

23103230D

SENATE BILL NO. 1288

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend and reenact §§ 20-108.1 and 20-108.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 8.01-52.01, relating to wrongful death; death of parent or guardian of a child resulting from driving under the influence; child support.

Patron—DeSteph

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-108.1 and 20-108.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 8.01-52.01 as follows:

§ 8.01-52.01. Death by wrongful act of parent or guardian of a child resulting from driving under the influence; child support.

In addition to the damages awarded pursuant to § 8.01-52, in an action for death by wrongful act where the defendant, as a result of driving under the influence in violation of clause (ii), (iii), or (iv) of § 18.2-266 or operating a watercraft or motorboat in violation of clause (ii), (iii), or (iv) of subsection B of § 29.1-738 or a similar local ordinance, unintentionally caused the death of another person who was the parent or legal guardian of a child, the person who has custody of such child may petition the court to order the defendant to pay child support. Upon such petition, the court shall determine such child support pursuant to the provisions of §§ 20-108.1 and 20-108.2.

§ 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, or pursuant to a petition for child support filed pursuant to § 8.01-52.01, 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 any case in which the jurisdiction of the juvenile and domestic relations district court has been divested pursuant to § 16.1-244 and no final child support order has been entered, any award for child support in the circuit court shall be retroactive to the date on which the proceeding was commenced by the filing of the action in the juvenile and domestic relations district court, provided that the petitioner exercised due diligence in the service of the respondent.

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 underemployed, provided that (i) 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; (ii) 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

59 party's earning potential; and (iii) a party's current incarceration, as defined in § 8.01-195.10, for 180 or
60 more consecutive days shall not be deemed voluntary unemployment or voluntary underemployment. In
61 addition, notwithstanding subsection F, a party's incarceration for 180 or more consecutive days shall be
62 a material change in circumstances upon which a modification of child support may be based;

63 4. Any child care costs incurred on behalf of the child or children due to the attendance of a
64 custodial parent in an educational or vocational program likely to maintain or increase the party's
65 earning potential;

66 5. Debts of either party arising during the marriage for the benefit of the child;

67 6. Direct payments ordered by the court for maintaining life insurance coverage pursuant to
68 subsection D, education expenses, or other court-ordered direct payments for the benefit of the child;

69 7. Extraordinary capital gains such as capital gains resulting from the sale of the marital abode;

70 8. Any special needs of a child resulting from any physical, emotional, or medical condition;

71 9. Independent financial resources of the child or children;

72 10. Standard of living for the child or children established during the marriage;

73 11. Earning capacity, obligations, financial resources, and special needs of each parent;

74 12. Provisions made with regard to the marital property under § 20-107.3, where said property earns
75 income or has an income-earning potential;

76 13. Tax consequences to the parties including claims for exemptions, child tax credit, and child care
77 credit for dependent children;

78 14. A written agreement, stipulation, consent order, or decree between the parties that includes the
79 amount of child support; and

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

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

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

91 E. Except when the parties have otherwise agreed, in any proceeding under this title, Title 16.1, or
92 Title 63.2 on the issue of determining child support, the court shall have the authority to and may, in its
93 discretion, order one party to execute all appropriate tax forms or waivers to grant to the other party the
94 right to take the income tax dependency exemption and any credits resulting from such exemption for
95 any tax year or future years, for any child or children of the parties for federal and state income tax
96 purposes.

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

100 G. Child support payments, whether current or arrears, received by a parent for the benefit of and
101 owed to a child in the parent's custody, whether the payments were ordered under this title, Title 16.1,
102 or Title 63.2, *or pursuant to a petition for child support filed pursuant to § 8.01-52.01*, shall not be
103 subject to garnishment. A depository wherein child support payments have been deposited on behalf of
104 and traceable to an individual shall not be required to determine the portion of deposits that are subject
105 to garnishment.

106 H. In any proceeding on the issue of determining child or spousal support or an action for separate
107 maintenance under this title, Title 16.1, or Title 63.2, *or pursuant to a petition for child support filed*
108 *pursuant to § 8.01-52.01*, when the earning capacity, voluntary unemployment, or voluntary
109 underemployment of a party is in controversy, the court in which the action is pending, upon the motion
110 of any party and for good cause shown, may order a party to submit to a vocational evaluation by a
111 vocational expert employed by the moving party, including, but not limited to, any interviews and
112 testing as requested by the expert. The order may permit the attendance of the vocational expert at the
113 deposition of the person to be evaluated. The order shall specify the name and address of the expert and
114 the scope of the evaluation and shall fix the time for filing the report with the court and furnishing
115 copies to the parties. The court may award costs or fees for the evaluation and the services of the expert
116 at any time during the proceedings. The provisions of this section shall not preclude the applicability of
117 any other rule or law.

118 **§ 20-108.2. Guideline for determination of child support; quadrennial review by Child Support**
119 **Guidelines Review Panel; executive summary.**

120 A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child

support under this title or Title 16.1 or 63.2, including cases involving split custody, shared custody, or multiple custody arrangements pursuant to subdivisions G 4, 5, and 6, *or pursuant to a petition for child support filed pursuant to § 8.01-52.01*, that the amount of the award which would result from the application of the guidelines set forth in this section is the correct amount of child support to be awarded. In order to rebut the presumption, the court shall make written findings in the order as set out in § 20-108.1, which findings may be incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a particular case as determined by relevant evidence pertaining to the factors set out in § 20-108.1. The Department of Social Services shall set child support at the amount resulting from computations using the guidelines set out in this section pursuant to the authority granted to it in Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and subject to the provisions of § 63.2-1918.

