

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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*An Act to amend and reenact §§ 20-60.5, 46.2-320.1, 63.2-527, 63.2-1900, 63.2-1903, 63.2-1916, 63.2-1917, 63.2-1921, 63.2-1923, 63.2-1924, 63.2-1925, 63.2-1929, 63.2-1930, 63.2-1933, 63.2-1937, and 63.2-1942 of the Code of Virginia, relating to the Department of Social Services; electronic notices.*

[H 1026]

Approved

**Be it enacted by the General Assembly of Virginia:**  
**1. That §§ 20-60.5, 46.2-320.1, 63.2-527, 63.2-1900, 63.2-1903, 63.2-1916, 63.2-1917, 63.2-1921, 63.2-1923, 63.2-1924, 63.2-1925, 63.2-1929, 63.2-1930, 63.2-1933, 63.2-1937, and 63.2-1942 of the Code of Virginia are amended and reenacted as follows:**

- § 20-60.5. Support payment provisions; how paid.**
  - A. 1. Unless otherwise directed by the Committee on District Courts, in all cases in which payment of a support obligation arising under an order or decree entered prior to October 1, 1985, is made by the obligor through the office of a clerk of court, the clerk shall notify the payee and the obligor that the obligor will be directed to pay future support payments to the Department of Social Services as of the date provided in the notice.
    - In cases transferred from the courts to the Department of Social Services on or after October 1, 1985, the payee shall be deemed as having executed an authorization to seek or enforce a support obligation with the Department's Division of Child Support Enforcement unless the payee specifically indicates that the Division's services are not desired.
  - 2. Unless otherwise directed by the Department of Social Services, the notice of change in payment shall be served or sent by certified mail, return receipt requested, and shall contain (i) the name of the payee and, if different in whole or in part, the names of the persons to whom an obligation of support is owed by the obligor, (ii) the name of the obligor, (iii) the amount of the periodic support payment, the due dates of such payments and any arrearages, (iv) the beginning date for sending payments to the Department of Social Services, and (v) the date by which the payee and obligor shall notify the Department of Social Services of the election to (a) have the Department of Social Services collect and disburse support payments together with forms and instructions for applying for such services or (b) have support payment made by the obligor directly to the payee. A copy of the notice also shall be transmitted to the Department of Social Services.
  - 3. Unless otherwise directed by the Committee on District Courts, if both the obligor and the payee request in writing to the Department of Social Services that all support payments be made by the obligor directly to the payee, then the Department of Social Services shall so notify the court and the court shall enter an order to such effect. In the event an election is taken pursuant to subdivision 2 (v) (a), the notice of election shall have the same force and effect as an order of the court.
  - 4. The above provisions shall also apply to payroll deductions made pursuant to § 20-79.1, except that only the payee and the employer shall receive such notice.
  - 5. The change in payment provision required by subsection A shall be initiated by October 1, 1985, unless a different date is mutually agreed to by the Department of Social Services and the Committee on District Courts as to individual courts.
- B. Unless a different date is mutually agreed to by the Department of Social Services and the Committee on District Courts, all orders or decrees for support entered on or after October 1, 1985, shall direct that payment be made only to the payee unless one of the parties objects, in which case the order or decree shall direct that payment be made to or through the Department of Social Services.
- C. The Department of Social Services shall promptly pay to the payee all support payments collected by it which have been ordered by a court to be paid to or through the Department. The Department shall pay interest to the payee when such interest amount exceeds ~~five dollars~~ \$5 on a support payment as provided in § 63.2-1951.
- D. If the Department of Social Services enters into a contract with a public or private entity for the processing of support payments, then, except as provided in subsection E, and notwithstanding any other provision of this section:
  - 1. The Department shall notify the affected court of the existence of such contract and how payments are contractually required to be made to such contractors; and
  - 2. The affected court shall include in all support orders (i) how payments are required to be made to such contractors and (ii) that payments are to be made in such manner until different payment

57 instructions are mailed to the person making payments by the court or by the Department.

58 E. An employer of 10,000 persons or more shall not be required to make payments other than by  
59 combined single payment to the Department's central office in Richmond without the express written  
60 consent of the employer, unless the order is from a support enforcement agency outside the  
61 Commonwealth.

62 F. Upon any obligee's application for public assistance benefits or child support services, the  
63 Department of Social Services may change the payee to the Department so that payment is sent to the  
64 Department at its address as contained in the notice of change as described in this subsection. Upon the  
65 obligee's request that support services no longer be provided, the Department may change the payee to  
66 the obligee so that payment is sent to the obligee at the address provided by the obligee as contained in  
67 the notice of change as described in this subsection. Notice of such change shall be served on the  
68 obligor by certified mail, return receipt requested, *by electronic means*, or in accordance with Chapter 8  
69 (§ 8.01-285 et seq.) or Chapter 9 (§ 8.01-328 et seq.) of Title 8.01. The change described in the notice  
70 shall be effective as to all payments paid on or after the date that notice was served regardless of when  
71 such payments were due. Return of service shall be made to the Department of Social Services at the  
72 location described in the notice. Upon obtaining service of the notice on the obligor, the Department of  
73 Social Services shall transmit a copy of such notice together with a copy of the proof of service to the  
74 court having jurisdiction for enforcement of the order and to the custodial parent.

