DCSE Boot Camp

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Presenters
Scott Darnell, Legal Director of the East
Minna Sandwich, Asst. Attorney General
Mitch Broudy, Asst. Attorney General
Dakita Brandon, Program Consultant, Sr.
DCSE Eastern Legal Dept
Phone#757-985-3207

The Division of Child Support Enforcement (DCSE): A Scenario Based Approach

Presented by Dakida Brandon, *Program Consultant Sr.*, and Minna Sandwich, *Assistant Attorney General Eastern Virginia District Office*, *Division of Child Support Enforcement*

Just as a heads up...

- DCSE Terminology
 - Custodial Parent/Non-Custodial Parent
 - ► Administrative Support Order (ASO) vs. court order
- We're going to go through a series of scenarios and present what happens on the agency side and what happens on the court side
- Got it? Ready to discuss? Good! Let's go...

First things first. In order to establish or enforce a child support order, what does DCSE require?

- Copies of paternity documentation
 - Acknowledgement of Paternity (AOP)
 - Birth certificate
 - Genetic testing
 - Orders Determining Parentage (ODP)



 Copies of any order(s) that address child support and any payments received (Statements of Payments)

Paternity Administrative Procedures - § 63.2 -1913 Court Procedures §§ 20-49.1 through 20-49.10

- Acknowledgment of Paternity (AOP)
 - By written statement of father and mother made under oath acknowledging paternity
 - ▶ Parties given written and oral description of rights and responsibilities
 - May rescind AOP within 60 days of signing unless an administrative or judicial parentage order is entered first
- Order Determining Parentage (ODP)
 - ▶ By parents' admission under oath
- Both ODP and AOP can be established by scientifically reliable genetic test



- Documentation of income from all sources
 - ► Pay stubs, W-2s, tax returns, letters from employers, VEC wage reports

- Childcare and healthcare coverage documentation
 - Childcare Letters, notarized statements, receipts/printouts
 - ▶ Healthcare check stubs showing deduction, brochure from the health insurance company, other verified document



The CP comes into the office with the child. The NCP is the putative father and she is unsure of where he is located. What services can DCSE offer her?

- Obtain any information she may have
- Refer case to our Locate Unit
 - ▶ Utilize automated resources to locate
 - ▶ DMV, VEC, Social Security, DOC, DOD, Dept. of Veteran Affairs, FCR, FIDM, Virginia Power, New Hire Data Match, VaCMS, etc.
 - Other locate resources
 - Accurint, Vinelink, Justice Xchange, social media, skip tracing
 - Quarterly attempts



▶ If able to locate, will transfer case for establishment of paternity

► After a certain amount of time with insufficient information, case will close

VBBA DCSE Boot Camp Page 9

The father has been paying child support. However, he just found out that he may not be the father. He had acknowledged paternity of the child. Now, he is asking the attorney how to terminate child support.

▶ 60 days to rescind the AOP with Vital Records

► After 60 days, must have paternity disestablished by the Court

DCSE Policy & Procedures (Scenarios)

August 20, 2021

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Disestablishing Paternity §20-49.10 of the Code of Virginia

- ▶ This statute allows "relief" from a legal determination of paternity. Under the disestablishment law, the court may set aside a final judgment, court order, administrative order, obligation to pay child support or any legal determination of paternity, if a scientifically reliable genetic test excludes the individual as the biological father.
- Exceptions:
 - Acknowledged when knew he was not the father
 - Adopted
 - Artificial Insemination
- ▶ GAL shall be appointed for the child
- Support may (not shall) be terminated
- Support shall not be retroactively modified

The CP has opened a case with DCSE and has provided an order of support that was established previously through the Court. The NCP has not been paying as ordered. What options does she have?

- Statement of Payments
 - Proof of non-payment
 - Establish arrearages due
- Refer case to Enforcement
 - Monitor the case for collections/payment or delinquency



- Payment due by the end of each month
- Accrues interest



Enforcement

- Administrative Income Withholding for Support, Drivers' License/Occupational/Recreational License Suspension, Order to Withhold and Deliver, Tax and Lottery Offset, Passport Denial, Liens
- Judicial action (Show Cause)

Administrative Driver's License Suspension

Criteria

▶ If an NCP owes at least \$5,000 in child support or has the child support arrearages totaling at least 90 days of the support obligation, then the NCP is eligible for license suspension



- May have DL reinstated when:
 - ▶ Pays the child support arrearages in full
 - ▶ Enters into a payment agreement with the Division.
 - ▶ Lump Sum, monthly agreement amount in addition to monthly child support
 - Completes or successfully participates in a court or administrative intensive case

