797	866
2100	362	550	662	740	814	884
2150	369	561	676	755	830	903
2200	377	573	690	770	847	921

178	2250	385	584	703	786	864	940
179	2300	392	596	717	801	881	958
180	2350	400	607	731	817	898	976
181	2400	407	619	745	832	915	995
182	2450	415	630	759	847	932	1013
183	2500	423	642	772	863	949	1032
184							
185	2550	430	653	786	878	966	1050
186	2600	438	665	800	894	983	1068
187	2650	445	676	814	909	1000	1087
188	2700	453	688	828	924	1017	1105
189	2750	460	699	841	940	1034	1124
190	2800	468	711	855	955	1051	1142
191	2850	476	722	869	971	1068	1160
192	2900	483	734	883	986	1084	1179
193	2950	491	745	896	1001	1101	1197
194	3000	498	757	910	1017	1118	1216
195	3050	506	768	924	1032	1135	1234
196	3100	514	780	938	1047	1152	1252
197	3150	521	791	952	1063	1169	1271
198	3200	529	803	965	1078	1186	1289
199	3250	536	814	979	1094	1203	1308
200	3300	544	826	993	1109	1220	1326
201	3350	551	837	1006	1123	1236	1343
202	3400	559	848	1019	1138	1252	1361
203	3450	566	859	1032	1152	1268	1378
204	3500	574	870	1045	1167	1283	1395
205							
206	3550	581	881	1057	1181	1299	1412
207	3600	588	892	1070	1196	1315	1430
208	3650	596	903	1083	1210	1331	1447
209	3700	603	914	1096	1224	1347	1464
210	3750	611	925	1109	1239	1363	1481
211	3800	618	936	1122	1253	1379	1499
212	3850	626	947	1135	1268	1395	1516
213	3900	632	956	1146	1280	1408	1531
214	3950	638	966	1157	1293	1422	1546
215	4000	645	975	1168	1305	1436	1561
216	4050	651	985	1180	1318	1449	1575
217	4100	658	994	1191	1330	1463	1590
218	4150	664	1004	1202	1342	1477	1605
219	4200	670	1013	1213	1355	1490	1620
220	4250	677	1023	1224	1367	1504	1635
221	4300	682	1030	1233	1377	1515	1647
222	4350	687	1038	1242	1387	1526	1658
223	4400	693	1046	1251	1397	1537	1670
224	4450	698	1054	1260	1407	1548	1682
225	4500	704	1062	1268	1417	1559	1694
226							
227	4550	709	1069	1277	1427	1569	1706
228	4600	714	1077	1286	1437	1580	1718
229	4650	720	1085	1295	1447	1591	1730
230	4700	725	1093	1304	1457	1602	1742
231	4750	731	1100	1313	1466	1613	1753
232	4800	736	1108	1322	1476	1624	1765
233	4850	741	1116	1331	1486	1635	1777
234	4900	747	1124	1339	1496	1646	1789

235	4950	752	1131	1348	1506	1656	1800
236	5000	755	1136	1353	1511	1662	1807
237	5050	759	1141	1358	1516	1668	1813
238	5100	762	1145	1362	1522	1674	1820
239	5150	766	1150	1367	1527	1680	1826
240	5200	769	1155	1372	1533	1686	1833
241	5250	773	1159	1377	1538	1692	1839
242	5300	776	1164	1382	1544	1698	1846
243	5350	780	1169	1387	1549	1704	1852
244	5400	783	1173	1392	1554	1710	1859
245	5450	787	1178	1397	1560	1716	1865
246	5500	790	1183	1401	1565	1722	1872
247							
248	5550	794	1187	1406	1571	1728	1878
249	5600	797	1192	1411	1576	1734	1885
250	5650	800	1196	1416	1582	1740	1891
251	5700	803	1201	1421	1587	1746	1897
252	5750	806	1205	1425	1592	1751	1904
253	5800	809	1209	1430	1598	1757	1910
254	5850	812	1213	1435	1603	1763	1917
255	5900	815	1217	1440	1608	1769	1923
256	5950	818	1221	1444	1613	1775	1929
257	6000	821	1226	1449	1619	1781	1936
258	6050	823	1230	1454	1624	1787	1942
259	6100	826	1234	1459	1629	1792	1948
260	6150	829	1238	1464	1635	1798	1955
261	6200	832	1242	1468	1640	1804	1961
262	6250	835	1246	1473	1645	1810	1967
263	6300	838	1251	1478	1651	1816	1974
264	6350	841	1255	1483	1656	1822	1980
265	6400	844	1259	1487	1661	1827	1986
266	6450	847	1263	1492	1667	1833	1993
267	6500	849	1267	1497	1672	1839	1999
268							
269	6550	852	1271	1502	1677	1845	2005
270	6600	855	1276	1506	1683	1851	2012
271	6650	858	1280	1511	1688	1857	2018
272	6700	861	1285	1517	1694	1864	2026
273	6750	865	1291	1524	1703	1873	2036
274	6800	869	1297	1532	1711	1882	2046
275	6850	873	1303	1539	1719	1891	2056
276	6900	877	1309	1547	1728	1900	2066
277	6950	881	1315	1554	1736	1909	2076
278	7000	885	1321	1561	1744	1919	2085
279	7050	889	1328	1569	1752	1928	2095
280	7100	893	1334	1576	1761	1937	2105
281	7150	897	1340	1584	1769	1946	2115
282	7200	901	1346	1591	1777	1955	2125
283	7250	905	1352	1599	1786	1964	2135
284	7300	909	1358	1606	1794	1973	2145
285	7350	913	1364	1613	1802	1982	2155
286	7400	917	1370	1621	1810	1991	2165
287	7450	921	1376	1628	1819	2001	2175
288	7500	925	1382	1636	1827	2010	2185
289							
290	7550	929	1389	1643	1835	2019	2194