75 **§ 46.2-320.1. Other grounds for suspension; nonpayment of child support.**

76 A. The Commissioner may enter into an agreement with the Department of Social Services whereby  
77 the Department may suspend or refuse to renew the driver's license of any person upon receipt of notice  
78 from the Department of Social Services that the person (i) is delinquent in the payment of child support  
79 by 90 days or more or in an amount of \$5,000 or more or (ii) has failed to comply with a subpoena,  
80 summons, or warrant relating to paternity or child support proceedings. A suspension or refusal to renew  
81 authorized pursuant to this section shall not be effective until 30 days after service on the delinquent  
82 obligor of notice of intent to suspend or refusal to renew. The notice of intent shall be served on the  
83 obligor by the Department of Social Services (a) by certified mail, return receipt requested, *or by*  
84 *electronic means*, sent to the obligor's last known addresses as shown in the records of the Department  
85 or the Department of Social Services; or (b) pursuant to § 8.01-296, or service may be waived by the  
86 obligor in accordance with procedures established by the Department of Social Services. The obligor  
87 shall be entitled to a judicial hearing if a request for a hearing is made, in writing, to the Department of  
88 Social Services within 10 days from service of the notice of intent. Upon receipt of the request for a  
89 hearing, the Department of Social Services shall petition the court that entered or is enforcing the order,  
90 requesting a hearing on the proposed suspension or refusal to renew. The court shall authorize the  
91 suspension or refusal to renew only if it finds that the obligor's noncompliance with the child support  
92 order was willful. Upon a showing by the Department of Social Services that the obligor is delinquent  
93 in the payment of child support by 90 days or more or in an amount of \$5,000 or more, the burden of  
94 proving that the delinquency was not willful shall rest upon the obligor. The Department shall not  
95 suspend or refuse to renew the driver's license until a final determination is made by the court.

96 B. At any time after service of a notice of intent, the person may petition the juvenile and domestic  
97 relations district court in the jurisdiction where he resides for the issuance of a restricted license to be  
98 used if the suspension or refusal to renew becomes effective. Upon such petition and a finding of good  
99 cause, the court may provide that such person be issued a restricted permit to operate a motor vehicle  
100 for any of the purposes set forth in subsection E of § 18.2-271.1. A restricted license issued pursuant to  
101 this subsection shall not permit any person to operate a commercial motor vehicle as defined in  
102 § 46.2-341.4. The court shall order the surrender of the person's license to operate a motor vehicle, to be  
103 disposed of in accordance with the provisions of § 46.2-398, and shall forward to the Commissioner a  
104 copy of its order entered pursuant to this subsection. The order shall specifically enumerate the  
105 restrictions imposed and contain such information regarding the person to whom such a permit is issued  
106 as is reasonably necessary to identify him.

107 C. The Department shall not renew a driver's license or terminate a license suspension imposed  
108 pursuant to this section until it has received from the Department of Social Services a certification that  
109 the person has (i) paid the delinquency in full; (ii) reached an agreement with the Department of Social  
110 Services to satisfy the delinquency within a period not to exceed 10 years, and at least one payment  
111 representing at least five percent of the total delinquency or \$600, whichever is greater, has been made  
112 pursuant to the agreement; (iii) complied with a subpoena, summons, or warrant relating to a paternity  
113 or child support proceeding; or (iv) completed or is successfully participating in an intensive case  
114 monitoring program for child support as ordered by a juvenile and domestic relations district court or as  
115 administered by the Department of Social Services. Certification by the Department of Social Services  
116 shall be made by electronic or telephonic communication and shall be made on the same work day that  
117 payment required by clause (i) or (ii) is made.

118 D. If a person who has entered into an agreement with the Department of Social Services pursuant to  
 119 clause (ii) of subsection C fails to comply with the requirements of the agreement, the Department of  
 120 Social Services shall notify the Department of the person's noncompliance and the Department shall  
 121 suspend or refuse to renew the driver's license of the person until it has received from the Department  
 122 of Social Services a certification that the person has paid the delinquency in full or has entered into a  
 123 subsequent agreement with the Department of Social Services to satisfy the delinquency within a period  
 124 not to exceed seven years and has made at least one payment of \$1,200 or five percent of the total  
 125 delinquency, whichever is greater, pursuant to the agreement. If the person fails to comply with the  
 126 terms of a subsequent agreement reached with the Department of Social Services pursuant to this  
 127 section, without further notice to the person as provided in the subsequent agreement, the Department of  
 128 Social Services shall notify the Department of the person's noncompliance, and the Department shall  
 129 suspend or refuse to renew the driver's license of the person. A person who has failed to comply with  
 130 the terms of a second or subsequent agreement pursuant to this subsection may be granted a new  
 131 agreement with the Department of Social Services if the person has made at least one payment of  
 132 \$1,800 or five percent of the total delinquency, whichever is greater, and agrees to a repayment schedule  
 133 of not more than seven years. Upon receipt of certification from the Department of Social Services of  
 134 the person's satisfaction of these conditions, the Department shall issue a driver's license to the person or  
 135 reinstate the person's driver's license. Certification by the Department of Social Services shall be made  
 136 by electronic or telephonic communication and shall be made on the same work day that payment  
 137 required by this subsection is made.

138 **§ 63.2-527. Notice of earned income tax credit.**

139 The Department shall provide notice regarding the availability of the federal earned income tax credit  
 140 authorized in § 32 of the Internal Revenue Code and the state earned income tax credit authorized in  
 141 subdivision B 2 of § 58.1-339.8 to all recipients of Temporary Assistance for Needy Families pursuant  
 142 to Chapter 6 (§ 63.2-600 et seq.), food stamps pursuant to § 63.2-801, or medical assistance pursuant to  
 143 § 32.1-325 who had earned income in the prior tax year based on information available through the  
 144 Virginia Employment Commission and, according to information made available by the Virginia  
 145 Department of Taxation, either did not file federal or state income taxes or filed taxes and did not claim  
 146 the federal or state earned income tax credit. Notice shall be ~~mailed~~ *distributed* to recipients annually  
 147 and shall include information on the qualifying income levels, the amount of credit available, the  
 148 process for applying for the credit, and the availability of assistance in applying for the credit.

149 **§ 63.2-1900. Definitions.**

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

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

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

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

158 "Cash medical support" means the proportional amount the court or the Department shall order both  
 159 parents to pay toward reasonable and necessary unreimbursed medical or dental expenses pursuant to  
 160 subsection D of § 20-108.2.

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

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

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

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

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

176 "*Electronic means*" means service of a required notice by the Department through its secure online  
 177 child support portal to any person who has agreed to accept service through the portal and has created  
 178 a user account. The portal shall record and maintain the date and time service is accepted by the user.