B. For purposes of application of the guideline, a basic child support obligation shall be computed using the schedule set out below. For combined monthly gross income amounts falling between amounts shown in the schedule, basic child support obligation amounts shall be extrapolated. However, unless one of the following exemptions applies where the sole custody child support obligation as computed pursuant to subdivision G 1 is less than the statutory minimum per month, there shall be a presumptive minimum child support obligation of the statutory minimum per month payable by the payor parent. If 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 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. The guidelines worksheet relied upon by the court or the Department of Social Services to compute a child support obligation for a support order issued by such court or the Department shall be placed in the court's file or the Department's file, and a copy of such guidelines worksheet shall be provided to the parties. *In making a calculation of the basic monthly support obligation pursuant to a petition for child support filed pursuant to § 8.01-52.01, the court shall use the average annual income of the deceased parent for the three-year period immediately preceding such parent's death.*

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	16
400	78	119	144	161	177	19
450	88	133	162	181	199	21
500	97	148	179	200	220	23
550	107	162	197	220	242	26
600	116	177	215	240	264	28
650	126	191	232	259	285	31
700	135	206	250	279	307	33
750	145	220	267	298	328	35
800	154	234	284	317	349	37
850	163	248	300	336	369	40
900	171	260	316	353	388	42
950	179	273	331	369	406	44
1000	187	285	346	386	425	46
1050	196	298	361	403	443	48
1100	204	310	375	419	461	50
1150	212	323	390	436	480	52
1200	220	335	405	453	498	54
1250	228	347	420	469	516	56
1300	237	360	435	486	535	58
1350	245	372	450	503	553	60
1400	253	385	465	519	571	62

185	1450	261	397	480	536	589	641
186	1500	269	410	495	552	608	661
187	1550	278	422	509	569	626	680
188	1600	286	434	524	585	644	700
189	1650	293	446	538	601	661	718
190	1700	301	457	552	616	678	737
191	1750	309	469	566	632	695	756
192	1800	316	481	579	647	712	774
193	1850	324	492	593	663	729	792
194	1900	331	504	607	678	746	811
195	1950	339	515	621	693	763	829
196	2000	347	527	635	709	780	848
197	2050	354	538	648	724	797	866
198	2100	362	550	662	740	814	884
199	2150	369	561	676	755	830	903
200	2200	377	573	690	770	847	921
201	2250	385	584	703	786	864	940
202	2300	392	596	717	801	881	958
203	2350	400	607	731	817	898	976
204	2400	407	619	745	832	915	995
205	2450	415	630	759	847	932	1013
206	2500	423	642	772	863	949	1032
207	2550	430	653	786	878	966	1050
208	2600	438	665	800	894	983	1068
209	2650	445	676	814	909	1000	1087
210	2700	453	688	828	924	1017	1105
211	2750	460	699	841	940	1034	1124
212	2800	468	711	855	955	1051	1142
213	2850	476	722	869	971	1068	1160
214	2900	483	734	883	986	1084	1179
215	2950	491	745	896	1001	1101	1197
216	3000	498	757	910	1017	1118	1216
217	3050	506	768	924	1032	1135	1234
218	3100	514	780	938	1047	1152	1252
219	3150	521	791	952	1063	1169	1271
220	3200	529	803	965	1078	1186	1289
221	3250	536	814	979	1094	1203	1308
222	3300	544	826	993	1109	1220	1326
223	3350	551	837	1006	1123	1236	1343
224	3400	559	848	1019	1138	1252	1361
225	3450	566	859	1032	1152	1268	1378
226	3500	574	870	1045	1167	1283	1395
227	3550	581	881	1057	1181	1299	1412
228	3600	588	892	1070	1196	1315	1430
229	3650	596	903	1083	1210	1331	1447
230	3700	603	914	1096	1224	1347	1464
231	3750	611	925	1109	1239	1363	1481
232	3800	618	936	1122	1253	1379	1499
233	3850	626	947	1135	1268	1395	1516
234	3900	632	956	1146	1280	1408	1531
235	3950	638	966	1157	1293	1422	1546
236	4000	645	975	1168	1305	1436	1561
237	4050	651	985	1180	1318	1449	1575
238	4100	658	994	1191	1330	1463	1590
239	4150	664	1004	1202	1342	1477	1605
240	4200	670	1013	1213	1355	1490	1620
241	4250	677	1023	1224	1367	1504	1635
242	4300	682	1030	1233	1377	1515	1647
243	4350	687	1038	1242	1387	1526	1658
244	4400	693	1046	1251	1397	1537	1670
245	4450	698	1054	1260	1407	1548	1682
246	4500	704	1062	1268	1417	1559	1694
247	4550	709	1069	1277	1427	1569	1706
248	4600	714	1077	1286	1437	1580	1718
249	4650	720	1085	1295	1447	1591	1730
250	4700	725	1093	1304	1457	1602	1742
251	4750	731	1100	1313	1466	1613	1753
252	4800	736	1108	1322	1476	1624	1765