291	7600	933	1395	1650	1844	2028	2204
292	7650	937	1401	1658	1852	2037	2214
293	7700	941	1407	1665	1860	2046	2224
294	7750	944	1411	1670	1865	2051	2230
295	7800	946	1413	1672	1867	2054	2233
296	7850	948	1416	1674	1870	2057	2236
297	7900	950	1419	1676	1873	2060	2239
298	7950	953	1421	1679	1875	2063	2242
299	8000	955	1424	1681	1878	2065	2245
300	8050	957	1426	1683	1880	2068	2248
301	8100	959	1429	1685	1883	2071	2251
302	8150	961	1432	1688	1885	2074	2254
303	8200	963	1434	1690	1888	2076	2257
304	8250	965	1436	1692	1890	2079	2260
305	8300	967	1439	1694	1892	2082	2263
306	8350	969	1441	1696	1895	2084	2266
307	8400	971	1444	1699	1897	2087	2269
308	8450	973	1446	1701	1899	2089	2271
309	8500	974	1447	1702	1901	2091	2273
310							
311	8550	975	1449	1704	1903	2093	2276
312	8600	976	1450	1705	1905	2096	2278
313	8650	977	1452	1707	1907	2098	2280
314	8700	978	1453	1709	1909	2100	2282
315	8750	979	1455	1710	1911	2102	2284
316	8800	980	1456	1712	1912	2104	2287
317	8850	981	1457	1714	1914	2106	2289
318	8900	982	1459	1715	1916	2108	2291
319	8950	983	1460	1717	1918	2110	2293
320	9000	984	1462	1719	1920	2112	2295
321	9050	985	1463	1720	1922	2114	2298
322	9100	986	1465	1722	1923	2116	2300
323	9150	987	1466	1724	1925	2118	2302
324	9200	991	1471	1730	1932	2125	2310
325	9250	994	1477	1737	1940	2134	2319
326	9300	998	1483	1743	1947	2142	2328
327	9350	1002	1488	1750	1955	2150	2337
328	9400	1005	1494	1757	1962	2159	2346
329	9450	1009	1499	1764	1970	2167	2355
330	9500	1013	1505	1771	1978	2176	2365
331							
332	9550	1017	1511	1778	1986	2185	2375
333	9600	1021	1518	1786	1995	2194	2385
334	9650	1025	1524	1793	2003	2203	2395
335	9700	1029	1530	1801	2011	2212	2405
336	9750	1033	1536	1808	2020	2222	2415
337	9800	1037	1543	1816	2028	2231	2425
338	9850	1041	1549	1823	2036	2240	2435
339	9900	1046	1555	1831	2045	2249	2445
340	9950	1050	1561	1838	2053	2258	2455
341	10000	1054	1567	1845	2061	2268	2465
342	10050	1058	1574	1853	2070	2277	2475
343	10100	1062	1580	1860	2078	2286	2485
344	10150	1066	1586	1868	2086	2295	2495
345	10200	1070	1592	1875	2095	2304	2505
346	10250	1074	1599	1883	2103	2314	2515
347	10300	1079	1605	1891	2112	2323	2525

348	10350	1083	1611	1898	2121	2333	2536
349	10400	1087	1618	1906	2129	2342	2546
350	10450	1091	1624	1914	2138	2351	2556
351	10500	1095	1631	1921	2146	2361	2566
352							
353	10550	1100	1637	1929	2155	2370	2576
354	10600	1104	1643	1937	2163	2380	2587
355	10650	1108	1650	1944	2172	2389	2597
356	10700	1112	1656	1952	2180	2398	2607
357	10750	1117	1662	1960	2189	2408	2617
358	10800	1121	1669	1967	2197	2417	2627
359	10850	1125	1675	1975	2206	2427	2638
360	10900	1129	1682	1983	2214	2436	2648
361	10950	1134	1688	1990	2223	2445	2658
362	11000	1138	1694	1998	2232	2455	2668
363	11050	1142	1701	2005	2240	2464	2678
364	11100	1146	1707	2013	2249	2474	2689
365	11150	1150	1714	2021	2257	2483	2699
366	11200	1154	1718	2026	2263	2489	2706
367	11250	1157	1722	2030	2267	2494	2711
368	11300	1159	1726	2034	2272	2499	2717
369	11350	1162	1730	2038	2276	2504	2722
370	11400	1165	1733	2042	2281	2509	2727
371	11450	1168	1737	2046	2285	2514	2733
372	11500	1171	1741	2050	2290	2519	2738
373							
374	11550	1173	1745	2054	2294	2524	2743
375	11600	1176	1749	2058	2299	2529	2749
376	11650	1179	1752	2062	2303	2534	2754
377	11700	1182	1756	2066	2308	2538	2759
378	11750	1185	1760	2070	2312	2543	2765
379	11800	1187	1764	2074	2317	2548	2770
380	11850	1190	1768	2078	2321	2553	2775
381	11900	1193	1771	2082	2326	2558	2781
382	11950	1196	1775	2086	2330	2563	2786
383	12000	1199	1779	2090	2335	2568	2791
384	12050	1201	1783	2094	2339	2573	2797
385	12100	1204	1787	2098	2344	2578	2802
386	12150	1207	1790	2102	2348	2583	2808
387	12200	1210	1795	2107	2354	2589	2815
388	12250	1213	1800	2113	2360	2596	2822
389	12300	1216	1804	2118	2366	2603	2829
390	12350	1220	1809	2124	2372	2610	2837
391	12400	1223	1814	2129	2378	2616	2844
392	12450	1226	1818	2135	2384	2623	2851
393	12500	1229	1823	2140	2391	2630	2858
394							
395	12550	1232	1828	2146	2397	2636	2866
396	12600	1235	1832	2151	2403	2643	2873
397	12650	1239	1837	2157	2409	2650	2880
398	12700	1242	1842	2162	2415	2657	2888
399	12750	1245	1846	2168	2421	2663	2895
400	12800	1248	1851	2173	2427	2670	2902
401	12850	1251	1856	2178	2433	2677	2910
402	12900	1254	1860	2184	2439	2683	2917
403	12950	1257	1865	2189	2446	2690	2924