179 "Employee" means any individual receiving income.

180 "Employer" means the source of any income.

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

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

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

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

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

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

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

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

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

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

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

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

222 **§ 63.2-1903. Authority to issue certain orders; civil penalty.**

223 A. In the absence of a court order, the Department shall have the authority to issue orders directing  
224 the payment of child, and child and spousal support and, if available at reasonable cost as defined in  
225 § 63.2-1900, to require a provision for health care coverage, including Department-sponsored health care  
226 coverage, or cash medical support, or both, for dependent children of the parents, which shall include  
227 the requirements specified for employers pursuant to subdivision A 5 of § 20-79.3. The Department shall  
228 have the authority to make available Department-sponsored health care coverage for children receiving  
229 child support services from the Department. If health care coverage is unavailable at a reasonable cost,  
230 as defined in § 63.2-1900, or inaccessible to either parent, the Department shall refer the dependent  
231 children to the Family Access to Medical Insurance Security plan pursuant to § 32.1-351. However, prior  
232 to referring the dependent children to the Family Access to Medical Insurance Security plan, the  
233 Department shall confirm that neither parent has access to health care coverage at a reasonable cost for  
234 the dependent children. If a child is enrolled in Department-sponsored health care coverage, the  
235 Department shall collect the cost of the coverage pursuant to subsection E of § 20-108.2. ~~Liability for~~  
236 ~~child support shall be determined retroactively for the period measured from the date the order directing~~  
237 ~~payment is delivered to the sheriff or process server for service upon the obligor.~~

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

240 § 63.2-1918.

241 B. When a payee, as defined in § 63.2-1900, no longer has physical custody of a child, the  
242 Department shall have the authority to redirect child support payments to a custodial parent who has  
243 physical custody of the child when an assignment of rights has been made to the Department or an  
244 application for services has been made by such custodial parent with the Division of Child Support  
245 Enforcement.

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

252 D. The Department may order the obligor and payee to notify each other or the Department upon  
253 request of current gross income as defined in § 20-108.2 and any other pertinent information which may  
254 affect child support amounts. For good cause shown, the Department may order that such information be  
255 provided to the Department and made available to the parties for inspection in lieu of the parties'  
256 providing such information directly to each other. The Department shall record the social security  
257 number of each party or control number issued to a party by the Department of Motor Vehicles pursuant  
258 to § 46.2-342 in the Department's file of the case.

259 E. The Department shall develop procedures governing the method and timing of periodic review and  
260 adjustment of child support orders established or enforced or both pursuant to Title IV-D of the Social  
261 Security Act, as amended. If there is an assignment under Title IV-A of the Social Security Act or at  
262 the request of either parent subject to the order, the Department shall initiate a review of such order  
263 every three years without requiring proof or showing of a change in circumstances, and shall initiate  
264 appropriate action to adjust such order in accordance with the provisions of § 20-108.2 and subject to  
265 the provisions of § 63.2-1918.

266 F. In order to provide essential information for whatever establishment or enforcement actions are  
267 necessary for the collection of child support, the Commissioner, the Director of the Division of Child  
268 Support Enforcement and district managers of Division of Child Support Enforcement offices shall have  
269 the right to (i) subpoena financial records of, or other information relating to, the noncustodial parent  
270 and obligee from any person, firm, corporation, association, or political subdivision or department of the  
271 Commonwealth and (ii) summons the noncustodial parent and obligee to appear in the Division's offices.  
272 The Commissioner, Director and district managers may also subpoena copies of state and federal income  
273 tax returns. The district managers shall be trained in the correct use of the subpoena process prior to  
274 exercising subpoena authority. A civil penalty not to exceed \$1,000 may be assessed by the  
275 Commissioner for a failure to respond to a subpoena issued pursuant to this subsection.

276 G. In the absence of a court order, the Department may establish an administrative support order on  
277 an out-of-state obligor pursuant to subdivision A 8 or A 9 of § 8.01-328.1 or 20-88.35. The Department  
278 may also take action to enforce an administrative or court order on an out-of-state obligor. Service of  
279 such actions shall be in accordance with the provisions of §§ 8.01-296, 8.01-327 or § 8.01-329; or by  
280 certified mail, return receipt requested, *or electronic means* in accordance with § 63.2-1917.

281 H. If a support order has been issued in another state but the obligor, the obligee, and the child now  
282 live in the Commonwealth, the Department may (i) enforce the order without registration, using all  
283 enforcement remedies available under this chapter and (ii) register the order in the appropriate tribunal  
284 of the Commonwealth for enforcement or modification.

285 **§ 63.2-1916. Notice of administrative support order; contents; hearing; modification.**

286 The Commissioner may proceed against a noncustodial parent whose support debt has accrued or is  
287 accruing based upon subrogation to, assignment of, or authorization to enforce a support obligation.  
288 Such obligation may be created by a court order for support of a child or child and spouse or decree of  
289 divorce ordering support of a child or child and spouse. In the absence of such a court order or decree  
290 of divorce, the Commissioner may, pursuant to this chapter, proceed against a person whose support  
291 debt has accrued or is accruing based upon payment of public assistance or who has a responsibility for  
292 the support of any dependent child or children and their custodial parent. The administrative support  
293 order shall also provide that support shall continue to be paid for any child over the age of 18 who is  
294 (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent  
295 seeking or receiving child support, until such child reaches the age of 19 or graduates from high school,  
296 whichever comes first. The Commissioner shall initiate proceedings by issuing notice containing the  
297 administrative support order which shall become effective unless timely contested. The notice shall be  
298 served upon the debtor (a) in accordance with the provisions of §§ 8.01-296, 8.01-327 or § 8.01-329 or  
299 (b) by certified mail, return receipt requested, *or by electronic means*, or the debtor may accept service  
300 by signing a formal waiver. A copy of the notice shall be ~~sent~~ *provided* to the obligee by ~~first-class~~

301 ~~mail~~. The notice shall include the following:

302 1. A statement of the support debt or obligation accrued or accruing and the basis and authority  
303 under which the assessment of the debt or obligation was made. The initial administrative support order  
304 shall be effective on the date of service and the first monthly payment shall be due on the first of the  
305 month following the date of service and the first of each month thereafter. A modified administrative  
306 support order shall be effective the date that notice of the review is served on the nonrequesting party,  
307 and the first monthly payment shall be due on the first day of the month following the date of such  
308 service and on the first day of each month thereafter. In addition, an amount shall be assessed for the  
309 partial month between the effective date of the order and the date that the first monthly payment is due.  
310 The assessment for the initial partial month shall be prorated from the effective date through the end of  
311 that month, based on the current monthly obligation. All payments are to be credited to current support  
312 obligations first, with any payment in excess of the current obligation applied to arrearages, if any;

313 2. A statement of the name, date of birth, and last four digits of the social security number of the  
314 child or children for whom support is being sought;

315 3. A statement that support shall continue to be paid for any child over the age of 18 who is (i) a  
316 full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or  
317 receiving child support, until such child reaches the age of 19 or graduates from high school, whichever  
318 comes first;

319 4. A demand for immediate payment of the support debt or obligation or, in the alternative, a  
320 demand that the debtor file an answer with the Commissioner within 10 days of the date of service of  
321 the notice stating his defenses to liability;

322 5. If known, the full name, date of birth, and last four digits of the social security number of each  
323 parent of the child; however, when a protective order has been issued or the Department otherwise finds  
324 reason to believe that a party is at risk of physical or emotional harm from the other party, only the  
325 name of the party at risk shall be included in the order;

326 6. A statement that if no answer is made on or before 10 days from the date of service of the notice,  
327 the administrative support order shall be final and enforceable, and the support debt shall be assessed  
328 and determined subject to computation, and is subject to collection action;

329 7. A statement that the debtor may be subject to mandatory withholding of income, the interception  
330 of state or federal tax refunds, interception of payments due to the debtor from the Commonwealth,  
331 notification of arrearage information to consumer reporting agencies, passport denial or suspension, or  
332 incarceration and that the debtor's property will be subject to lien and foreclosure, distraint, seizure and  
333 sale, an order to withhold and deliver, or withholding of income;

334 8. A statement that the parents shall keep the Department informed regarding access to health  
335 insurance coverage and health insurance policy information and a statement that health care coverage  
336 shall be required for the parents' dependent children if available at reasonable cost as defined in  
337 § 63.2-1900, or pursuant to subsection A of § 63.2-1903. If a child is enrolled in Department-sponsored  
338 health care coverage, the Department shall collect the cost of the coverage pursuant to subsection E of  
339 § 20-108.2;

340 9. A statement of each party's right to appeal and the procedures applicable to appeals from the  
341 decision of the Commissioner;

342 10. A statement that the obligor's income shall be immediately withheld to comply with this order  
343 unless the obligee, or the Department, if the obligee is receiving public assistance, and obligor agree to  
344 an alternative arrangement;

345 11. A statement that any determination of a support obligation under this section creates a judgment  
346 by operation of law and as such is entitled to full faith and credit in any other state or jurisdiction;

347 12. A statement that each party shall give the Department written notice of any change in his  
348 address, *including email address*, or phone number, *including cell phone number*, within 30 days;

349 13. A statement that each party shall keep the Department informed of the name, telephone number  
350 and address of his current employer;

351 14. A statement that if any arrearages for child support, including interest or fees, exist at the time  
352 the youngest child included in the order emancipates, payments shall continue in the total amount due  
353 (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages  
354 are paid;

355 15. A statement that a petition may be filed for suspension of any license, certificate, registration, or  
356 other authorization to engage in a profession, trade, business, occupation, or recreational activity issued  
357 by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90  
358 days or more or in amount of \$5,000 or more. The order shall indicate whether either or both parents  
359 currently hold such an authorization and, if so, the type of authorization held;

360 16. A statement that the Department of Motor Vehicles may suspend or refuse to renew the driver's  
361 license of any person upon receipt of notice from the Department of Social Services that the person (i)

362 is delinquent in the payment of child support by 90 days or in an amount of \$5,000 or more or (ii) has  
 363 failed to comply with a subpoena, summons, or warrant relating to paternity or child support  
 364 proceedings; and

365 17. A statement that on and after July 1, 1994, the Department of Social Services, as provided in  
 366 § 63.2-1921 and in accordance with § 20-108.2, may initiate a review of the amount of support ordered  
 367 by any court.

368 If no answer is received by the Commissioner within 10 days of the date of service or acceptance,  
 369 the administrative support order shall be effective as provided in the notice. The Commissioner may  
 370 initiate collection procedures pursuant to this chapter, Chapter 11 (§ 16.1-226 et seq.) of Title 16.1 or  
 371 Title 20. The debtor and the obligee have 10 days from the date of receipt of the notice to file an  
 372 answer with the Commissioner to exercise the right to an administrative hearing.

373 Any changes in the amount of the administrative order must be made pursuant to this section. In no  
 374 event shall an administrative hearing alter or amend the amount or terms of any court order for support  
 375 or decree of divorce ordering support. No *administrative* support order may be retroactively modified,  
 376 but may be modified with respect to any period during which there is a pending petition for  
 377 modification in any court, but only from the date that notice of the review has been served on the  
 378 nonrequesting party. Notice of the *each* review shall be served for *each* review on the nonrequesting  
 379 party (1) in accordance with the provisions of § 8.01-296, 8.01-327, or 8.01-329, ~~or~~ (2) by certified  
 380 mail, with proof of actual receipt by the addressee return receipt requested, ~~or~~ (3) by electronic means,  
 381 or (4) by the nonrequesting party executing a waiver. The existence of an administrative order shall not  
 382 preclude either an obligor or obligee from commencing appropriate proceedings in a juvenile and  
 383 domestic relations district court or a circuit court.