Driver's license suspensions §46.2-320.1 of the Code of Virginia

- NCP is delinquent in the payment of child support by at least 90 days or \$5,000
- ► NCP may petition JDR court where they reside for issuance of a restricted license. NCP should bring compliance summary to court.
- ▶ Upon a finding of good cause, the court may provide that a restricted permit be issued for any of the purposes set forth in § 18.2-271.1 (E)
- ► NCP must take the restricted license order to the DMV within 60 days for issuance of restricted license; otherwise, the order expires in 60 days and the NCP must re-petition the court
- No statutory authority for court to issue a restricted commercial driver's license

Failure to comply with support obligation §16.1-278.16 of the Code of Virginia

- The court may, in its discretion, impose a sentence of up to 12 months in jail.
- Dispositions
 - Payor's Court Program (PCP)
 - ▶ 6 month payment review with a delayed execution of sentence
 - ▶ Checks in with PCP case worker to ensure monthly child support payments are being made
 - ► ICMP (Intensive Case Monitoring Program)
 - ► The Intensive Case Monitoring Program (ICMP) is a collaborative program between DCSE and the courts
 - Parents are closely monitored by a Division Case Manager who, with the help of a network of community partners, assists them in securing employment, housing, training, and other services needed to overcome barriers that have made them less likely to support their children

Difference between Civil and Criminal Contempt

Distinctions	Civil	Criminal
Purpose:	Compensate CP and/or state; coerce payment	Punish
Standard of Proof	Preponderance of evidence	Beyond reasonable doubt
Proof of Intent	Not necessary	Necessary
Jury Trial	Not entitled	Entitled
Court Appointed Counsel	Necessary	Mandatory
Purge clause	Must have	Does not have
Serves entire sentence	No, released if pays purge	Yes
Double jeopardy	Does not apply	Applies
Good behavior credit	Not entitled	May reduce time to serve

The client comes into the attorney's office because her checking account has been frozen by DCSE. Also, the client is trying to get her passport renewed, but the renewal was denied. Why and how can she resolve it?

- Checking account issue:
 - Automated quarterly/monthly FIDM match (matches through FCR); includes TSP assets
 - ► Criteria: arrearages are greater than or equal to 90 days' obligation
 - Resolution: can be released with agreement, payment toward obligation/arrears

Orders to Withhold and Deliver (OWD) §63.2-1929 of the Code of Virginia

- An OWD is actually a two-step process: the order to withhold orders a third party who has control over intangible personal property belonging to an NCP to freeze property; the order to deliver orders the entity to turn over the property to DCSE
- The order to withhold freezes an account until the entity receives either the order to deliver or a notice from DCSE rescinding the order to withhold
- ► The entity served with the order to withhold must file an answer under oath within ten days of service responding to the order to withhold
- Within ten days of being served with the order to withhold, the NCP may appeal to an administrative hearing officer based upon a mistake of fact or a claim that the property is exempt. The NCP may file a *de novo* appeal to juvenile court within 10 days of receiving the hearing officer's decision.

- Passport Denial
 - Criteria:
 - ► Arrearages exceed \$2,500 (does not include Spousal support arrearages)
 - Submitted to Department of State for passport denial by OCSE daily
 - ▶ Pre-Offset Notice is sent
 - **Resolution:**
 - ▶ Payment of arrears in full or meets an exception
 - Exceptions = life or death situation of an immediate family member, mistaken identity, current employment offer and acceptance that requires a passport



Passport Denial 22VAC40-880-405

- ▶ NCP owing child support arrearages in amount exceeding \$2,500
- Secretary of State shall refuse to issue a passport (except for a passport for direct return to the U.S.) to such individual and may revoke, restrict or limit a passport issued previously to such individual. 42 U.S.C. §652(k), 22 C.F.R. §51.70.
- An individual' child support arrearages shall be paid in full before DCSE notifies OCSE that the NCP is eligible to receive a passport. Exceptions to paying the arrearages in full prior to passport release may be granted in cases of 1) a life-or-death situation involving an immediate family member or 2) employment that is contingent upon international travel and an agreement that includes an income withholding order, a lump sum payment, and a plan to make regular payment to satisfy the arrearage within a finite period of time.

The father received custody of the children, but is still paying child support. He is asking his attorney what he needs to do to stop his child support.