404	13000	1261	1870	2195	2452	2697	2931
405	13050	1264	1874	2200	2458	2704	2939
406	13100	1267	1879	2206	2464	2710	2946
407	13150	1270	1884	2211	2470	2717	2953
408	13200	1273	1888	2217	2476	2724	2961
409	13250	1276	1893	2222	2482	2730	2968
410	13300	1279	1898	2228	2488	2737	2975
411	13350	1283	1902	2233	2494	2744	2983
412	13400	1286	1907	2239	2501	2751	2990
413	13450	1289	1912	2244	2507	2757	2997
414	13500	1292	1916	2250	2513	2764	3005
415							
416	13550	1295	1921	2256	2520	2772	3013
417	13600	1297	1925	2262	2526	2779	3021
418	13650	1300	1930	2268	2533	2786	3029
419	13700	1303	1935	2274	2540	2794	3037
420	13750	1306	1939	2280	2546	2801	3045
421	13800	1308	1944	2286	2553	2808	3053
422	13850	1311	1948	2292	2560	2816	3061
423	13900	1314	1953	2298	2566	2823	3069
424	13950	1317	1957	2304	2573	2830	3077
425	14000	1320	1962	2310	2580	2838	3085
426	14050	1322	1967	2316	2586	2845	3093
427	14100	1325	1971	2322	2593	2852	3101
428	14150	1328	1976	2328	2600	2860	3109
429	14200	1331	1980	2333	2607	2867	3117
430	14250	1334	1985	2339	2613	2875	3125
431	14300	1336	1990	2345	2620	2882	3133
432	14350	1339	1994	2351	2627	2889	3141
433	14400	1342	1999	2357	2633	2897	3149
434	14450	1345	2003	2363	2640	2904	3157
435	14500	1347	2008	2369	2647	2911	3164
436							
437	14550	1350	2013	2375	2653	2919	3172
438	14600	1353	2017	2381	2660	2926	3180
439	14650	1356	2022	2387	2667	2933	3188
440	14700	1359	2026	2393	2673	2941	3196
441	14750	1361	2031	2399	2680	2948	3204
442	14800	1364	2036	2405	2686	2955	3212
443	14850	1368	2040	2410	2692	2961	3219
444	14900	1371	2045	2415	2698	2967	3226
445	14950	1375	2050	2420	2703	2974	3232
446	15000	1378	2055	2425	2709	2980	3239
447	15050	1382	2059	2430	2714	2986	3246
448	15100	1385	2064	2435	2720	2992	3252
449	15150	1389	2069	2440	2726	2998	3259
450	15200	1392	2074	2445	2731	3004	3266
451	15250	1396	2078	2450	2737	3010	3272
452	15300	1400	2083	2455	2742	3017	3279
453	15350	1403	2088	2460	2748	3023	3286
454	15400	1407	2093	2465	2754	3029	3292
455	15450	1410	2098	2470	2759	3035	3299
456	15500	1414	2102	2475	2765	3041	3306
457							
458	15550	1417	2107	2480	2770	3047	3312
459	15600	1421	2112	2485	2776	3053	3319
460	15650	1424	2117	2490	2781	3060	3326

461	15700	1428	2121	2495	2787	3066	3333
462	15750	1431	2126	2500	2793	3072	3339
463	15800	1435	2131	2505	2798	3078	3346
464	15850	1438	2136	2510	2804	3084	3353
465	15900	1442	2140	2515	2809	3090	3359
466	15950	1445	2145	2520	2815	3097	3366
467	16000	1449	2150	2525	2821	3103	3373
468	16050	1453	2155	2530	2826	3109	3379
469	16100	1456	2159	2535	2832	3115	3386
470	16150	1458	2162	2538	2835	3119	3390
471	16200	1459	2164	2541	2838	3122	3394
472	16250	1461	2167	2544	2841	3125	3397
473	16300	1462	2169	2546	2844	3128	3401
474	16350	1464	2171	2549	2847	3132	3404
475	16400	1465	2173	2551	2850	3135	3408
476	16450	1466	2175	2554	2853	3138	3411
477	16500	1468	2177	2557	2856	3141	3415
478							
479	16550	1469	2179	2559	2859	3144	3418
480	16600	1471	2182	2562	2862	3148	3422
481	16650	1472	2184	2564	2864	3151	3425
482	16700	1473	2186	2567	2867	3154	3428
483	16750	1475	2188	2570	2870	3157	3432
484	16800	1476	2190	2572	2873	3160	3435
485	16850	1477	2192	2575	2876	3164	3439
486	16900	1479	2194	2577	2879	3167	3442
487	16950	1480	2196	2580	2882	3170	3446
488	17000	1481	2198	2582	2885	3173	3449
489	17050	1483	2200	2585	2887	3176	3452
490	17100	1484	2203	2588	2890	3179	3456
491	17150	1486	2205	2590	2893	3182	3459
492	17200	1487	2207	2593	2896	3186	3463
493	17250	1488	2209	2595	2899	3189	3466
494	17300	1490	2211	2598	2902	3192	3470
495	17350	1491	2213	2600	2905	3195	3473
496	17400	1492	2215	2603	2907	3198	3476
497	17450	1494	2217	2605	2910	3201	3480
498	17500	1495	2219	2608	2913	3204	3483
499							
500	17550	1497	2222	2611	2916	3208	3487
501	17600	1498	2224	2613	2919	3211	3490
502	17650	1499	2226	2616	2922	3214	3494
503	17700	1501	2228	2618	2925	3217	3497
504	17750	1502	2230	2621	2928	3220	3500
505	17800	1503	2232	2623	2930	3223	3504
506	17850	1505	2234	2626	2933	3227	3507
507	17900	1506	2236	2629	2936	3230	3511
508	17950	1507	2238	2631	2939	3233	3514
509	18000	1509	2240	2634	2942	3236	3518
510	18050	1510	2243	2636	2945	3239	3521
511	18100	1512	2245	2639	2948	3242	3524
512	18150	1513	2247	2641	2950	3245	3528
513	18200	1514	2249	2644	2953	3249	3531
514	18250	1516	2251	2647	2956	3252	3535
515	18300	1517	2253	2649	2959	3255	3538
516	18350	1520	2256	2652	2963	3259	3542

