

LD1345724

## SENATE BILL NO. 632

Offered January 11, 1995

Prefiled January 5, 1995

A BILL to amend the Code of Virginia by adding a section numbered 20-62.1, relating to community work experience; child support.

\_\_\_\_\_  
Patron—Potts

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Referred to the Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

1. That the Code of Virginia is amended by adding a section numbered 20-62.1, as follows:

§ 20-62.1. Community work experience program.

A. In conjunction with the entry of an order or decree of support and maintenance of a child under the provisions of this chapter or §§ 20-107.1 through 20-109, the court shall order a parent who is not a custodial parent to register for a community work experience program if all of the following conditions are met:

1. The parent is able to work full time;

2. The parent works, on average, less than thirty-two hours per week, and is not participating in an employment or training program; and

3. The parent's actual weekly gross income averages less than forty times the federal minimum hourly wage.

The parent shall have the burden of proving that he is not able to work full-time.

B. If the court determines that the conditions set forth in subsection A exist, it shall order the parent to pay child support equal to the amount determined by applying the percentage standard established by the guidelines under § 20-108.2 to the income a person would earn by working forty hours per week for the federal minimum hourly wage under 29 U.S.C. 206 (a) (1). The child support obligation calculated under this section shall continue until the parent makes timely payments in full for three consecutive months or until the person participates in the community work experience program for sixteen weeks, whichever first occurs. The court shall provide in its order that the parent shall make child support payments in the appropriate amount established by the guidelines under § 20-108.2 after the obligation to make payments calculated under this section ceases.

C. The court shall not order participation in a program under this section if it determines, based on written findings, that there is good cause not to order such participation.

D. The Department of Social Services may contract with any county or city to establish a community work experience program for parents who are not custodial parents and who fail to pay child support. The Department shall develop regulations for minimum standards for the conduct of such programs in conformance with the limitations set forth in this section. Except as provided in subsection G, a person ordered to register under this section shall participate in a community work experience program if a job placement is available.

E. No person shall be required to work more than thirty-two hours per week in the program under this section. No person shall be required to work more than sixteen weeks during each twelve-month period in a program under this section.

F. If a person is required by a governmental entity to participate in another work or training program, the maximum number of hours in a week which the person may be required to work in a program under this section equals thirty-two minus the number of hours he is required to participate in the other work or training program in that week. If a person is employed, the maximum number of hours in a week which the person may be required to work in a program under this section is eighty percent of the difference between forty hours and the number of hours actually worked in the unsubsidized job during that week.

G. A person who works, on average, thirty-two hours or more per week in an unsubsidized job is not required to participate in a program under this section.

H. When a person completes sixteen weeks of participation in a program under this section, the county or city operating the program shall inform the clerk of the court, by affidavit, of that completion.

I. A person participating in a community work experience program under this section in a county or city is considered an employee of that county or city for purposes of worker's compensation benefits only.

J. A county or city shall reimburse a person for reasonable transportation costs incurred because of participation in the program up to a maximum of twenty-five dollars per month.

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**60**       *K. The Department shall pay a county or city \$200 for each person who participates in the program*  
**61**       *in that county or city. The county or city shall pay any additional costs of the program.*  
**62**       *L. For the purposes of this section, "custodial parent" means a parent who lives with his or her*  
**63**       *child for substantial periods of time.*