- DCSE will continue to charge until notified and verified
- Documentation
 - Signed statement from mother or Case Closure Form, school records, and/or custody order
- Arrearages?
- ► Termination of ASO vs. Termination of Court Order
 - Date of termination



Modifying Court Orders § 16.1-241 of the Code of Virginia

- Change of Circumstances Required
- In order to invoke the court's continuing jurisdiction to modify its decree, the party seeking a change has the burden of proving by a preponderance of the evidence a material change in circumstances justifying a modification of the decree.
 - Edwards v. Lowry, 232 Va. 110, 348 S.E.2d 259 (1986); Hammers v. Hammers, 216 Va. 30, 31 216 S.E.2d 20,21 (1975); Crosby v. Crosby, 182 Va. 461, 464, 29 S.E.2d 241, 242 (1944); O'Hara v. O'Hara, 45 Va. App. 788, 613 S.E.2d 859 (2005).
- File Motion to Amend to terminate
 - ► For example, a change of custody

The child is emancipating. What steps does the father need to take to terminate and/or lower the child support amount?

- Emancipation = date set by the Order, age 18, or graduation from high school (but no later than age 19); whichever occurs last (except for situations with disabled children)
- Child support continues at the current amount until the <u>last</u> child on the order emancipates
 - ▶ Only child on order vs. Multiple children on order
- Documentation
- Arrearages
 - ► Child support will continue at current rate until arrearages are zero (\$0) unless otherwise ordered by the Court



Modifying Court Orders § 16.1-241 of the Code of Virginia

- File Motion to Amend (for emancipation of child)
- Change of Circumstances Required
- Generally, child support ends at age 18; however, it is extended to high school graduation or age 19 (whichever occurs first) if:
 - ▶ Child is full time high school student; and
 - Not self-supporting; and
 - Living in the home of the parent seeking or receiving support.

The mother wants to close her case with DCSE. What does she need to do?

- TANF versus Non-TANF
- Case Closure request in writing



- Terminated ASO/Court Order
 - ▶ No current support due and no arrearages accrue from date the ASO is terminated
 - Will continue to enforce any debt owed to the Commonwealth and/or CP
 - ▶ If CP reapplies for child support services for the same child, a new ASO will be issued and only arrearages that accrued prior to the termination can be claimed
 - ▶ If court order is not terminated, arrears can be added back from date case closed



Questions?

Cardinal Scenario's

Click on Scenario to move to scenario

Scenario 1

Scenario 2

Scenario 3

Scenario 4

Scenario 5

Scenario 6

Scenario 7

Scenario 8

Scenario 9

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Scenario One

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John Smith and Mary Smith were divorced on May 15, 2019. They have two children – Mark, age 3 and Mollie age 7. Mary has sole custody of the children. John pays Mary \$275 per month in accordance with the divorce decree and is current on his support. John has since remarried and has a newborn child. Mary filed a motion for increase at her local J&DR Court on March 18, 2021 and it was served on John on April 8, 2021.

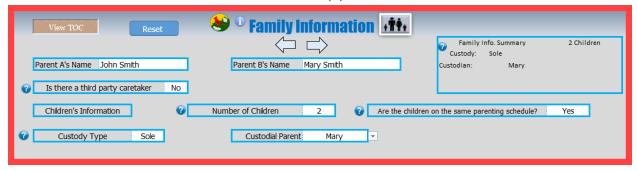
John Smith, employed at Cardinal Express since March 18, 2020. He makes \$18.94 per hour as a delivery driver. His current weekly pay stub reflects that he worked 40 hours at regular pay and 5 hours at standard overtime pay. He is paid weekly. Through June 8, 2021, his gross pay, including overtime was \$20,392.00

On March 8, 2021, Mary has worked at WAWA. She makes \$13.75 an hour as a cashier. Her current bi-weekly pay stub reflects 55 hours worked. Through June 13, 2021, reflects total year-to-date earnings of \$6,250.

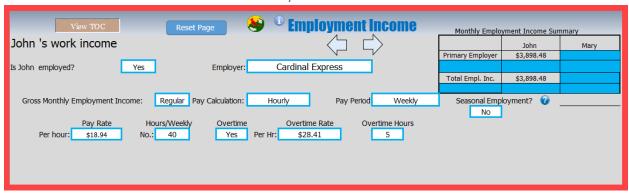
Mary pays for the daycare. When Mary is at WAWA, Mark attends daycare at a rate of \$125 per week at Holly Ridge Daycare. Mollie attends daycare for 10 weeks of the Summer at \$175 per weeks at the Harrisonburg Recreation Center. The children are covered on Medicaid.

- a. Using Cardinal Calculator What is the presumptive guideline support amount?
- b. What is the current principal arrearage balance, if any?