517	18400	1522	2259	2655	2966	3263	3547
518	18450	1524	2262	2658	2970	3266	3551
519	18500	1526	2265	2662	2973	3270	3555
520							
521	18550	1528	2268	2665	2976	3274	3559
522	18600	1530	2271	2668	2980	3278	3563
523	18650	1532	2274	2671	2983	3282	3567
524	18700	1535	2277	2674	2987	3285	3571
525	18750	1537	2280	2677	2990	3289	3575
526	18800	1539	2283	2680	2994	3293	3579
527	18850	1541	2285	2683	2997	3297	3584
528	18900	1543	2288	2686	3000	3301	3588
529	18950	1545	2291	2689	3004	3304	3592
530	19000	1547	2294	2692	3007	3308	3596
531	19050	1550	2297	2695	3011	3312	3600
532	19100	1552	2300	2698	3014	3316	3604
533	19150	1554	2303	2702	3018	3319	3608
534	19200	1556	2306	2705	3021	3323	3612
535	19250	1558	2309	2708	3025	3327	3616
536	19300	1560	2312	2711	3028	3331	3621
537	19350	1563	2315	2714	3031	3335	3625
538	19400	1565	2318	2717	3035	3338	3629
539	19450	1567	2320	2720	3038	3342	3633
540	19500	1569	2323	2723	3042	3346	3637
541							
542	19550	1571	2326	2726	3045	3350	3641
543	19600	1573	2329	2729	3049	3353	3645
544	19650	1575	2332	2732	3052	3357	3649
545	19700	1578	2335	2735	3055	3361	3653
546	19750	1580	2338	2738	3059	3365	3658
547	19800	1582	2341	2742	3062	3369	3662
548	19850	1584	2344	2745	3066	3372	3666
549	19900	1586	2347	2748	3069	3376	3670
550	19950	1588	2350	2751	3073	3380	3674
551	20000	1591	2353	2754	3076	3384	3678
552	20050	1593	2355	2757	3080	3387	3682
553	20100	1595	2358	2760	3083	3391	3686
554	20150	1597	2361	2763	3086	3395	3690
555	20200	1599	2364	2766	3090	3399	3695
556	20250	1601	2367	2769	3093	3403	3699
557	20300	1603	2370	2772	3097	3406	3703
558	20350	1606	2373	2775	3100	3410	3707
559	20400	1608	2376	2778	3104	3414	3711
560	20450	1610	2379	2782	3107	3418	3715
561	20500	1612	2382	2785	3110	3421	3719
562							
563	20550	1614	2385	2788	3114	3425	3723
564	20600	1616	2388	2791	3117	3429	3727
565	20650	1619	2390	2794	3121	3433	3731
566	20700	1621	2393	2797	3124	3437	3736
567	20750	1623	2396	2800	3128	3440	3740
568	20800	1625	2399	2803	3131	3444	3744
569	20850	1627	2402	2806	3135	3448	3748
570	20900	1629	2405	2809	3138	3452	3752
571	20950	1631	2408	2812	3141	3456	3756
572	21000	1634	2411	2815	3145	3459	3760
573	21050	1636	2414	2818	3148	3463	3764

574	21100	1638	2417	2822	3152	3467	3768
575	21150	1640	2420	2825	3155	3471	3773
576	21200	1642	2423	2828	3159	3474	3777
577	21250	1644	2425	2831	3162	3478	3781
578	21300	1647	2428	2834	3165	3482	3785
579	21350	1649	2431	2837	3169	3486	3789
580	21400	1651	2434	2840	3172	3490	3793
581	21450	1653	2437	2843	3176	3493	3797
582	21500	1655	2440	2846	3179	3497	3801
583							
584	21550	1657	2443	2849	3183	3501	3805
585	21600	1659	2446	2853	3187	3506	3811
586	21650	1661	2449	2857	3191	3510	3816
587	21700	1663	2452	2861	3195	3515	3821
588	21750	1665	2455	2865	3200	3520	3826
589	21800	1667	2458	2868	3204	3524	3831
590	21850	1668	2461	2872	3208	3529	3836
591	21900	1670	2464	2876	3213	3534	3841
592	21950	1672	2467	2880	3217	3539	3846
593	22000	1674	2470	2884	3221	3543	3852
594	22050	1676	2473	2888	3225	3548	3857
595	22100	1678	2476	2891	3230	3553	3862
596	22150	1680	2479	2895	3234	3557	3867
597	22200	1681	2482	2899	3238	3562	3872
598	22250	1683	2485	2903	3243	3567	3877
599	22300	1685	2488	2907	3247	3571	3882
600	22350	1687	2491	2911	3251	3576	3887
601	22400	1689	2494	2914	3255	3581	3892
602	22450	1691	2497	2918	3260	3586	3898
603	22500	1692	2500	2922	3264	3590	3903
604							
605	22550	1694	2503	2926	3268	3595	3908
606	22600	1696	2506	2930	3272	3600	3913
607	22650	1698	2509	2934	3277	3604	3918
608	22700	1700	2512	2937	3281	3609	3923
609	22750	1702	2515	2941	3285	3614	3928
610	22800	1704	2518	2945	3290	3619	3933
611	22850	1705	2521	2949	3294	3623	3938
612	22900	1707	2524	2953	3298	3628	3944
613	22950	1709	2527	2957	3302	3633	3949
614	23000	1711	2530	2960	3307	3637	3954
615	23050	1713	2533	2964	3311	3642	3959
616	23100	1715	2536	2968	3315	3647	3964
617	23150	1717	2539	2972	3320	3651	3969
618	23200	1718	2542	2976	3324	3656	3974
619	23250	1720	2545	2979	3328	3661	3979
620	23300	1722	2548	2983	3332	3666	3984
621	23350	1724	2551	2987	3337	3670	3990
622	23400	1726	2554	2991	3341	3675	3995
623	23450	1728	2557	2995	3345	3680	4000
624	23500	1730	2560	2999	3349	3684	4005
625							
626	23550	1731	2563	3002	3354	3689	4010
627	23600	1733	2566	3006	3358	3694	4015
628	23650	1735	2569	3010	3362	3699	4020
629	23700	1737	2572	3014	3367	3703	4025