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253	4850	741	1116	1331	1486	1635	17
254	4900	747	1124	1339	1496	1646	17
255	4950	752	1131	1348	1506	1656	18
256	5000	755	1136	1353	1511	1662	18
257	5050	759	1141	1358	1516	1668	18
258	5100	762	1145	1362	1522	1674	18
259	5150	766	1150	1367	1527	1680	18
260	5200	769	1155	1372	1533	1686	18
261	5250	773	1159	1377	1538	1692	18
262	5300	776	1164	1382	1544	1698	18
263	5350	780	1169	1387	1549	1704	18
264	5400	783	1173	1392	1554	1710	18
265	5450	787	1178	1397	1560	1716	18
266	5500	790	1183	1401	1565	1722	18
267	5550	794	1187	1406	1571	1728	18
268	5600	797	1192	1411	1576	1734	18
269	5650	800	1196	1416	1582	1740	18
270	5700	803	1201	1421	1587	1746	18
271	5750	806	1205	1425	1592	1751	19
272	5800	809	1209	1430	1598	1757	19
273	5850	812	1213	1435	1603	1763	19
274	5900	815	1217	1440	1608	1769	19
275	5950	818	1221	1444	1613	1775	19
276	6000	821	1226	1449	1619	1781	19
277	6050	823	1230	1454	1624	1787	19
278	6100	826	1234	1459	1629	1792	19
279	6150	829	1238	1464	1635	1798	19
280	6200	832	1242	1468	1640	1804	19
281	6250	835	1246	1473	1645	1810	19
282	6300	838	1251	1478	1651	1816	19
283	6350	841	1255	1483	1656	1822	19
284	6400	844	1259	1487	1661	1827	19
285	6450	847	1263	1492	1667	1833	19
286	6500	849	1267	1497	1672	1839	19
287	6550	852	1271	1502	1677	1845	20
288	6600	855	1276	1506	1683	1851	20
289	6650	858	1280	1511	1688	1857	20
290	6700	861	1285	1517	1694	1864	20
291	6750	865	1291	1524	1703	1873	20
292	6800	869	1297	1532	1711	1882	20
293	6850	873	1303	1539	1719	1891	20
294	6900	877	1309	1547	1728	1900	20
295	6950	881	1315	1554	1736	1909	20
296	7000	885	1321	1561	1744	1919	20
297	7050	889	1328	1569	1752	1928	20
298	7100	893	1334	1576	1761	1937	21
299	7150	897	1340	1584	1769	1946	21
300	7200	901	1346	1591	1777	1955	21
301	7250	905	1352	1599	1786	1964	21
302	7300	909	1358	1606	1794	1973	21
303	7350	913	1364	1613	1802	1982	21
304	7400	917	1370	1621	1810	1991	21
305	7450	921	1376	1628	1819	2001	21
306	7500	925	1382	1636	1827	2010	21
307	7550	929	1389	1643	1835	2019	21
308	7600	933	1395	1650	1844	2028	22
309	7650	937	1401	1658	1852	2037	22
310	7700	941	1407	1665	1860	2046	22
311	7750	944	1411	1670	1865	2051	22
312	7800	946	1413	1672	1867	2054	22
313	7850	948	1416	1674	1870	2057	22
314	7900	950	1419	1676	1873	2060	22
315	7950	953	1421	1679	1875	2063	22
316	8000	955	1424	1681	1878	2065	22
317	8050	957	1426	1683	1880	2068	22
318	8100	959	1429	1685	1883	2071	22
319	8150	961	1432	1688	1885	2074	22
320	8200	963	1434	1690	1888	2076	22

321	8250	965	1436	1692	1890	2079	2260
322	8300	967	1439	1694	1892	2082	2263
323	8350	969	1441	1696	1895	2084	2266
324	8400	971	1444	1699	1897	2087	2269
325	8450	973	1446	1701	1899	2089	2271
326	8500	974	1447	1702	1901	2091	2273
327	8550	975	1449	1704	1903	2093	2276
328	8600	976	1450	1705	1905	2096	2278
329	8650	977	1452	1707	1907	2098	2280
330	8700	978	1453	1709	1909	2100	2282
331	8750	979	1455	1710	1911	2102	2284
332	8800	980	1456	1712	1912	2104	2287
333	8850	981	1457	1714	1914	2106	2289
334	8900	982	1459	1715	1916	2108	2291
335	8950	983	1460	1717	1918	2110	2293
336	9000	984	1462	1719	1920	2112	2295
337	9050	985	1463	1720	1922	2114	2298
338	9100	986	1465	1722	1923	2116	2300
339	9150	987	1466	1724	1925	2118	2302
340	9200	991	1471	1730	1932	2125	2310
341	9250	994	1477	1737	1940	2134	2319
342	9300	998	1483	1743	1947	2142	2328
343	9350	1002	1488	1750	1955	2150	2337
344	9400	1005	1494	1757	1962	2159	2346
345	9450	1009	1499	1764	1970	2167	2355
346	9500	1013	1505	1771	1978	2176	2365
347	9550	1017	1511	1778	1986	2185	2375
348	9600	1021	1518	1786	1995	2194	2385
349	9650	1025	1524	1793	2003	2203	2395
350	9700	1029	1530	1801	2011	2212	2405
351	9750	1033	1536	1808	2020	2222	2415
352	9800	1037	1543	1816	2028	2231	2425
353	9850	1041	1549	1823	2036	2240	2435
354	9900	1046	1555	1831	2045	2249	2445
355	9950	1050	1561	1838	2053	2258	2455
356	10000	1054	1567	1845	2061	2268	2465
357	10050	1058	1574	1853	2070	2277	2475
358	10100	1062	1580	1860	2078	2286	2485
359	10150	1066	1586	1868	2086	2295	2495
360	10200	1070	1592	1875	2095	2304	2505
361	10250	1074	1599	1883	2103	2314	2515
362	10300	1079	1605	1891	2112	2323	2525
363	10350	1083	1611	1898	2121	2333	2536
364	10400	1087	1618	1906	2129	2342	2546
365	10450	1091	1624	1914	2138	2351	2556
366	10500	1095	1631	1921	2146	2361	2566
367	10550	1100	1637	1929	2155	2370	2576
368	10600	1104	1643	1937	2163	2380	2587
369	10650	1108	1650	1944	2172	2389	2597
370	10700	1112	1656	1952	2180	2398	2607
371	10750	1117	1662	1960	2189	2408	2617
372	10800	1121	1669	1967	2197	2417	2627
373	10850	1125	1675	1975	2206	2427	2638
374	10900	1129	1682	1983	2214	2436	2648
375	10950	1134	1688	1990	2223	2445	2658
376	11000	1138	1694	1998	2232	2455	2668
377	11050	1142	1701	2005	2240	2464	2678
378	11100	1146	1707	2013	2249	2474	2689
379	11150	1150	1714	2021	2257	2483	2699
380	11200	1154	1718	2026	2263	2489	2706
381	11250	1157	1722	2030	2267	2494	2711
382	11300	1159	1726	2034	2272	2499	2717
383	11350	1162	1730	2038	2276	2504	2722
384	11400	1165	1733	2042	2281	2509	2727
385	11450	1168	1737	2046	2285	2514	2733
386	11500	1171	1741	2050	2290	2519	2738
387	11550	1173	1745	2054	2294	2524	2743
388	11600	1176	1749	2058	2299	2529	2749