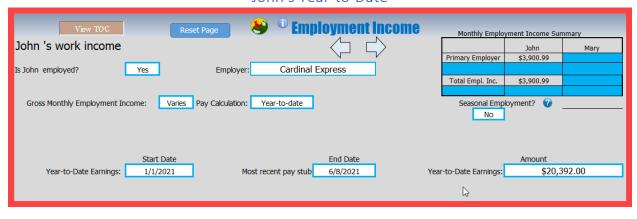
Scenario 1 Child Support Calculation



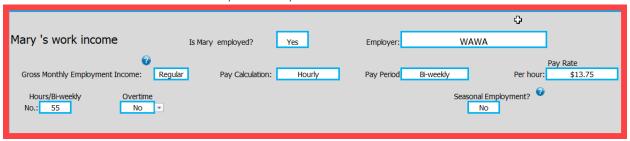
John's Hourly Income Calculation

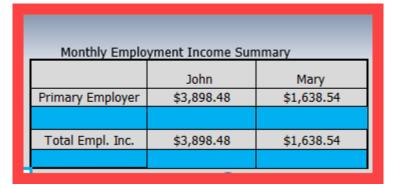


John's Year-to-Date

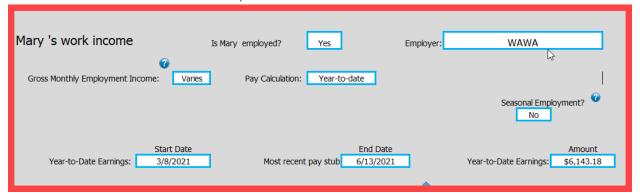


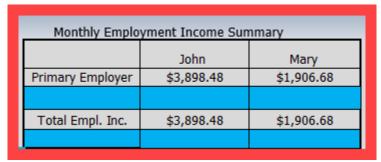
Mary's Hourly Income Calculation





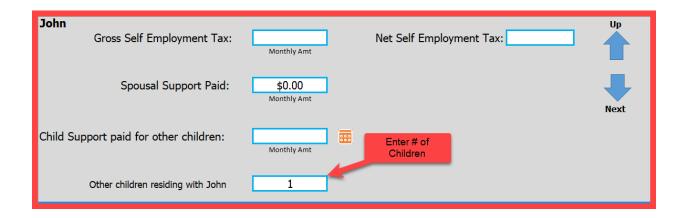
Mary's Year-to-Date Calculation





John's Newborn

Income Adjustment Summary									
	Click Here		Mary						
Reas. Bus. Exp.	\$r_00		\$0.00						
1/2 Self Empl. Tax	\$.00		\$0.00						
Spousal Sup. Paid	.00		\$0.00						
Other Child Support	\$0.00		\$0.00						
Child reside in home	\$0.00		\$0.00						
Total Adjustment	\$0.00		\$0.00						

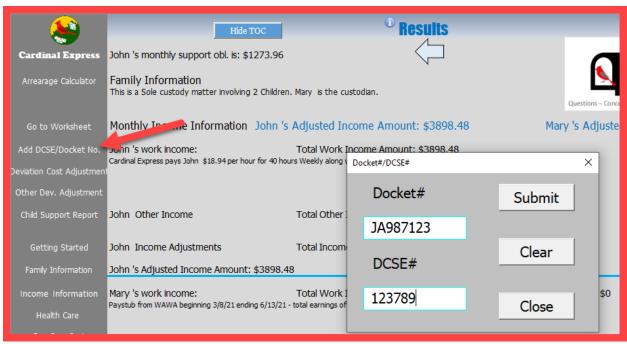


Income Adjustment Summary								
John Mary								
\$0.00		\$0.00						
\$0.00		\$0.00						
\$0.00		\$0.00						
\$0.00		\$0.00						
\$631.82		\$0.00						
\$631.82		\$0.00						
	John \$0.00 \$0.00 \$0.00 \$0.00 \$631.82	John \$0.00 \$0.00 \$0.00 \$0.00 \$631.82						