630	23750	1739	2575	3018	3371	3708	4031
631	23800	1741	2578	3022	3375	3713	4036
632	23850	1742	2581	3025	3379	3717	4041
633	23900	1744	2584	3029	3384	3722	4046
634	23950	1746	2587	3033	3388	3727	4051
635	24000	1748	2590	3037	3392	3731	4056
636	24050	1750	2593	3041	3397	3736	4061
637	24100	1752	2596	3045	3401	3741	4066
638	24150	1754	2599	3048	3405	3746	4071
639	24200	1755	2602	3052	3409	3750	4077
640	24250	1757	2605	3056	3414	3755	4082
641	24300	1759	2608	3060	3418	3760	4087
642	24350	1761	2611	3064	3422	3764	4092
643	24400	1763	2614	3068	3426	3769	4097
644	24450	1765	2617	3071	3431	3774	4102
645	24500	1767	2620	3075	3435	3779	4107
646							
647	24550	1768	2623	3079	3439	3783	4112
648	24600	1770	2626	3083	3444	3788	4117
649	24650	1772	2629	3087	3448	3793	4123
650	24700	1774	2632	3091	3452	3797	4128
651	24750	1776	2635	3094	3456	3802	4133
652	24800	1778	2638	3098	3461	3807	4138
653	24850	1780	2641	3102	3465	3811	4143
654	24900	1781	2644	3106	3469	3816	4148
655	24950	1783	2647	3110	3474	3821	4153
656	25000	1785	2650	3114	3478	3826	4158
657	25050	1787	2653	3117	3482	3830	4163
658	25100	1789	2656	3121	3486	3835	4169
659	25150	1791	2659	3125	3491	3840	4174
660	25200	1792	2662	3129	3495	3844	4179
661	25250	1794	2665	3133	3499	3849	4184
662	25300	1796	2668	3136	3503	3854	4189
663	25350	1798	2671	3140	3508	3858	4194
664	25400	1800	2674	3144	3512	3863	4199
665	25450	1802	2677	3148	3516	3868	4204
666	25500	1804	2680	3152	3521	3873	4210
667							
668	25550	1805	2682	3156	3525	3877	4215
669	25600	1807	2685	3159	3529	3882	4220
670	25650	1809	2688	3163	3533	3887	4225
671	25700	1811	2691	3167	3538	3891	4230
672	25750	1813	2694	3171	3542	3896	4235
673	25800	1815	2697	3175	3546	3901	4240
674	25850	1817	2700	3179	3550	3906	4245
675	25900	1818	2703	3182	3555	3910	4250
676	25950	1820	2706	3186	3559	3915	4256
677	26000	1822	2709	3190	3563	3920	4261
678	26050	1824	2712	3194	3568	3924	4266
679	26100	1826	2715	3198	3572	3929	4271
680	26150	1828	2718	3202	3576	3934	4276
681	26200	1830	2721	3205	3580	3938	4281
682	26250	1831	2724	3209	3585	3943	4286
683	26300	1833	2727	3213	3589	3948	4291
684	26350	1835	2730	3217	3593	3953	4296
685	26400	1837	2733	3221	3598	3957	4302
686	26450	1839	2736	3225	3602	3962	4307