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389	11650	1179	1752	2062	2303	2534	27
390	11700	1182	1756	2066	2308	2538	27
391	11750	1185	1760	2070	2312	2543	27
392	11800	1187	1764	2074	2317	2548	27
393	11850	1190	1768	2078	2321	2553	27
394	11900	1193	1771	2082	2326	2558	27
395	11950	1196	1775	2086	2330	2563	27
396	12000	1199	1779	2090	2335	2568	27
397	12050	1201	1783	2094	2339	2573	27
398	12100	1204	1787	2098	2344	2578	28
399	12150	1207	1790	2102	2348	2583	28
400	12200	1210	1795	2107	2354	2589	28
401	12250	1213	1800	2113	2360	2596	28
402	12300	1216	1804	2118	2366	2603	28
403	12350	1220	1809	2124	2372	2610	28
404	12400	1223	1814	2129	2378	2616	28
405	12450	1226	1818	2135	2384	2623	28
406	12500	1229	1823	2140	2391	2630	28
407	12550	1232	1828	2146	2397	2636	28
408	12600	1235	1832	2151	2403	2643	28
409	12650	1239	1837	2157	2409	2650	28
410	12700	1242	1842	2162	2415	2657	28
411	12750	1245	1846	2168	2421	2663	28
412	12800	1248	1851	2173	2427	2670	29
413	12850	1251	1856	2178	2433	2677	29
414	12900	1254	1860	2184	2439	2683	29
415	12950	1257	1865	2189	2446	2690	29
416	13000	1261	1870	2195	2452	2697	29
417	13050	1264	1874	2200	2458	2704	29
418	13100	1267	1879	2206	2464	2710	29
419	13150	1270	1884	2211	2470	2717	29
420	13200	1273	1888	2217	2476	2724	29
421	13250	1276	1893	2222	2482	2730	29
422	13300	1279	1898	2228	2488	2737	29
423	13350	1283	1902	2233	2494	2744	29
424	13400	1286	1907	2239	2501	2751	29
425	13450	1289	1912	2244	2507	2757	29
426	13500	1292	1916	2250	2513	2764	30
427	13550	1295	1921	2256	2520	2772	30
428	13600	1297	1925	2262	2526	2779	30
429	13650	1300	1930	2268	2533	2786	30
430	13700	1303	1935	2274	2540	2794	30
431	13750	1306	1939	2280	2546	2801	30
432	13800	1308	1944	2286	2553	2808	30
433	13850	1311	1948	2292	2560	2816	30
434	13900	1314	1953	2298	2566	2823	30
435	13950	1317	1957	2304	2573	2830	30
436	14000	1320	1962	2310	2580	2838	30
437	14050	1322	1967	2316	2586	2845	30
438	14100	1325	1971	2322	2593	2852	31
439	14150	1328	1976	2328	2600	2860	31
440	14200	1331	1980	2333	2607	2867	31
441	14250	1334	1985	2339	2613	2875	31
442	14300	1336	1990	2345	2620	2882	31
443	14350	1339	1994	2351	2627	2889	31
444	14400	1342	1999	2357	2633	2897	31
445	14450	1345	2003	2363	2640	2904	31
446	14500	1347	2008	2369	2647	2911	31
447	14550	1350	2013	2375	2653	2919	31
448	14600	1353	2017	2381	2660	2926	31
449	14650	1356	2022	2387	2667	2933	31
450	14700	1359	2026	2393	2673	2941	31
451	14750	1361	2031	2399	2680	2948	32
452	14800	1364	2036	2405	2686	2955	32
453	14850	1368	2040	2410	2692	2961	32
454	14900	1371	2045	2415	2698	2967	32
455	14950	1375	2050	2420	2703	2974	32
456	15000	1378	2055	2425	2709	2980	32

457	15050	1382	2059	2430	2714	2986	3246
458	15100	1385	2064	2435	2720	2992	3252
459	15150	1389	2069	2440	2726	2998	3259
460	15200	1392	2074	2445	2731	3004	3266
461	15250	1396	2078	2450	2737	3010	3272
462	15300	1400	2083	2455	2742	3017	3279
463	15350	1403	2088	2460	2748	3023	3286
464	15400	1407	2093	2465	2754	3029	3292
465	15450	1410	2098	2470	2759	3035	3299
466	15500	1414	2102	2475	2765	3041	3306
467	15550	1417	2107	2480	2770	3047	3312
468	15600	1421	2112	2485	2776	3053	3319
469	15650	1424	2117	2490	2781	3060	3326
470	15700	1428	2121	2495	2787	3066	3333
471	15750	1431	2126	2500	2793	3072	3339
472	15800	1435	2131	2505	2798	3078	3346
473	15850	1438	2136	2510	2804	3084	3353
474	15900	1442	2140	2515	2809	3090	3359
475	15950	1445	2145	2520	2815	3097	3366
476	16000	1449	2150	2525	2821	3103	3373
477	16050	1453	2155	2530	2826	3109	3379
478	16100	1456	2159	2535	2832	3115	3386
479	16150	1458	2162	2538	2835	3119	3390
480	16200	1459	2164	2541	2838	3122	3394
481	16250	1461	2167	2544	2841	3125	3397
482	16300	1462	2169	2546	2844	3128	3401
483	16350	1464	2171	2549	2847	3132	3404
484	16400	1465	2173	2551	2850	3135	3408
485	16450	1466	2175	2554	2853	3138	3411
486	16500	1468	2177	2557	2856	3141	3415
487	16550	1469	2179	2559	2859	3144	3418
488	16600	1471	2182	2562	2862	3148	3422
489	16650	1472	2184	2564	2864	3151	3425
490	16700	1473	2186	2567	2867	3154	3428
491	16750	1475	2188	2570	2870	3157	3432
492	16800	1476	2190	2572	2873	3160	3435
493	16850	1477	2192	2575	2876	3164	3439
494	16900	1479	2194	2577	2879	3167	3442
495	16950	1480	2196	2580	2882	3170	3446
496	17000	1481	2198	2582	2885	3173	3449
497	17050	1483	2200	2585	2887	3176	3452
498	17100	1484	2203	2588	2890	3179	3456
499	17150	1486	2205	2590	2893	3182	3459
500	17200	1487	2207	2593	2896	3186	3463
501	17250	1488	2209	2595	2899	3189	3466
502	17300	1490	2211	2598	2902	3192	3470
503	17350	1491	2213	2600	2905	3195	3473
504	17400	1492	2215	2603	2907	3198	3476
505	17450	1494	2217	2605	2910	3201	3480
506	17500	1495	2219	2608	2913	3204	3483
507	17550	1497	2222	2611	2916	3208	3487
508	17600	1498	2224	2613	2919	3211	3490
509	17650	1499	2226	2616	2922	3214	3494
510	17700	1501	2228	2618	2925	3217	3497
511	17750	1502	2230	2621	2928	3220	3500
512	17800	1503	2232	2623	2930	3223	3504
513	17850	1505	2234	2626	2933	3227	3507
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515	17950	1507	2238	2631	2939	3233	3514
516	18000	1509	2240	2634	2942	3236	3518
517	18050	1510	2243	2636	2945	3239	3521
518	18100	1512	2245	2639	2948	3242	3524
519	18150	1513	2247	2641	2950	3245	3528
520	18200	1514	2249	2644	2953	3249	3531
521	18250	1516	2251	2647	2956	3252	3535
522	18300	1517	2253	2649	2959	3255	3538
523	18350	1520	2256	2652	2963	3259	3542
524	18400	1522	2259	2655	2966	3263	3547