384 **§ 63.2-1917. When delivery of notice to party at last known address may be deemed sufficient.**

385 In any subsequent child support enforcement proceeding between the parties, upon sufficient showing  
 386 that diligent effort was made to ascertain the location of a party, that party may be served with any  
 387 required notice by delivery of the written notice to that party's residential or business address as filed  
 388 with the court pursuant to § 20-60.3 or the Department, or if changed, as shown in the records of the  
 389 Department or the court *or by electronic means as defined in § 63.2-1900*. However, any person served  
 390 with notice as provided in this section may challenge, in a subsequent judicial proceeding, an order  
 391 entered based upon such service on the grounds that he did not receive the notice and enforcement of  
 392 the order would constitute manifest injustice.

393 **§ 63.2-1921. Authority to initiate reviews of certain orders.**

394 A. The Department may, pursuant to this chapter and in accordance with § 20-108.2, initiate a review  
 395 of the amount of support ordered by any court. If a material change in circumstances has occurred, the  
 396 Department shall report its findings and a proposed modified order to the court which entered the order  
 397 or the court having current jurisdiction. Notice of the *each* review shall be served for *each* review on  
 398 both parties the nonrequesting party (i) in accordance with the provisions of §§ 8.01-296, 8.01-327, or §  
 399 8.01-329, ~~or~~ (ii) by certified mail, with proof of actual receipt by the addressee return receipt requested,  
 400 ~~or~~ (iii) by electronic means, or (iv) by the nonrequesting party executing a waiver. Either party may  
 401 request a hearing on the proposed modified order by filing a request with such court within ~~thirty~~ 30  
 402 days of receipt of notice by the requesting party. Unless a hearing is requested within the time limits, no  
 403 hearing shall be required and the court shall enter the modified order, which shall be effective from the  
 404 date that notice of such review was served on the nonrequesting party. The court shall modify any prior  
 405 court order, or schedule a hearing on its motion and so notify the parties and the Department. If a  
 406 hearing is held, the Department shall have the burden of proof.

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

412 C. A material change in circumstances shall be deemed to have occurred if the difference between  
 413 the existing child support award and the amount which would result from application of the guidelines is  
 414 at least ~~ten~~ 10 percent of the existing child support award but not less than ~~twenty-five dollars~~ \$25 per  
 415 month.

416 **§ 63.2-1923. Immediate withholding from income; exception; notices required.**

417 A. Every administrative support order directing a noncustodial parent to pay child or child and  
 418 spousal support shall provide for immediate income withholding from the noncustodial parent's income  
 419 as defined in § 63.2-1900 of an amount for current support plus an amount to be applied toward  
 420 liquidation of arrearages, if any, unless the obligor and the Department, on behalf of the obligee, agree  
 421 to a written alternative payment arrangement, or good cause is shown. Good cause shall be based upon a  
 422 written determination that, and explanation by the Department of why, implementing immediate

423 withholding would not be in the best interests of the child. The total amount withheld shall not exceed  
 424 the maximum amount permitted under § 34-29.

425 B. The order shall include, but not be limited to, notice (i) of the amount that will be withheld, (ii)  
 426 that the withholding applies to any current or subsequent period of employment, (iii) of the right to  
 427 contest whether a duty of support is owed and the information specified in the administrative order is  
 428 correct, (iv) that a written request to appeal the withholding shall be made to the Department within 10  
 429 days of receipt of the notice, and (v) of the actions that will be taken by the Department if an appeal is  
 430 noted, which shall include the opportunity to present his objections to the administrative hearing officer  
 431 at a hearing held pursuant to § 63.2-1942. Upon service of the order on the employer by first-class or  
 432 certified mail, *by electronic means*, or by service in accordance with the provisions of §§ 8.01-296,  
 433 8.01-327 or § 8.01-329, the employer shall deliver the order to the noncustodial parent. ~~A copy shall be~~  
 434 ~~sent by first-class mail to the obligee.~~

435 C. The noncustodial parent's employer shall be issued by first-class or certified mail or by electronic  
 436 means, including facsimile transmission, an administrative order for withholding of income which shall  
 437 conform to § 20-79.3. The rights and responsibilities of an employer with respect to such orders are set  
 438 out in § 20-79.3.

439 D. Administrative orders for withholding from income shall be promptly terminated or modified by  
 440 the Department when (i) the obligation to support has been satisfied and arrearages have been paid, (ii)  
 441 the whereabouts of the child or child and custodial parent become unknown, or (iii) modification is  
 442 appropriate because of a change in the amount of the obligation.

443 **§ 63.2-1924. Withholding from income; default of administrative or judicial support order;**  
 444 **notices required; priorities; orders from other states.**

445 A. As part of every administrative support order directing a noncustodial parent to pay child or child  
 446 and spousal support or by separate order at any time thereafter, provision shall be made for withholding  
 447 from the income of the noncustodial parent the amount of the withholding order plus an amount to be  
 448 applied toward liquidation of arrearages if the noncustodial parent fails to make payments in an amount  
 449 equal to the support payable for one month. The total amount withheld shall not exceed the maximum  
 450 amount permitted under § 34-29.

451 B. Upon default of an administrative or judicial support order, the Department shall serve notice on  
 452 the noncustodial ~~parent~~ *parent's employer* of the delinquency in accordance with the provisions of §§  
 453 8.01-296, 8.01-327 or § 8.01-329 or by certified mail or electronic means, including facsimile  
 454 transmission, for delivery to the noncustodial parent. ~~The obligee shall also be sent a copy of such~~  
 455 ~~notice.~~ The notice shall inform the noncustodial parent (i) of the amount that will be withheld, (ii) that  
 456 the withholding applies to any current or subsequent period of employment, (iii) of the right to contest  
 457 but that the only basis for contesting the withholding is a mistake of fact, (iv) that a written request to  
 458 contest the withholding must be made to the Department within 10 days of receipt of the notice, (v) of  
 459 the actions that will be taken by the Department if a request to contest is noted, which shall include the  
 460 opportunity to present his objections, which shall be limited to a mistake of fact, to the administrative  
 461 hearing officer at a hearing held pursuant to § 63.2-1942, (vi) that a determination on the contest will be  
 462 made no later than 45 days from the date of service of such notice, and (vii) that payment of overdue  
 463 support upon receipt of the required notice shall not be a bar to the implementation of withholding.  
 464 ~~Upon service of the notice on the employer for delivery to the obligor, a copy shall be sent by~~  
 465 ~~first-class mail to the obligee.~~

466 C. The noncustodial parent's employer shall be issued by first-class or certified mail or by electronic  
 467 means, including facsimile transmission, an administrative order for withholding of income that shall  
 468 conform to § 20-79.3. The rights and responsibilities of an employer with respect to such orders are set  
 469 out in § 20-79.3.