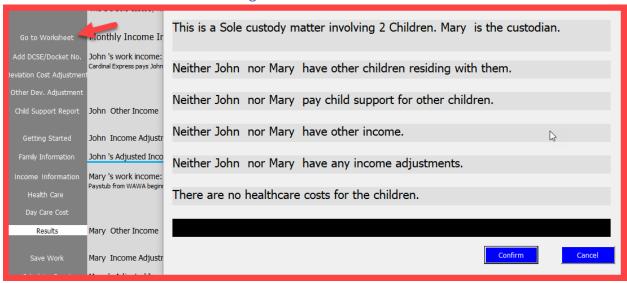
Daycare Calculation



Enter Docket Number & DCSE

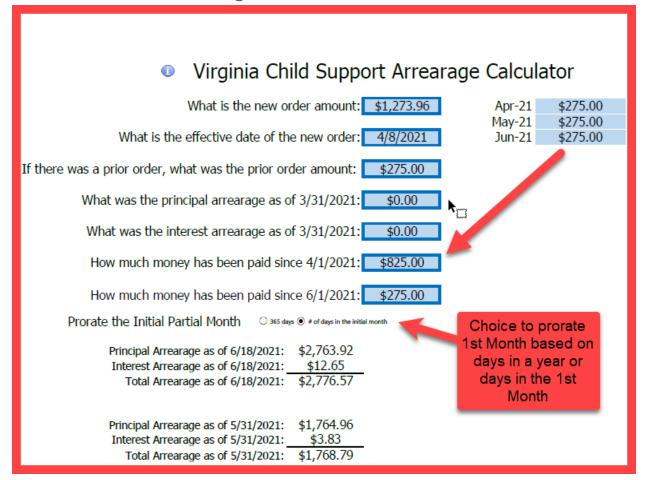


Click to go to Guideline Worksheet



See Child Support Report and Guideline Worksheet

Arrearage Calculation for Scenario 1



Principal Arrearage Calculation (To view this calculation clear the -0- interest amount as of 3/31/21 so that the entry is blank)

Calculations for the month of the new order's effective date							DATA ENTRY			
Effective date	End of month	Per diem	# of days	Support			Effective Dat	Effective Date of new order		
4/8/2021	04/30/21	amount	per	Owed			New Order A	mount		\$1,273.96
Prior Order Amount	\$275.00	\$9.17	7	\$64.19			Prior Order A	lmount		\$275.0
New Order Amount	\$1,273.96	\$42.47	23	\$976.81			Principal Arr	Principal Arrearage as of 03/31/21		\$0.0
	Total for Mth		30	\$1,041.00			Amount paid	since	04/01/21	\$825.0
	Principal arre	arage as of	March 31,	2021		\$0.00	Interest as o	Interest as of		
	Effective Dat	e of new su	pport orde	er		4/8/21	·			
	Amount owed for April 2021				\$1,041.00					
	Today's Date					6/18/2021	Party:	Party: John Smith Party: Mary Smith		
	Number of m	onths since	April 202	1	2	2				
	New Support	Amount				\$1,273.96				
	Support Owe	d from Ma	y 01, 2021 t	hrough June	21	\$2,547.92	Party:			
	Total owed w	ithout cred	diting payn	nents from 04	021	\$3,588.92				
	Amount paid	beg from 1	lst day of n	nth new orde	modified	\$825.00				
	Principal	Arrearage	as of	6/18/2021		\$2,763.92	DCSE#	345987		
							Docket #	JA12345	2	021 D Ed.

Principal & Interest Worksheet

Month	Amount Owed	Amount Paid	Monthly Arrearage	Principal Arrearage	Interest Charged	Interest Paid	Interest Owed	Total Arrearage				
As of 03/31/2021				\$0.00			0			Court	DCSE	
4/1/2021	\$1,041.00	\$275.00	\$766.00	\$766.00	\$0.00	\$0.00	\$0.00	\$766.00	Principal	2763.92	\$1,764.96	
5/1/2021	\$1,273.96	\$275.00	\$998.96	\$1,764.96	\$3.83	\$0.00	\$3.83	\$1,768.79	Interest	\$12.65	\$3.83	
6/1/2021	\$1,273.96	\$275.00	\$998.96	\$2,763.92	\$8.82	\$0.00	\$12.65	\$2,776.57	Total	2776.57	\$1,768.79	
									Return to Arrearage Calculator			
W									Testarri co y a	rearage carcaster		
										Print		
										FIIIL		
									Save	e as a PDF		