525	18450	1524	2262	2658	2970	3266	35
526	18500	1526	2265	2662	2973	3270	35
527	18550	1528	2268	2665	2976	3274	35
528	18600	1530	2271	2668	2980	3278	35
529	18650	1532	2274	2671	2983	3282	35
530	18700	1535	2277	2674	2987	3285	35
531	18750	1537	2280	2677	2990	3289	35
532	18800	1539	2283	2680	2994	3293	35
533	18850	1541	2285	2683	2997	3297	35
534	18900	1543	2288	2686	3000	3301	35
535	18950	1545	2291	2689	3004	3304	35
536	19000	1547	2294	2692	3007	3308	35
537	19050	1550	2297	2695	3011	3312	36
538	19100	1552	2300	2698	3014	3316	36
539	19150	1554	2303	2702	3018	3319	36
540	19200	1556	2306	2705	3021	3323	36
541	19250	1558	2309	2708	3025	3327	36
542	19300	1560	2312	2711	3028	3331	36
543	19350	1563	2315	2714	3031	3335	36
544	19400	1565	2318	2717	3035	3338	36
545	19450	1567	2320	2720	3038	3342	36
546	19500	1569	2323	2723	3042	3346	36
547	19550	1571	2326	2726	3045	3350	36
548	19600	1573	2329	2729	3049	3353	36
549	19650	1575	2332	2732	3052	3357	36
550	19700	1578	2335	2735	3055	3361	36
551	19750	1580	2338	2738	3059	3365	36
552	19800	1582	2341	2742	3062	3369	36
553	19850	1584	2344	2745	3066	3372	36
554	19900	1586	2347	2748	3069	3376	36
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556	20000	1591	2353	2754	3076	3384	36
557	20050	1593	2355	2757	3080	3387	36
558	20100	1595	2358	2760	3083	3391	36
559	20150	1597	2361	2763	3086	3395	36
560	20200	1599	2364	2766	3090	3399	36
561	20250	1601	2367	2769	3093	3403	36
562	20300	1603	2370	2772	3097	3406	37
563	20350	1606	2373	2775	3100	3410	37
564	20400	1608	2376	2778	3104	3414	37
565	20450	1610	2379	2782	3107	3418	37
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567	20550	1614	2385	2788	3114	3425	37
568	20600	1616	2388	2791	3117	3429	37
569	20650	1619	2390	2794	3121	3433	37
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571	20750	1623	2396	2800	3128	3440	37
572	20800	1625	2399	2803	3131	3444	37
573	20850	1627	2402	2806	3135	3448	37
574	20900	1629	2405	2809	3138	3452	37
575	20950	1631	2408	2812	3141	3456	37
576	21000	1634	2411	2815	3145	3459	37
577	21050	1636	2414	2818	3148	3463	37
578	21100	1638	2417	2822	3152	3467	37
579	21150	1640	2420	2825	3155	3471	37
580	21200	1642	2423	2828	3159	3474	37
581	21250	1644	2425	2831	3162	3478	37
582	21300	1647	2428	2834	3165	3482	37
583	21350	1649	2431	2837	3169	3486	37
584	21400	1651	2434	2840	3172	3490	37
585	21450	1653	2437	2843	3176	3493	37
586	21500	1655	2440	2846	3179	3497	38
587	21550	1657	2443	2849	3183	3501	38
588	21600	1659	2446	2853	3187	3506	38
589	21650	1661	2449	2857	3191	3510	38
590	21700	1663	2452	2861	3195	3515	38
591	21750	1665	2455	2865	3200	3520	38
592	21800	1667	2458	2868	3204	3524	38