687	26500	1841	2739	3228	3606	3967	4312
688							
689	26550	1842	2742	3232	3610	3971	4317
690	26600	1844	2745	3236	3615	3976	4322
691	26650	1846	2748	3240	3619	3981	4327
692	26700	1848	2751	3244	3623	3986	4332
693	26750	1850	2754	3248	3627	3990	4337
694	26800	1852	2757	3251	3632	3995	4342
695	26850	1854	2760	3255	3636	4000	4348
696	26900	1855	2763	3259	3640	4004	4353
697	26950	1857	2766	3263	3645	4009	4358
698	27000	1859	2769	3267	3649	4014	4363
699	27050	1861	2772	3270	3653	4018	4368
700	27100	1863	2775	3274	3657	4023	4373
701	27150	1865	2778	3278	3662	4028	4378
702	27200	1867	2781	3282	3666	4033	4383
703	27250	1868	2784	3286	3670	4037	4389
704	27300	1870	2787	3290	3675	4042	4394
705	27350	1872	2790	3293	3679	4047	4399
706	27400	1874	2793	3297	3683	4051	4404
707	27450	1876	2796	3301	3687	4056	4409
708	27500	1878	2799	3305	3692	4061	4414
709							
710	27550	1880	2802	3309	3696	4066	4419
711	27600	1881	2805	3313	3700	4070	4424
712	27650	1883	2808	3316	3704	4075	4429
713	27700	1885	2811	3320	3709	4080	4435
714	27750	1887	2814	3324	3713	4084	4440
715	27800	1889	2817	3328	3717	4089	4445
716	27850	1891	2820	3332	3722	4094	4450
717	27900	1892	2823	3336	3726	4098	4455
718	27950	1894	2826	3339	3730	4103	4460
719	28000	1896	2829	3343	3734	4108	4465
720	28050	1898	2832	3347	3739	4113	4470
721	28100	1899	2833	3348	3740	4114	4472
722	28150	1900	2834	3349	3741	4115	4473
723	28200	1900	2835	3349	3741	4115	4473
724	28250	1901	2836	3350	3742	4116	4474
725	28300	1902	2836	3350	3742	4116	4474
726	28350	1902	2837	3351	3743	4117	4475
727	28400	1903	2838	3351	3743	4117	4476
728	28450	1904	2838	3351	3744	4118	4476
729	28500	1904	2839	3352	3744	4118	4477
730							
731	28550	1905	2840	3352	3745	4119	4477
732	28600	1906	2840	3353	3745	4120	4478
733	28650	1906	2841	3353	3745	4120	4478
734	28700	1907	2842	3354	3746	4121	4479
735	28750	1908	2842	3354	3746	4121	4480
736	28800	1908	2843	3354	3747	4122	4480
737	28850	1909	2844	3355	3747	4122	4481
738	28900	1909	2844	3355	3748	4123	4481
739	28950	1910	2845	3356	3748	4123	4482
740	29000	1911	2846	3356	3749	4124	4483
741	29050	1911	2846	3357	3749	4124	4483
742	29100	1912	2847	3357	3750	4125	4484

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743	29150	1913	2848	3358	3750	4125	4484
744	29200	1913	2848	3358	3751	4126	4485
745	29250	1914	2849	3358	3751	4126	4485
746	29300	1915	2850	3359	3752	4127	4486
747	29350	1915	2850	3359	3752	4128	4487
748	29400	1916	2851	3360	3753	4128	4487
749	29450	1917	2852	3360	3753	4129	4488
750	29500	1917	2852	3361	3754	4129	4488
751							
752	29550	1918	2853	3361	3754	4130	4489
753	29600	1919	2854	3361	3755	4130	4490
754	29650	1919	2855	3362	3755	4131	4490
755	29700	1920	2855	3362	3756	4131	4491
756	29750	1921	2856	3363	3756	4132	4491
757	29800	1921	2857	3363	3757	4132	4492
758	29850	1922	2857	3364	3757	4133	4492
759	29900	1923	2858	3364	3758	4133	4493
760	29950	1923	2859	3365	3758	4134	4494
761	30000	1924	2859	3365	3759	4135	4494
762	30050	1925	2860	3365	3759	4135	4495
763	30100	1925	2861	3366	3760	4136	4495
764	30150	1926	2861	3366	3760	4136	4496
765	30200	1926	2862	3367	3761	4137	4497
766	30250	1927	2863	3367	3761	4137	4497
767	30300	1928	2863	3368	3762	4138	4498
768	30350	1928	2864	3368	3762	4138	4498
769	30400	1929	2865	3368	3763	4139	4499
770	30450	1930	2865	3369	3763	4139	4499
771	30500	1930	2866	3369	3764	4140	4500
772							
773	30550	1931	2867	3370	3764	4140	4501
774	30600	1932	2867	3370	3765	4141	4501
775	30650	1932	2868	3371	3765	4141	4502
776	30700	1933	2869	3371	3765	4142	4502
777	30750	1934	2869	3371	3766	4143	4503
778	30800	1934	2870	3372	3766	4143	4504
779	30850	1935	2871	3372	3767	4144	4504
780	30900	1936	2871	3373	3767	4144	4505
781	30950	1936	2872	3373	3768	4145	4505
782	31000	1937	2873	3374	3768	4145	4506
783	31050	1938	2874	3374	3769	4146	4506
784	31100	1938	2874	3375	3769	4146	4507
785	31150	1939	2875	3375	3770	4147	4508
786	31200	1940	2876	3375	3770	4147	4508
787	31250	1940	2876	3376	3771	4148	4509
788	31300	1941	2877	3376	3771	4148	4509
789	31350	1942	2878	3377	3772	4149	4510
790	31400	1942	2878	3377	3772	4150	4511
791	31450	1943	2879	3378	3773	4150	4511
792	31500	1943	2880	3378	3773	4151	4512
793							
794	31550	1944	2880	3378	3774	4151	4512
795	31600	1945	2881	3379	3774	4152	4513
796	31650	1945	2882	3379	3775	4152	4513
797	31700	1946	2882	3380	3775	4153	4514
798	31750	1947	2883	3380	3776	4153	4515
799	31800	1947	2884	3381	3776	4154	4515