Sole Guideline Worksheet

Date:	06/18/21			
Parents' Names:	John Smith	Docket#:	JA12	345
	Mary Smith	DCSE #:	3459	987
Guideline C		Mary	-	John
	whom parents share jt. legal resp. and support is being sought:	-	2	
A. IncomeA1 Parent's monthly gr	oss income:	\$1,906.68		\$3,898.48
A2 Adjustments for spe		\$0.00	-	\$0.00
A3 Adjustments for spe		\$0.00	-	\$0.00
	al or adopted children residing with each Parent:	4000	Ī	Ψ 0,00
Mary	John 1	\$0.00		\$631.82
•	obligations actually paid out:	\$0.00		\$0.00
	y self-employment tax paid out:	\$0.00	-	\$0.00
A7 Reasonable Busines	ss Expenses	\$0.00	- -	\$0.00
A8 Available combined	d monthly gross income (GI):	\$1,906.68	+	\$3,266.66
		_	\$5,173.34	
		CO	ombined (GI))
3. Sole Child Support	Needs	Mary		John
B1 Identify custodial p				
B2 Monthly Basic Child	** *	_	\$1,152.33	
=	lowable for health care coverage: Paid by:	_	\$0.00	
B4 Monthly amount all	lowable for employment-related child care	_	\$687.50	
B5 Total monthly child	I support obligation (add lines B2, B3 and B4)	_	\$1,839.83	
C. Party's Obligations		Mary		John
C1 Percent obligation (of each party (divide (GI) on line A17 by combined (GI))	36.86%	-	63.14%
C2 Monthly support of		\$678.16	-	\$1,161.67
	hcare coverage paid by John	\$0.00	-	\$0.00
	ealth care coverage deduction	\$678.16	-	\$1,161.67
C4 / Adjustment arter in	sann care coverage acadenon	φ0/0.10	-	ψ1,101.07
	ding SSDI derivative benefit paid to other parent	Mary		John
D1 Total monthly supp			- -	<u> </u>
	rative benefit paid to the other parent for benefit of child(ren):		-	
D3 Adjustment:			<u>-</u>	
D4 Adjustment:			-	
D5 Adjustment: tot. mnt	thly support amt each parent pays to other:		-	

John 's monthly support obl. is: \$1,161.67

Child Support Guideline Report

Date: 6/18/2021 DCSE# 345987 Docket No JA12345

Party A: John Smith Party B: Mary Smith

Custody: This is a Sole custody matter involving 2 Children. Mary is the custodian.

Child Support Owed: John 's monthly support obl. is: \$1161.67

John 's Income Information: Total Adjusted Income - \$3266.66

Primary Employer: Cardinal Express pays John \$18.94 per hour for 40 hours Weekly along with 5 hours overtime @ \$28.41 per hour for a \$3898.48 monthly total.

 ${\it John 's income\ adjustments\ include\ other\ child (ren)\ residing\ in\ the\ home\ -\ \$631.82;}$

Mary 's Income Information: Total Adjusted Income - \$1906.68

Primary Employer: Paystub from WAWA beginning 3/8/21 ending 6/13/21 - total earnings of \$6143.18 for a \$1906.68 monthly total.

Healthcare Cost \$0

Daycare Cost \$687.5

Mary pays \$541.67 monthly to Holly Ridge Daycare based on a weekly rate of \$125 $\,$.

Mary pays \$145.83 monthly to Harrisonburg Rec based on a weekly rate of \$175 for 10 weeks out of the year.

Notes:			

Virginia Child Support Arrearage Calculator

Party: John Smith What is the new order amount: \$1,273.96

Apr-21 \$275.00 May-21 \$275.00

Party: Mary Smith

What is the effective date of the new order: 4/8/2021

Jun-21 \$275.00

DOCKET NO: JA12345

DCSE NO:

345987

If there was a prior order, what was the prior order amount:

What was the principal arrearage as of 3/31/2021:

What was the interest arrearage as of 3/31/2021: \$0.00

How much money has been paid since 4/1/2021: \$825.00

How much money has been paid since 6/1/2021: \$275.00

Prorate the Initial Partial Month 365 days • # of days in the initial month

Principal Arrearage as of 6/18/2021: \$2,763.92 Interest Arrearage as of 6/18/2021: \$12.65
Total Arrearage as of 6/18/2021: \$2,776.57

Principal Arrearage as of 5/31/2021: \$1,764.96 Interest Arrearage as of 5/31/2021: Total Arrearage as of 5/31/2021: \$1,768.79

2021 D Ed.

Calculations for the month of the new order's effective date							
Effective date	Support						
4/8/2021	04/30/21	amount	per order	Owed			
Prior Order Amount	\$275.00	\$9.17	7	\$64.19			
New Order Amount	\$1,273.96	\$42.47	23	\$976.81			
	Total for Mth		30	\$1,041.00			

Principal arrearage as of March 31, 2021	\$0.00
Effective Date of new support order	4/8/21
Amount owed for April 2021	\$1,041.00
Today's Date	6/18/2021
Number of months since April 2021	2
New Support Amount	\$1,273.96
Support Owed from May 01, 2021 through June 18, 2021	\$2,547.92
Total owed without crediting payments from 04/01/2021	\$3,588.92
Amount paid beg from 1st day of mth new order was modified	\$825.00
Principal Arrearage as of 6/18/2021	\$2,763.92

DATA ENTRY						
Effective Date of new order		4/8/2021				
New Order Amount		\$1,273.96				
Prior Order Amount		\$275.00				
Principal Arrearage as of	03/31/21	\$0.00				
Amount paid since	04/01/21	\$825.00				
Interest as of	03/31/21	\$0.00				

Party: John Smith

Party: Mary Smith

DCSE# 345987

Docket # JA12345 2021 D Ed.