593	21850	1668	2461	2872	3208	3529	3836
594	21900	1670	2464	2876	3213	3534	3841
595	21950	1672	2467	2880	3217	3539	3846
596	22000	1674	2470	2884	3221	3543	3852
597	22050	1676	2473	2888	3225	3548	3857
598	22100	1678	2476	2891	3230	3553	3862
599	22150	1680	2479	2895	3234	3557	3867
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601	22250	1683	2485	2903	3243	3567	3877
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608	22600	1696	2506	2930	3272	3600	3913
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612	22800	1704	2518	2945	3290	3619	3933
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615	22950	1709	2527	2957	3302	3633	3949
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617	23050	1713	2533	2964	3311	3642	3959
618	23100	1715	2536	2968	3315	3647	3964
619	23150	1717	2539	2972	3320	3651	3969
620	23200	1718	2542	2976	3324	3656	3974
621	23250	1720	2545	2979	3328	3661	3979
622	23300	1722	2548	2983	3332	3666	3984
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624	23400	1726	2554	2991	3341	3675	3995
625	23450	1728	2557	2995	3345	3680	4000
626	23500	1730	2560	2999	3349	3684	4005
627	23550	1731	2563	3002	3354	3689	4010
628	23600	1733	2566	3006	3358	3694	4015
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633	23850	1742	2581	3025	3379	3717	4041
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635	23950	1746	2587	3033	3388	3727	4051
636	24000	1748	2590	3037	3392	3731	4056
637	24050	1750	2593	3041	3397	3736	4061
638	24100	1752	2596	3045	3401	3741	4066
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640	24200	1755	2602	3052	3409	3750	4077
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642	24300	1759	2608	3060	3418	3760	4087
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644	24400	1763	2614	3068	3426	3769	4097
645	24450	1765	2617	3071	3431	3774	4102
646	24500	1767	2620	3075	3435	3779	4107
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
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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
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661	25250	1794	2665	3133	3499	3849	41
662	25300	1796	2668	3136	3503	3854	41
663	25350	1798	2671	3140	3508	3858	41
664	25400	1800	2674	3144	3512	3863	41
665	25450	1802	2677	3148	3516	3868	42
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667	25550	1805	2682	3156	3525	3877	42
668	25600	1807	2685	3159	3529	3882	42
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670	25700	1811	2691	3167	3538	3891	42
671	25750	1813	2694	3171	3542	3896	42
672	25800	1815	2697	3175	3546	3901	42
673	25850	1817	2700	3179	3550	3906	42
674	25900	1818	2703	3182	3555	3910	42
675	25950	1820	2706	3186	3559	3915	42
676	26000	1822	2709	3190	3563	3920	42
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683	26350	1835	2730	3217	3593	3953	42
684	26400	1837	2733	3221	3598	3957	43
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686	26500	1841	2739	3228	3606	3967	43
687	26550	1842	2742	3232	3610	3971	43
688	26600	1844	2745	3236	3615	3976	43
689	26650	1846	2748	3240	3619	3981	43
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692	26800	1852	2757	3251	3632	3995	43
693	26850	1854	2760	3255	3636	4000	43
694	26900	1855	2763	3259	3640	4004	43
695	26950	1857	2766	3263	3645	4009	43
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698	27100	1863	2775	3274	3657	4023	43
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702	27300	1870	2787	3290	3675	4042	43
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705	27450	1876	2796	3301	3687	4056	44
706	27500	1878	2799	3305	3692	4061	44
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709	27650	1883	2808	3316	3704	4075	44
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713	27850	1891	2820	3332	3722	4094	44
714	27900	1892	2823	3336	3726	4098	44
715	27950	1894	2826	3339	3730	4103	44
716	28000	1896	2829	3343	3734	4108	44
717	28050	1898	2832	3347	3739	4113	44
718	28100	1899	2833	3348	3740	4114	44
719	28150	1900	2834	3349	3741	4115	44
720	28200	1900	2835	3349	3741	4115	44
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722	28300	1902	2836	3350	3742	4116	44
723	28350	1902	2837	3351	3743	4117	44
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725	28450	1904	2838	3351	3744	4118	44
726	28500	1904	2839	3352	3744	4118	44
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730	28700	1907	2842	3354	3746	4121	4479
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732	28800	1908	2843	3354	3747	4122	4480
733	28850	1909	2844	3355	3747	4122	4481
734	28900	1909	2844	3355	3748	4123	4481
735	28950	1910	2845	3356	3748	4123	4482
736	29000	1911	2846	3356	3749	4124	4483
737	29050	1911	2846	3357	3749	4124	4483
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739	29150	1913	2848	3358	3750	4125	4484
740	29200	1913	2848	3358	3751	4126	4485
741	29250	1914	2849	3358	3751	4126	4485
742	29300	1915	2850	3359	3752	4127	4486
743	29350	1915	2850	3359	3752	4128	4487
744	29400	1916	2851	3360	3753	4128	4487
745	29450	1917	2852	3360	3753	4129	4488
746	29500	1917	2852	3361	3754	4129	4488
747	29550	1918	2853	3361	3754	4130	4489
748	29600	1919	2854	3361	3755	4130	4490
749	29650	1919	2855	3362	3755	4131	4490
750	29700	1920	2855	3362	3756	4131	4491
751	29750	1921	2856	3363	3756	4132	4491
752	29800	1921	2857	3363	3757	4132	4492
753	29850	1922	2857	3364	3757	4133	4492
754	29900	1923	2858	3364	3758	4133	4493
755	29950	1923	2859	3365	3758	4134	4494
756	30000	1924	2859	3365	3759	4135	4494
757	30050	1925	2860	3365	3759	4135	4495
758	30100	1925	2861	3366	3760	4136	4495
759	30150	1926	2861	3366	3760	4136	4496
760	30200	1926	2862	3367	3761	4137	4497
761	30250	1927	2863	3367	3761	4137	4497
762	30300	1928	2863	3368	3762	4138	4498
763	30350	1928	2864	3368	3762	4138	4498
764	30400	1929	2865	3368	3763	4139	4499
765	30450	1930	2865	3369	3763	4139	4499
766	30500	1930	2866	3369	3764	4140	4500
767	30550	1931	2867	3370	3764	4140	4501
768	30600	1932	2867	3370	3765	4141	4501
769	30650	1932	2868	3371	3765	4141	4502
770	30700	1933	2869	3371	3765	4142	4502
771	30750	1934	2869	3371	3766	4143	4503
772	30800	1934	2870	3372	3766	4143	4504
773	30850	1935	2871	3372	3767	4144	4504
774	30900	1936	2871	3373	3767	4144	4505
775	30950	1936	2872	3373	3768	4145	4505
776	31000	1937	2873	3374	3768	4145	4506
777	31050	1938	2874	3374	3769	4146	4506
778	31100	1938	2874	3375	3769	4146	4507
779	31150	1939	2875	3375	3770	4147	4508
780	31200	1940	2876	3375	3770	4147	4508
781	31250	1940	2876	3376	3771	4148	4509
782	31300	1941	2877	3376	3771	4148	4509
783	31350	1942	2878	3377	3772	4149	4510
784	31400	1942	2878	3377	3772	4150	4511
785	31450	1943	2879	3378	3773	4150	4511
786	31500	1943	2880	3378	3773	4151	4512
787	31550	1944	2880	3378	3774	4151	4512
788	31600	1945	2881	3379	3774	4152	4513
789	31650	1945	2882	3379	3775	4152	4513
790	31700	1946	2882	3380	3775	4153	4514
791	31750	1947	2883	3380	3776	4153	4515
792	31800	1947	2884	3381	3776	4154	4515
793	31850	1948	2884	3381	3777	4154	4516
794	31900	1949	2885	3382	3777	4155	4516
795	31950	1949	2886	3382	3778	4155	4517
796	32000	1950	2886	3382	3778	4156	4518