800	31850	1948	2884	3381	3777	4154	4516
801	31900	1949	2885	3382	3777	4155	4516
802	31950	1949	2886	3382	3778	4155	4517
803	32000	1950	2886	3382	3778	4156	4518
804	32050	1951	2887	3383	3779	4156	4518
805	32100	1951	2888	3383	3779	4157	4519
806	32150	1952	2888	3384	3780	4158	4519
807	32200	1953	2889	3384	3780	4158	4520
808	32250	1953	2890	3385	3781	4159	4520
809	32300	1954	2890	3385	3781	4159	4521
810	32350	1955	2891	3385	3782	4160	4522
811	32400	1955	2892	3386	3782	4160	4522
812	32450	1956	2893	3386	3783	4161	4523
813	32500	1957	2893	3387	3783	4161	4523
814							
815	32550	1957	2894	3387	3784	4162	4524
816	32600	1958	2895	3388	3784	4162	4525
817	32650	1959	2895	3388	3784	4163	4525
818	32700	1959	2896	3389	3785	4163	4526
819	32750	1960	2897	3389	3785	4164	4526
820	32800	1960	2897	3389	3786	4165	4527
821	32850	1961	2898	3390	3786	4165	4527
822	32900	1962	2899	3390	3787	4166	4528
823	32950	1962	2899	3391	3787	4166	4529
824	33000	1963	2900	3391	3788	4167	4529
825	33050	1964	2901	3392	3788	4167	4530
826	33100	1964	2901	3392	3789	4168	4530
827	33150	1965	2902	3392	3789	4168	4531
828	33200	1966	2903	3393	3790	4169	4532
829	33250	1966	2903	3393	3790	4169	4532
830	33300	1967	2904	3394	3791	4170	4533
831	33350	1968	2905	3394	3791	4170	4533
832	33400	1968	2905	3395	3792	4171	4534
833	33450	1969	2906	3395	3792	4172	4534
834	33500	1970	2907	3395	3793	4172	4535
835							
836	33550	1970	2907	3396	3793	4173	4536
837	33600	1971	2908	3396	3794	4173	4536
838	33650	1972	2909	3397	3794	4174	4537
839	33700	1972	2909	3397	3795	4174	4537
840	33750	1973	2910	3398	3795	4175	4538
841	33800	1974	2911	3398	3796	4175	4539
842	33850	1974	2912	3399	3796	4176	4539
843	33900	1975	2912	3399	3797	4176	4540
844	33950	1976	2913	3399	3797	4177	4540
845	34000	1976	2914	3400	3798	4177	4541
846	34050	1977	2914	3400	3798	4178	4541
847	34100	1977	2915	3401	3799	4178	4542
848	34150	1978	2916	3401	3799	4179	4543
849	34200	1979	2916	3402	3800	4179	4543
850	34250	1979	2917	3402	3800	4180	4544
851	34300	1980	2917	3402	3800	4181	4544
852	34350	1981	2918	3403	3801	4181	4545
853	34400	1981	2919	3403	3801	4182	4545
854	34450	1982	2919	3404	3802	4182	4546
855	34500	1983	2920	3404	3802	4183	4546

856							
857	34550	1983	2921	3405	3803	4183	4547
858	34600	1984	2921	3405	3803	4184	4548
859	34650	1984	2922	3405	3804	4184	4548
860	34700	1985	2923	3406	3804	4185	4549
861	34750	1986	2923	3406	3805	4185	4549
862	34800	1986	2924	3407	3805	4186	4550
863	34850	1987	2925	3407	3806	4186	4550
864	34900	1988	2925	3407	3806	4187	4551
865	34950	1988	2926	3408	3807	4187	4552
866	35000	1989	2927	3408	3807	4188	4552

867 For gross monthly incomes above \$35,000, add the amount of child support for \$35,000 to the
 868 following percentages of gross income above \$35,000.

869	ONE	TWO	THREE	FOUR	FIVE	SIX
870	CHILD	CHILDREN	CHILDREN	CHILDREN	CHILDREN	CHILDREN
871	2.6%	3.4%	3.8%	4.2%	4.6%	5.0%

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

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

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

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

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

898 Where there is an existing court or administrative order or written agreement relating to the child or
 899 children of a party to the proceeding, who are not the child or children who are the subject of the
 900 present proceeding, then there is a presumption that there shall be deducted from the gross income of
 901 the party subject to such order or written agreement, the amount that the party is actually paying for the
 902 support of a child or children pursuant to such order or agreement.

903 Where a party to the proceeding has a natural or adopted child or children in the party's household
 904 or primary physical custody, and the child or children are not the subject of the present proceeding,
 905 there is a presumption that there shall be deducted from the gross income of that party the amount as
 906 shown on the Schedule of Monthly Basic Child Support Obligations contained in subsection B that
 907 represents that party's support obligation based solely on that party's income as being the total income
 908 available for the natural or adopted child or children in the party's household or primary physical
 909 custody, who are not the subject of the present proceeding. Provided, however, that the existence of a
 910 party's financial responsibility for such a child or children shall not of itself constitute a material change
 911 in circumstances for modifying a previous order of child support in any modification proceeding. Any
 912 adjustment to gross income under this subsection shall not create or reduce a support obligation to an
 913 amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and
 914 provide other basic necessities for the child, as determined by the court.

915 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. 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.

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, and (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 allocated in accordance with subsection D.

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. Shared custody support.

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

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

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

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

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

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

1000 (c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours; however,
1001 where the parent who has the fewer number of overnight periods during the year has an overnight
1002 period with a child, but has physical custody of the shared child for less than 24 hours during such
1003 overnight period, there is a presumption that each parent shall be allocated one-half of a day of custody
1004 for that period.

1005 (d) Minimum standards. Any calculation under this subdivision shall not create or reduce a support
1006 obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal
1007 adequate housing and provide other basic necessities for the child. If the gross income of either party is
1008 equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of
1009 Health and Human Services from time to time, then the shared custody support calculated pursuant to
1010 this subsection shall not be the presumptively correct support and the court may consider whether the
1011 sole custody support or the shared custody support is more just and appropriate.

1012 (e) Support modification. When there has been an award of child support based on the shared
1013 custody formula and one parent consistently fails to exercise custody or visitation in accordance with the
1014 parent's custody share upon which the award was based, there shall be a rebuttable presumption that the
1015 support award should be modified.