Month	Amount Owed	Amount Paid	Monthly Arrearage	Principal Arrearage	Interest Charged	Interest Paid	Interest Owed	Total Arrearage
As of 03/31/2021				\$0.00			0	
4/1/2021	\$1,041.00	\$275.00	\$766.00	\$766.00	\$0.00	\$0.00	\$0.00	\$766.00
5/1/2021	\$1,273.96	\$275.00	\$998.96	\$1,764.96	\$3.83	\$0.00	\$3.83	\$1,768.79
6/1/2021	\$1,273.96	\$275.00	\$998.96	\$2,763.92	\$8.82	\$0.00	\$12.65	\$2,776.57

	Court	DCSE
Principal	2763.92	\$1,764.96
Interest	\$12.65	\$3.83
Total	2776.57	\$1,768.79

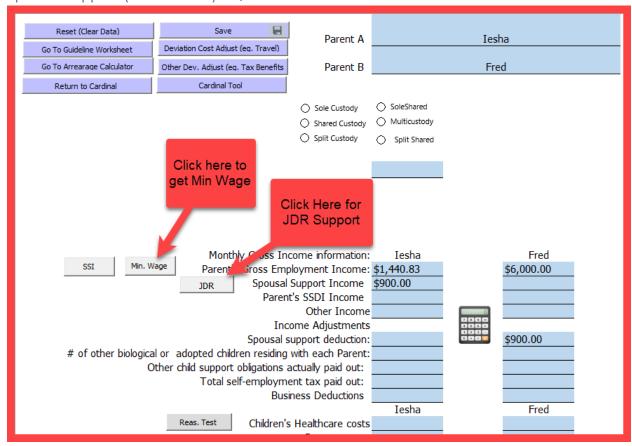
Scenario 2

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Shared Guideline Worksheet	5
Sole Guideline Worksheet	6

- Iesha and Fred are married but separated. They have no children. Iesha makes minimum wage at 35 hours per week at the Corner Marker. Fred works for the Department of Defense and makes \$72,000 annually. Iesha has filed a spousal support petition in J&DR Court.
 - a. Using Cardinal Express What is the presumptive amount of spousal support owed?
 - b. What would the presumptive amount of spousal support owed to lesha if they were the parents of two children?
 - c. How much per month would Fred owe lesha in child and spousal support, if the parties had a shared custody arrangement with Fred having the two children 196.5 days and lesha had the children the remaining days assuming the court decided to use the shared support guideline and there were no daycare or healthcare costs?
 - d. Would it be appropriate for the court to use the sole guidelines in place of shared guidelines under lesha and Fred's circumstances? (Assume lesha resides with her mother and the children are on Medicaid.)

Spousal Support (No Children) - Question a



Reset (Clear Data) Save Parent A Iesha Go To Guideline Worksheet Deviation Cost Adjust (eq. Travel) Go To Arrearage Calculator Other Dev. Adjust (eq. Tax Benefits Parent B Fred Return to Cardinal Cardinal Tool SoleShared Sole Custody Multicustody Shared Custody O Split Custody Split Shared For sole custody, Identify the custodial parent Iesha Number of children for whom support is sought 2 Iesha Monthly Gross Income information: Fred SSI Min, Wage \$6,000.00 Parent's Gross Employment Income: \$1,440.83 Spousal Support Income \$724.00 JDR Parent's SSDI Income Other Income Income Adjustments Spousal support deduction: \$724.00 # of other biological or adopted children residing with each Parent: Other child support obligations actually paid out: Total self-employment tax paid out: **Business Deductions** Iesha Fred Reas. Test Children's Healthcare costs Daycare costs

Spousal Support (with children) - Question b

VA Code §20-108.2 (G)(3)(d) Shared v. Sole Guideline Test (Question d)

(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.