797	32050	1951	2887	3383	3779	4156	45
798	32100	1951	2888	3383	3779	4157	45
799	32150	1952	2888	3384	3780	4158	45
800	32200	1953	2889	3384	3780	4158	45
801	32250	1953	2890	3385	3781	4159	45
802	32300	1954	2890	3385	3781	4159	45
803	32350	1955	2891	3385	3782	4160	45
804	32400	1955	2892	3386	3782	4160	45
805	32450	1956	2893	3386	3783	4161	45
806	32500	1957	2893	3387	3783	4161	45
807	32550	1957	2894	3387	3784	4162	45
808	32600	1958	2895	3388	3784	4162	45
809	32650	1959	2895	3388	3784	4163	45
810	32700	1959	2896	3389	3785	4163	45
811	32750	1960	2897	3389	3785	4164	45
812	32800	1960	2897	3389	3786	4165	45
813	32850	1961	2898	3390	3786	4165	45
814	32900	1962	2899	3390	3787	4166	45
815	32950	1962	2899	3391	3787	4166	45
816	33000	1963	2900	3391	3788	4167	45
817	33050	1964	2901	3392	3788	4167	45
818	33100	1964	2901	3392	3789	4168	45
819	33150	1965	2902	3392	3789	4168	45
820	33200	1966	2903	3393	3790	4169	45
821	33250	1966	2903	3393	3790	4169	45
822	33300	1967	2904	3394	3791	4170	45
823	33350	1968	2905	3394	3791	4170	45
824	33400	1968	2905	3395	3792	4171	45
825	33450	1969	2906	3395	3792	4172	45
826	33500	1970	2907	3395	3793	4172	45
827	33550	1970	2907	3396	3793	4173	45
828	33600	1971	2908	3396	3794	4173	45
829	33650	1972	2909	3397	3794	4174	45
830	33700	1972	2909	3397	3795	4174	45
831	33750	1973	2910	3398	3795	4175	45
832	33800	1974	2911	3398	3796	4175	45
833	33850	1974	2912	3399	3796	4176	45
834	33900	1975	2912	3399	3797	4176	45
835	33950	1976	2913	3399	3797	4177	45
836	34000	1976	2914	3400	3798	4177	45
837	34050	1977	2914	3400	3798	4178	45
838	34100	1977	2915	3401	3799	4178	45
839	34150	1978	2916	3401	3799	4179	45
840	34200	1979	2916	3402	3800	4179	45
841	34250	1979	2917	3402	3800	4180	45
842	34300	1980	2917	3402	3800	4181	45
843	34350	1981	2918	3403	3801	4181	45
844	34400	1981	2919	3403	3801	4182	45
845	34450	1982	2919	3404	3802	4182	45
846	34500	1983	2920	3404	3802	4183	45
847	34550	1983	2921	3405	3803	4183	45
848	34600	1984	2921	3405	3803	4184	45
849	34650	1984	2922	3405	3804	4184	45
850	34700	1985	2923	3406	3804	4185	45
851	34750	1986	2923	3406	3805	4185	45
852	34800	1986	2924	3407	3805	4186	45
853	34850	1987	2925	3407	3806	4186	45
854	34900	1988	2925	3407	3806	4187	45
855	34950	1988	2926	3408	3807	4187	45
856	35000	1989	2927	3408	3807	4188	45

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

	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
859						
860	2.6%	3.4%	3.8%	4.2%	4.6%	5.0%
861						
862	C. For purposes of this section, "gross income" means all income from all sources, and shall include,					
863	but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance					

864 pay, pensions, interest, trust income, annuities, capital gains, social security benefits except as listed
865 below, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits,
866 veterans' benefits, spousal support, rental income except as listed below, gifts, prizes, or awards.

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

873 Gross income shall be subject to deduction of reasonable business expenses for persons with income
874 from self-employment, a partnership, or a closely held business. Gross rental income from any property
875 owned individually, jointly, or by any entity shall be subject to deduction of reasonable expenses;
876 however, the deduction shall not include the cost of acquisition, depreciation, or the principal portion of
877 any mortgage payment. The party claiming any deduction for reasonable business expenses or reasonable
878 expenses for rental property shall have the burden of proof to establish such expenses by a
879 preponderance of the evidence.

880 "Gross income" shall not include:

- 881 1. Benefits from public assistance and social services programs as defined in § 63.2-100;
- 882 2. Federal supplemental security income benefits;
- 883 3. Child support received; or

884 4. Income received by the payor from secondary employment income not previously included in
885 "gross income," where the payor obtained the income to discharge a child support arrearage established
886 by a court or administrative order and the payor is paying the arrearage pursuant to the order.
887 "Secondary employment income" includes but is not limited to income from an additional job, from
888 self-employment, or from overtime employment. The cessation of such secondary income upon the
889 payment of the arrearage shall not be the basis for a material change in circumstances upon which a
890 modification of child support may be based.

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

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

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

911 In cases in which retroactive liability for support is being determined, the court or administrative
912 agency may use the gross monthly income of the parties averaged over the period of retroactivity.

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

923 D1. In any initial child support proceeding commenced within six months of the birth of a child,
924 except for good cause shown or the agreement of the parties, in addition to any other child support
925 obligations established pursuant to this section, the 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 unpaid expenses of the mother's pregnancy and the delivery of such child. Any amount paid under this subsection shall not be adjusted by, nor added to, the child support calculated in accordance with subsection G.

E. The costs for health care coverage as defined in § 63.2-1900, vision care coverage, and dental care coverage for the child or children who are the subject of the child support order that are being paid by a parent or that parent's spouse shall be added to the basic child support obligation. To determine the cost to be added to the basic child support obligation, the cost per person shall be applied to the child or children who are subject of the child support order. If the per child cost is provided by the insurer, that is the cost per person. Otherwise, to determine the cost per person, the cost of individual coverage for the policy holder shall be subtracted from the total cost of the coverage, and the remaining amount shall be divided by the number of remaining covered persons.