1016 (f) In the event that the shared custody support calculation indicates that the net support is to be paid
1017 to the parent who would not be the parent receiving support pursuant to the sole custody calculation,
1018 then the shared support shall be deemed to be the lesser support.

1019 H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this
1020 section is reviewed by October 31, 2001, and every four years thereafter, by the Child Support
1021 Guidelines Review Panel, consisting of 15 members comprised of four legislative members and 11
1022 nonlegislative citizen members. Members shall be appointed as follows: three members of the House
1023 Committee for Courts of Justice, upon the recommendation of the chairman of such committee, to be
1024 appointed by the Speaker of the House of Delegates in accordance with the principles of proportional
1025 representation contained in the Rules of the House of Delegates; one member of the Senate Committee
1026 for Courts of Justice, upon the recommendation of the chairman of such committee, to be appointed by
1027 the Senate Committee on Rules; and one representative of a juvenile and domestic relations district
1028 court, one representative of a circuit court, one representative of the Department of Social Services'
1029 Division of Child Support Enforcement, three members of the Virginia State Bar, two custodial parents,
1030 two noncustodial parents, and one child advocate, upon the recommendation of the Secretary of Health
1031 and Human Resources, to be appointed by the Governor. The Panel shall determine the adequacy of the
1032 guideline for the determination of appropriate awards for the support of children by considering current
1033 research and data on the cost of and expenditures necessary for rearing children, and any other resources
1034 it deems relevant to such review. The Panel shall report its findings to the General Assembly as
1035 provided in the procedures of the Division of Legislative Automated Systems for the processing of
1036 legislative documents and reports before the General Assembly next convenes following such review.

1037 Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen
1038 members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to

fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

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

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

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

§ 63.2-1921. Authority to initiate reviews of certain orders.

A. The Department may, pursuant to this chapter and in accordance with § 20-108.2, initiate a review of the amount of support ordered by any court. If a material change in circumstances has occurred, the Department shall report its findings and a proposed modified order to the court which entered the order or the court having current jurisdiction. Notice of the review shall be served for each review on both parties (i) in accordance with the provisions of §§ 8.01-296, 8.01-327 or § 8.01-329, or (ii) by certified mail, with proof of actual receipt by the addressee, or (iii) by the nonrequesting party executing a waiver. Either party may request a hearing on the proposed modified order by filing a request with such court within thirty days of receipt of notice by the requesting party. Unless a hearing is requested within the time limits, no hearing shall be required and the court shall enter the modified order, which shall be effective from the date that notice of such review was served on the nonrequesting party. The court shall modify any prior court order, or schedule a hearing on its motion and so notify the parties and the Department. If a hearing is held, the Department shall have the burden of proof.

B. However, if the order being reviewed by the Department deviated from the guidelines, when entered, based on one or more of the deviating factors set out in § 20-108.1 and the Department determines that there has been a material change in circumstances, the procedure set forth in subsection A shall not apply and the Department shall schedule a hearing with the court which entered the order or the court having current jurisdiction.

C. A material change in circumstances shall be deemed to have occurred if the difference between the existing child support award and the amount which would result from application of the guidelines is at least ten percent of the existing child support award but not less than twenty-five dollars per month.

D. The Department shall, pursuant to this chapter and in accordance with § 20-108.2, initiate a review of the amount of support ordered by any court if it determines that an obligor has been sentenced to a term of incarceration during the period he is obligated to pay support.

§ 63.2-1952. Interest on debts due.

Interest at the judgment interest rate as established by § 6.2-302 on any arrearage pursuant to an order being enforced by the Department pursuant to this chapter shall be collected by the Commissioner except in the case of a minor obligor during the period of his minority *or a prisoner during the period of his incarceration*. The Commissioner shall maintain interest balance due accounts.

§ 63.2-1960. Recovery of certain fees and costs.

The Department shall have the authority to assess and recover from the noncustodial parent in proceedings to enforce child support obligations against the noncustodial parent, reasonable *attorneys' attorney fees, except in the case of a prisoner during the period of his incarceration*. All such fees recovered in proceedings to collect child support arrearages shall be retained by the Department in a special fund for the support of the Division of Support Enforcement. The Department shall also have the authority to assess and recover costs in such cases. However, the Department shall not be entitled to recover *attorneys' attorney fees or costs in any case in which the noncustodial parent prevails*.

The Department shall have the authority to assess and recover the actual costs of genetic testing against the noncustodial parent if paternity is established, *except in the case of a prisoner during the period of his incarceration*. Where an original test is contested and additional testing is requested, the Department may require advance payment by the contestant. The genetic testing costs shall be set at the rate charged the Department by the provider of genetic testing services.

The Department shall have the authority to assess and recover the actual costs of intercept programs from the noncustodial parent, *except in the case of a prisoner during the period of his incarceration*. The intercept programs' costs shall be set at the rate actually charged the Department.

The Department shall have the authority to assess and recover the actual costs of fees for service of process, and seizure and sale pursuant to a levy on a judgment in enforcement actions from the

1100 noncustodial parent, *except in the case of a prisoner during the period of his incarceration.*

1101 The fees and costs that may be recovered pursuant to this section may be collected using any
1102 mechanism provided by this chapter.

1103 **§ 63.2-1961. Reduction for timely payment of arrearages.**

1104 *In the case of an imprisoned obligor after the period of his incarceration has ended, the Department*
1105 *shall reduce the total amount of arrearages due on child support obligations as follows:*

- 1106 1. A reduction of 5 percent of the total arrearages for six months of continued timely payments;
1107 2. A reduction of 10 percent of the total arrearages for 12 months of continued timely payments;
1108 3. A reduction of 15 percent of the total arrearages for 18 months of continued timely payments; and
1109 4. A reduction of 25 percent of the total arrearages for 24 months of continued timely payments.