

2021 SPECIAL SESSION I

INTRODUCED

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HOUSE BILL NO. 2192

Offered January 13, 2021

Prefiled January 13, 2021

A BILL to amend and reenact § 20-60.3 of the Code of Virginia, relating to domestic relations; contents of support orders; unemployment benefits.

Patron—Leftwich

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 20-60.3 of the Code of Virginia is amended and reenacted as follows:

§ 20-60.3. Contents of support orders.

All orders directing the payment of spousal support where there are minor children whom the parties have a mutual duty to support and all orders directing the payment of child support, including those orders confirming separation agreements, entered on or after October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the following:

1. Notice that support payments may be withheld as they become due pursuant to § 20-79.1 or § 20-79.2, from income as defined in § 63.2-1900, without further amendments of this order or having to file an application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to § 20-79.1;

2. Notice that support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 without further amendments to the order upon application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2;

3. The name, date of birth, and last four digits of the social security number of each child to whom a duty of support is then owed by the parent;

4. If known, the name, date of birth, and last four digits of the social security number of each parent of the child and, unless otherwise ordered, each parent's residential and, if different, mailing address, residential and employer telephone number, and number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, and the name and address of each parent's employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;

5. Notice that, pursuant to § 20-124.2, support will continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever occurs first, and that the court may also order that support be paid or continue to be paid for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support himself; and (c) residing in the home of the parent seeking or receiving child support;

6. On and after July 1, 1994, notice that a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business, occupation, or recreational activity issued by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90 days or more or in an amount of \$5,000 or more. The order shall indicate whether either or both parents currently hold such an authorization and, if so, the type of authorization held;

7. The monthly amount of support and the effective date of the order. In proceedings on initial petitions, the effective date shall be the date of filing of the petition; in modification proceedings, the effective date may be the date of notice to the responding party. The first monthly payment shall be due on the first day of the month following the hearing date and on the first day of each month thereafter. In addition, an amount shall be assessed for any full and partial months between the effective date of the order and the date that the first monthly payment is due. The assessment for the initial partial month shall be prorated from the effective date through the end of that month, based on the current monthly obligation;

8. a. An order for health care coverage, including the health insurance policy information, for

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59 dependent children pursuant to §§ 20-108.1 and 20-108.2 if available at reasonable cost as defined in
60 § 63.2-1900, or a written statement that health care coverage is not available at a reasonable cost as
61 defined in such section, and a statement as to whether there is an order for health care coverage for a
62 spouse or former spouse; and

63 b. A statement as to whether cash medical support, as defined in § 63.2-1900, is to be paid by or
64 reimbursed to a party pursuant to subsections D and G of § 20-108.2, and if such expenses are ordered,
65 then the provisions governing how such payment is to be made;

66 9. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii)
67 the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be
68 credited to current support obligations first, with any payment in excess of the current obligation applied
69 to arrearages;

70 10. If child support payments are ordered to be paid through the Department of Social Services or
71 directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall
72 give each other and the court and, when payments are to be made through the Department, the
73 Department of Social Services at least 30 days' written notice, in advance, of any change of address and
74 any change of telephone number within 30 days after the change;

75 11. If child support payments are ordered to be paid through the Department of Social Services, a
76 provision requiring an obligor to keep the Department of Social Services informed of the name, address
77 and telephone number of his current employer, or if payments are ordered to be paid directly to the
78 obligee, a provision requiring an obligor to keep the court informed, of (i) the name, address, and
79 telephone number of his current employer; (ii) any change to his employment status; and (iii) if he has
80 filed a claim for or is receiving benefits under the provisions of Title 60.2;

81 12. If child support payments are ordered to be paid through the Department of Social Services, a
82 provision requiring the party obligated to provide health care coverage to keep the Department of Social
83 Services informed of any changes in the availability of the health care coverage for the minor child or
84 children, or if payments are ordered to be paid directly to the obligee, a provision requiring the party
85 obligated to provide health care coverage to keep the other party informed of any changes in the
86 availability of the health care coverage for the minor child or children;

87 13. The separate amounts due to each person under the order, unless the court specifically orders a
88 unitary award of child and spousal support due or the order affirms a separation agreement containing
89 provision for such unitary award;

90 14. Notice that in determination of a support obligation, the support obligation as it becomes due and
91 unpaid creates a judgment by operation of law. The order shall also provide, pursuant to § 20-78.2, for
92 interest on the arrearage at the judgment rate as established by § 6.2-302 unless the obligee, in a writing
93 submitted to the court, waives the collection of interest;

94 15. Notice that on and after July 1, 1994, the Department of Social Services may, pursuant to
95 Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and in accordance with §§ 20-108.2 and 63.2-1921,
96 initiate a review of the amount of support ordered by any court;

97 16. A statement that if any arrearages for child support, including interest or fees, exist at the time
98 the youngest child included in the order emancipates, payments shall continue in the total amount due
99 (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages
100 are paid; and

101 17. Notice that, in cases enforced by the Department of Social Services, the Department of Motor
102 Vehicles may suspend or refuse to renew the driver's license, or other document issued under Chapter 3
103 (§ 46.2-300 et seq.) of Title 46.2 authorizing the operation of a motor vehicle upon the highways, of any
104 person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in
105 the payment of child support by 90 days or in an amount of \$5,000 or more or (ii) has failed to comply
106 with a subpoena, summons, or warrant relating to paternity or child support proceedings.

107 The provisions of this section shall not apply to divorce decrees where there are no minor children
108 whom the parties have a mutual duty to support.