470 D. The Department shall have the authority in the issuance of an administrative order under  
 471 § 20-79.3, based on an existing court order, to convert the terms of payment to conform with the  
 472 obligor's pay period interval. The Department shall utilize the conversion formula established by the  
 473 Committee on District Courts.

474 E. Administrative orders for withholding from income shall be promptly terminated or modified by  
 475 the Department when (i) the obligation to support has been satisfied and arrearages have been paid, (ii)  
 476 the whereabouts of the child or child and custodial parent become unknown, or (iii) modification is  
 477 appropriate because of a change in the amount of the obligation.

478 F. If a court of competent jurisdiction or the agency operating pursuant to an approved state plan  
 479 under Sections 452 and 454 of the Social Security Act, as amended, in any state, territory of the United  
 480 States or the District of Columbia has ordered a person to pay child or child and spousal support, upon  
 481 notice and hearing as provided in this section, the Department shall issue an order, conforming to  
 482 § 20-79.3, to the noncustodial parent's employer in this Commonwealth to withhold from the income of  
 483 the noncustodial parent pursuant to a foreign support order in the same manner as provided in this

484 section for administrative orders originating in this Commonwealth. Similar orders of the Department  
485 may be enforced in a similar manner in such other state, territory or district.

486 **§ 63.2-1925. Certain amount of income that may be withheld by lien or order.**

487 Whenever a support lien, order to withhold and deliver property or order for withholding of income  
488 is served upon any person, firm, corporation, association, political subdivision or department of this  
489 Commonwealth asserting a support debt against income and there is any such income in the possession  
490 of such person, then that person shall withhold from the disposable income as defined in § 63.2-100 (i)  
491 the amount stated in the lien, the order to withhold and deliver property, or the order for withholding of  
492 income; or (ii) the maximum amount permitted under § 34-29, whichever is less. The order shall show  
493 the maximum percentage of disposable income which may be withheld pursuant to § 34-29. The lien or  
494 order to withhold and deliver shall continue to operate and require such person, firm, corporation,  
495 association, political subdivision, or department of this Commonwealth to withhold the nonexempt  
496 portion of income at each succeeding income disbursement interval until the entire amount of the  
497 support debt stated in the lien has been withheld. The order for withholding of income continues until  
498 further notice by first-class or certified mail, return receipt requested, *or by electronic means* from the  
499 Department is received by the employer.

500 **§ 63.2-1929. Orders to withhold and to deliver property of debtor; issuance and service;  
501 contents; right to appeal; answer; effect; delivery of property; bond to release; fee; exemptions.**

502 A. After notice containing an administrative support order has been served or service has been  
503 waived or accepted, an opportunity for a hearing has been exhausted and a copy of the order furnished  
504 as provided for in § 63.2-1916, or whenever a court order for child or child and spousal support has  
505 been entered, the Commissioner is authorized to issue to any person, firm, corporation, association,  
506 political subdivision or department of the Commonwealth, orders to withhold and to deliver property of  
507 any kind including, but not restricted to, income of the debtor, when the Commissioner has reason to  
508 believe that there is in the possession of such person, firm, corporation, association, political subdivision  
509 or department of the Commonwealth, property that is due, owing, or belonging to such debtor. The  
510 orders to withhold and to deliver shall take priority over all other debts and creditors under state law of  
511 such debtor including the proceeds or anticipated proceeds of a personal injury or wrongful death award  
512 or settlement except that the Department's lien shall be inferior to those liens created under § 8.01-66.2  
513 or § 8.01-66.9, any statutory right of subrogation accruing to a health insurance provider, and the lien of  
514 the attorney representing the injured person in the personal injury or wrongful death action. However,  
515 orders to withhold and to deliver shall not take priority with respect to a prior payroll deduction or  
516 income withholding order pursuant to §§ 20-79.1, 20-79.2, 63.2-1923 or § 63.2-1924. The Department  
517 shall have the sole authority to negotiate settlement of its liens. Settlement of the Department's support  
518 liens does not affect the remaining support arrearages.

519 B. The order to withhold shall also be served upon the debtor within a reasonable time thereafter,  
520 and shall state the amount of the support debt accrued. The order shall state in summary the terms of  
521 §§ 63.2-1925 and 63.2-1930 and shall be served in the manner prescribed for the service of a warrant in  
522 a civil action ~~or~~, by certified mail, return receipt requested, *or by electronic means*. The order to  
523 withhold shall advise the debtor that this order has been issued to cause the property of the debtor to be  
524 taken to satisfy the debt and advise of property that may be exempted from this order. The order shall  
525 also advise the debtor of a right to appeal such order based upon a mistake of fact and that if no appeal  
526 is made within ~~ten~~ 10 days of being served, his property is subject to be taken.

527 C. If the debtor believes such property is exempt from this debt, within 10 days of the date of  
528 service of the order to withhold, the debtor may file an appeal to the Commissioner stating any  
529 exemptions that may be applicable. If the Commissioner receives a timely appeal, a hearing shall be  
530 promptly scheduled before a hearing officer upon reasonable notice to the obligee. The Commissioner  
531 may delegate authority to conduct the hearing to a duly qualified hearing officer who shall consider the  
532 debtor's appeal. Action by the Commissioner under the provisions of this chapter to collect such support  
533 debt shall be valid and enforceable during the pendency of any appeal.