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.

(ii) Custody share. "Custody share" means the number of days that a parent has physical custody, whether by sole custody, joint legal or joint residential custody, or visitation, of a shared child per year divided by the number of days in the year. The actual or anticipated "custody share" of the parent who has or will have fewer days of physical custody shall be calculated for a one-year period. The "custody

share" of the other parent shall be presumed to be the number of days in the year less the number of days calculated as the first parent's "custody share." For purposes of this calculation, the year may begin on such date as is determined in the discretion of the court, and the day may begin at such time as is determined in the discretion of the court. For purposes of this calculation, a day shall be as defined in subdivision G 3 (c).

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

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

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

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

(d) Minimum standards. Any calculation under this subdivision shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. If the gross income of either party 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 shared custody support calculated pursuant to this subsection shall not be the presumptively correct support and the court may consider whether the sole custody support or the shared custody support is more just and appropriate.

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

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

4. Multiple shared custody support. In cases with different shared custody arrangements for two or more minor children of the parties, the procedures in subdivision G 3 shall apply, except that one shared guideline shall be used to determine the total amount of child support owed by one parent to the other by:

(a) Calculating each parent's custody share by adding the total number of days, as defined in subdivision G 3 (c), that each parent has with each child and dividing such total number of days by the number of children of the parties to determine the average number of shared custody days; and

(b) Using each parent's custody share as determined in subdivision G 4 (a) for each parent to calculate the child support owed, in accordance with the provisions of subdivision G 3.

5. Sole and shared custody support. In cases where one parent has sole custody of one or more minor children of the parties, and the parties share custody of one or more other minor children of the parties, the procedures in subdivisions G 1 and 3 shall apply, except that one sole custody support guideline calculation and one shared custody support guideline calculation shall be used to determine the total amount of child support owed by one parent to the other by:

(a) Calculating the sole custody support obligation by:

(i) Calculating the per child monthly basic child support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;

(ii) Calculating the sole custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 5 (a) (i) by the number of children subject to the sole custody support obligation; and

(iii) Applying the sole custody pro rata monthly basic child support obligation determined in subdivision G 5 (a) (ii) to the procedures in subdivision G 1.

(b) Calculating the shared custody child support obligation by:

(i) Calculating the per child monthly basic child support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;

(ii) Calculating the shared custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 5 (b) (i) by the number of children subject to the shared custody support obligation; and

(iii) Applying the shared custody pro rata monthly basic child support obligation determined in subdivision G 5 (b) (ii) to the procedures in subdivision G 3.

(c) Determining the total amount of child support owed by one parent to the other. Where one parent owes both the sole custody support obligation and the shared custody support obligation to the other parent, the total of both such obligations calculated pursuant to subdivisions G 5 (a) and G 5 (b) shall be added to determine the total amount of child support owed by one parent to the other. Where one parent owes one such obligation to the other parent, and such other parent owes the other such obligation to the other such parent, the parent owing the greater obligation amount to the other parent shall pay the difference between the obligations to such other parent.

6. Split and shared custody support. In cases where the parents have split custody of two or more children, and there is a shared custody arrangement with one or more other minor children of the parties, the procedures set forth in subdivisions G 2 and G 3 shall apply, except that one split custody child support guideline calculation and one shared custody child support guideline calculation shall be used to calculate the total amount of child support owed by one parent to the other by:

(a) Calculating the split custody child support obligation by:

(i) Calculating the per child monthly basic child custody support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;

(ii) Calculating the split custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 6 (a) (i) by the number of children subject to the split custody support obligation; and

(iii) Applying the split custody pro rata monthly basic child support obligation determined in subdivision G 6 (a) (ii) for each parent to the procedures in subdivision G 2.

(b) Calculating the shared custody child support obligation by:

(i) Calculating the per child monthly basic child custody support obligation by determining, for the number of children of the parties, the scheduled monthly basic child support obligation and dividing that amount by the number of children of the parties;

(ii) Calculating the shared custody pro rata monthly basic child custody support obligation by multiplying the per child monthly basic child support obligation determined in subdivision G 6 (b) (i) by the number of children subject to the shared custody support obligation; and

(iii) Applying the shared custody pro rata monthly basic child support obligation determined in subdivision G 6 (b) (ii) to the procedures in subdivision G 3.

(c) Determining the total amount of child support owed by one parent to the other. Where one parent owes both the split custody support obligation and the shared custody support obligation to the other parent, the total of both such obligations calculated pursuant to subdivisions G 6 (a) and G 6 (b) shall be added to determine the total amount of child support owed by one parent to the other. Where one parent owes one such obligation to the other parent, and such other parent owes the other such obligation to the other such parent, the parent owing the greater obligation amount to the other parent shall pay the difference between the obligations to such other parent.

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

1110 provided in the procedures of the Division of Legislative Automated Systems for the processing of
1111 legislative documents and reports before the General Assembly next convenes following such review.

1112 Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen
1113 members shall serve at the pleasure of the Governor. All members may be reappointed. Appointments to
1114 fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall
1115 be filled in the same manner as the original appointments.

1116 Legislative members shall receive such compensation as provided in § 30-19.12, and nonlegislative
1117 citizen members shall receive such compensation for the performance of their duties as provided in
1118 § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the
1119 performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of
1120 compensation and expenses of the members shall be provided by the Department of Social Services.

1121 The Department of Social Services shall provide staff support to the Panel. All agencies of the
1122 Commonwealth shall provide assistance to the Panel, upon request.

1123 The chairman of the Panel shall submit to the Governor and the General Assembly a quadrennial
1124 executive summary of the interim activity and work of the Panel no later than the first day of 2006
1125 regular session of the General Assembly and every four years thereafter. The executive summary shall
1126 be submitted as provided in the procedures of the Division of Legislative Automated Systems for the
1127 processing of legislative documents and reports and shall be posted on the General Assembly's website.