534 The decision of the hearing officer shall be in writing and shall set forth the debtor's rights to appeal  
535 an adverse decision of the hearing officer pursuant to § 63.2-1943. The decision shall be served upon  
536 the debtor in accordance with the provisions of §§ 8.01-296, 8.01-327 or § 8.01-329 ~~or~~, mailed to the  
537 debtor at his last known address by certified mail, return receipt requested, *or provided by electronic  
538 means* or service may be waived. A copy of such decision shall also be ~~mailed~~ *provided* to the obligee.  
539 Such decision shall establish whether the debtor's property is exempt under state or federal laws and  
540 regulations.

541 D. Any person, firm, corporation, association, political subdivision or department of the  
542 Commonwealth upon whom service has been made is hereby required to answer such order to withhold  
543 within 10 days, exclusive of the day of service, under oath and in writing, and shall file true answers to  
544 the matters inquired of therein. In the event there is in the possession of any such person, firm,

545 corporation, association, political subdivision or department of the Commonwealth, any property that  
 546 may be subject to the claim of the Department, such property shall be withheld immediately upon  
 547 receipt of the order to withhold, together with any additional property received by such person, firm,  
 548 corporation, association, political subdivision, or department of the Commonwealth valued up to the  
 549 amount of the order until receipt of an order to deliver or release. The property shall be delivered to the  
 550 Commissioner upon receipt of an order to deliver; however, distribution of the property shall not be  
 551 made during pendency of all appeals. Where money is due and owing under any contract of  
 552 employment, express or implied, or is held by any person, firm, corporation, or association, political  
 553 subdivision or department of the Commonwealth subject to withdrawal by the debtor, such money shall  
 554 be delivered by remittance payable to the order of the Treasurer of Virginia. The person, firm,  
 555 corporation, political subdivision or department of the Commonwealth herein specified shall be entitled  
 556 to receive from such debtor a fee of \$5 for each answer or remittance on account of such debtor. The  
 557 foregoing is subject to the exemptions contained in §§ 63.2-1925 and 63.2-1933.

558 E. Delivery to the Commissioner shall serve as full acquittance and the Commonwealth warrants and  
 559 represents that it shall defend and hold harmless for such actions persons delivering money or property  
 560 to the Commissioner pursuant to this chapter.

561 F. An order issued to an employer for withholding from the earnings of an employee pursuant to this  
 562 section shall conform to § 20-79.3. The rights and obligations of an employer with respect to the order  
 563 are set out in § 20-79.3.

564 **§ 63.2-1930. Civil liability upon failure to comply with lien, order, etc.**

565 Should any person, firm, corporation, association, political subdivision or department of this  
 566 Commonwealth fail to answer an order to withhold and deliver within the time prescribed herein, or fail  
 567 or refuse to deliver property pursuant to said order, or after actual notice of filing of a support lien, pay  
 568 over, release, sell, transfer, or convey real or personal property subject to a support lien to or for the  
 569 benefit of the debtor or any other person, or fail or refuse to surrender upon demand property distrained  
 570 under § 63.2-1933 or fail or refuse to honor a voluntary assignment of wages under § 63.2-1945  
 571 presented by the Commissioner, such person, firm, corporation, association, political subdivision or  
 572 department of this Commonwealth shall be liable to the Department in an amount equal to 100 percent  
 573 of the value of the debt which is the basis of the lien, order to withhold and deliver, distraint, or an  
 574 income withholding order or voluntary assignment of wages. A noncustodial parent's employer issued an  
 575 income withholding order by first-class mail *or electronic means* pursuant to § 63.2-1923 or § 63.2-1924  
 576 shall not be liable to the Department unless the Department shows that such employer had actual notice  
 577 of the withholding order.

578 **§ 63.2-1933. Distraint, seizure and sale of property subject to liens.**

579 Whenever a support lien has been filed pursuant to § 63.2-1927, the Commissioner may collect the  
 580 support debt stated in such lien by distraint, seizure and sale of the property subject to such lien. The  
 581 Commissioner shall give notice *by certified mail, return receipt requested, or electronic means* to the  
 582 debtor and *by certified mail, return receipt requested, to* any person known to have or claim an interest  
 583 therein of the general description of the property to be sold and the time and place of sale of such  
 584 property. ~~Such notice shall be given to such persons by certified mail, return receipt requested.~~ A notice  
 585 specifying the property to be sold shall be posted in at least two public places in the jurisdiction  
 586 wherein the distraint has been made. The time of sale shall not be less than ~~ten~~ 10 nor more than ~~twenty~~  
 587 20 days from the date of posting of such notices. Such sale shall be conducted by the Commissioner,  
 588 who shall proceed to sell such property by parcel or by lot at a public auction, and who may set a  
 589 minimum reasonable price to include the expenses of making a levy and of advertising the sale, and if  
 590 the amount bid for such property at the sale is not equal to the price so fixed, the Commissioner may  
 591 declare such property to be purchased by the Department for such price, or may conduct another sale of  
 592 such property pursuant to the provisions of this section. In the event of sale, the debtor's account shall  
 593 be credited with the amount for which the property has been sold. Property acquired by the Department  
 594 as herein prescribed may be sold by the Commissioner at public or private sale, and the amount realized  
 595 shall be placed in the state general fund to the credit of the Department. In all cases of sale, as  
 596 aforesaid, the Commissioner shall issue a bill of sale or a deed to the purchaser and such bill of sale or  
 597 deed shall be prima facie evidence of the right of the Commissioner to make such sale and conclusive  
 598 evidence of the regularity of his proceeding in making the sale and shall transfer to the purchaser all  
 599 right, title, and interest of the debtor in such property. The proceeds of any such sale, except in those  
 600 cases wherein the property has been acquired by the Department, shall be first applied by the  
 601 Commissioner to reimbursement of the costs of distraint and the sale, and thereafter in satisfaction of the  
 602 delinquent account. Any excess which shall thereafter remain in the hands of the Commissioner shall be  
 603 refunded to the debtor. Sums so refundable to a debtor may be subject to seizure or distraint by any  
 604 taxing authority of the Commonwealth or its political subdivisions or by the Commissioner for new  
 605 sums due and owing subsequent to the subject proceeding. Except as specifically provided in this

606 chapter, there shall be exempt from attachment, distraint, seizure, execution and sale under this chapter  
607 such property as is exempt therefrom under the laws of this Commonwealth.

608 **§ 63.2-1937. Applications for occupational or other license to include social security or control**  
609 **number; suspension upon delinquency; procedure.**

610 Every initial application for or application for renewal of a license, certificate, registration or other  
611 authorization to engage in a business, trade, profession or occupation issued by the Commonwealth  
612 pursuant to Titles 22.1, 38.2, 46.2 or 54.1 or any other provision of law shall require that the applicant  
613 provide his social security number or a control number issued by the Department of Motor Vehicles  
614 pursuant to § 46.2-342.

615 Upon ~~thirty~~ 30 days' notice to an obligor who (i) has failed to comply with a subpoena, summons or  
616 warrant relating to paternity or child support proceedings or (ii) is alleged to be delinquent in the  
617 payment of child support by a period of ~~ninety~~ 90 days or more or for \$5,000 or more, an obligee or  
618 the Department on behalf of an obligee, may petition either the court that entered or the court that is  
619 enforcing the order for child support for an order suspending any license, certificate, registration or other  
620 authorization to engage in a business, trade, profession or occupation, or recreational activity issued to  
621 the obligor by the Commonwealth pursuant to Titles 22.1, 29.1, 38.2, 46.2 or 54.1 or any other  
622 provision of law. The notice shall be sent *in accordance with the provisions of § 8.01-296, 8.01-327, or*  
623 *8.01-329*, by certified mail, with proof of actual receipt, *or by electronic means*. The notice shall specify  
624 that (a) the obligor has ~~thirty~~ 30 days from the date of receipt to comply with the subpoena, summons  
625 or warrant or pay the delinquency or to reach an agreement with the obligee or the Department to pay  
626 the delinquency and (b) if compliance is not forthcoming or payment is not made or an agreement  
627 cannot be reached within that time, a petition will be filed seeking suspension of any license, certificate,  
628 registration or other authorization to engage in a business, trade, profession or occupation, or recreational  
629 license issued by the Commonwealth to the obligor.

630 The court shall not suspend a license, certificate, registration or authorization upon finding that an  
631 alternate remedy is available to the obligee or the Department that is likely to result in collection of the  
632 delinquency. Further, the court may refuse to order the suspension upon finding that (1) suspension  
633 would result in irreparable harm to the obligor or employees of the obligor or would not result in  
634 collection of the delinquency or (2) the obligor has made a demonstrated, good faith effort to reach an  
635 agreement with the obligee or the Department.

636 If the court finds that the obligor is delinquent in the payment of child support by ~~ninety~~ 90 days or  
637 more or in an amount of \$5,000 or more and holds a license, certificate, registration or other authority  
638 to engage in a business, trade, profession or occupation or recreational activity issued by the  
639 Commonwealth, it shall order suspension. The order shall require the obligor to surrender any license,  
640 certificate, registration or other such authorization to the issuing entity within ~~ninety~~ 90 days of the date  
641 on which the order is entered. If at any time after entry of the order the obligor (A) pays the  
642 delinquency or (B) reaches an agreement with the obligee or the Department to satisfy the delinquency  
643 within a period not to exceed ~~ten~~ 10 years and makes at least one payment, representing at least five  
644 percent of the total delinquency or \$500, whichever is greater, pursuant to the agreement, or (C)  
645 complies with the subpoena, summons or warrant or reaches an agreement with the Department with  
646 respect to the subpoena, summons or warrant, upon proof of payment or certification of the compliance  
647 or agreement, the court shall order reinstatement. Payment shall be proved by certified copy of the  
648 payment record issued by the Department or notarized statement of payment signed by the obligee. No  
649 fee shall be charged to a person who obtains reinstatement of a license, certificate, registration or  
650 authorization pursuant to this section.

651 **§ 63.2-1942. Administrative hearing on notice of debt; withholdings; orders to withhold and**  
652 **deliver property to debtor; set-off debt collection.**

653 The Commissioner may delegate authority to conduct any administrative hearing pursuant to this  
654 chapter to a duly qualified hearing officer. The hearing shall be held upon reasonable notice to the  
655 obligee and the debtor. In no event shall such hearing officer be legally competent to render a decision  
656 as to the validity of a court order or a defense of nonpaternity. A decision of the hearing officer shall be  
657 in writing and shall set forth the debtor's and payee's rights to appeal the decision of the hearing officer  
658 to the appropriate circuit or juvenile and domestic relations district court. The decision shall be served  
659 upon the debtor in accordance with the provisions of §§ 8.01-296, 8.01-327 or § 8.01-329 ~~or~~, mailed to  
660 the debtor at his last known address by certified mail, return receipt requested, *or provided by electronic*  
661 *means*, or the debtor may waive service of the decision at the time of the decision. A copy of such  
662 decision shall also be ~~mailed~~ *provided* to the obligee. Such decision shall establish the liability of the  
663 debtor, if any, and the validity of the administrative action taken.

664 Action by the Commissioner under the provisions of this chapter to collect such support debt shall be  
665 valid and enforceable during the pendency of any appeal. The Commissioner may file and serve liens  
666 pursuant to §§ 63.2-1927 and 63.2-1928 during the pendency of the hearing or thereafter, whether or not

**667** appealed. Further action under § 63.2-1929 may be taken prior to any hearing or appeal. If the decision  
**668** is in favor of the debtor, all money collected during the pendency of the appeal shall be returned to the  
**669** debtor in accordance with procedures adopted by the Board.