lesha's available income versus 150% Poverty Level for herself and two children

Guideline Calculation	Iesha	Fred
A. Income		
A1 Parent's monthly gross income:	\$1,440.83	\$6,000.00
A2 Spousal Support Income:	\$724.00	\$0.00
A3 Income deduction for spousal support paid by the party	\$0.00	\$724.00
A4 # of other biological or adopted children residing with each party:		
Iesha Fred lesha's income	\$0.00	\$0.00
A5 Income deduction for other child support paid by the partys below 150%	\$0.00	\$0.00
A6 Income deduction for 1/2 of self-employment tax paid: of Fed Pov.	\$0.00	\$0.00
A7 Income deduction for Reasonable Business Expenses for 2 children	\$0.00	\$0.00
A8 Available combined monthly gross income (GI):	\$2,164.83 +	\$5,276.00
D3 Min. Std. Test § 20-108.2 (G)(3)(d): # members in household:	3	3
D4 Monthly income test at 150% of fed. poverty level (household size):	\$2,745.00	\$2,745.00
D5 Is either parent's gross income less than 150% of fed. poverty level?	Yes	No
D6 Min. Std. Test § 20-108.2 (G)(3)(d) results: Failed Minimum St	andard Test - see below	7

Date: 6/18/2021

	Parents' Names:	Iesha	Docket #:			
		Fred	DCSE#:			
<u>Guide</u>	eline Calculation		Iesha		Fred	
A. Income						
A1 Parent's monthly			\$1,440.83		\$6,000.00	
A2 Spousal Suppor		_	\$724.00		\$0.00	
	on for spousal support paid by		\$0.00		\$724.00	
	gical or adopted children resid					
Iesha		Fred	\$0.00		\$0.00	
	on for other child support paid		\$0.00		\$0.00	
	on for 1/2 of self-employment t		\$0.00		\$0.00	
	on for Reasonable Business Ex	_	\$0.00		\$0.00	
A8 Available comb	ined monthly gross income (Gl	1):	\$2,164.83	+	\$5,276.00 =	\$7,440.83
A9 Parent's income	share: divide each parent's GI	(A8) by combined GI:	29.09%		70.91%	combined (GI)
B. Shared Child S						
	dren for whom support is sough	nt:	_	2		
B2 Child support fr				\$1,374.90		
B3 Total shared sup	pport - Line () <i>x</i> 1.4:		_	\$1,924.86		
			Iesha		Fred	
D4 T + 1 1	1 (1 (1		1/0.5		107.5	
B5 Each parent's cu	ear each parent has custody:		168.5 46.16%		<u>196.5</u> 53.84%	
	NT'S SUPPORT OBLIGATION	ON TO OTHER PARENT	40.10 70		33.04 70	
C1 Fred's obligation	on to Jacha				Fred	
Basic support					\$888.52	
	verage paid by Iesha				\$0.00	
	child care of Iesha				\$0.00	
Total	child care of fesha				\$888.52	
Fred's obligation	n				\$630.05	
C2 Iesha's obligati			Iesha		ψοσοίοσ	
Basic support			\$1,036.34			
	verage paid by Fred		\$0.00			
	child care of Fred		\$0.00			
Total			\$1,036.34			
Iesha's obligati	ion		\$301.47			
	Child Support Payable from O	ne parent to the Other				
,		•	Iesha		Fred	
D1 Shared custody	child support amount - differer	nce between totals	\$301.47		\$630.05	
D2 Payable to:	Iesha			\$328.57		
	§ 20-108.2 (G)(3)(d): # member	rs in household:	3	7	3	
-	e test at 150% of fed. poverty le		\$2,745.00		\$2,745.00	
	s gross income less than 150%		Yes		No	
_	§ 20-108.2 (G)(3)(d) results:	Failed Minimum S		e below	· · · · · · · · · · · · · · · · · · ·	
E. Adjustments inc	cluding for SSDI Derivative Ber	nefit Paid to Other Parent	Iesha		Fred	
-	support amt each parent owes th		\$301.47		\$630.05	
	erivative benefit paid to the oth	-	\$0.00		\$0.00	
E3 Adjustment:			\$0.00		\$0.00	
E4 Adjustment:			\$0.00		\$0.00	
	. mnthly support amt each pare	nt pays to other:	\$301.47	-	\$630.05	
E6 Payable to:	Iesha			\$328 57		

Fred's monthly support obl. is: \$328.57

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Sole Guideline Worksheet

	Date:	06/18/21			
	Parents' Names:	lesha	Docket#:		
		Fred	DCSE #:		
_	Guideline Ca	•	Iesha		Fred
		whom parents share jt. legal resp. and support is being sought:	-		
	Income		61 440 62		ec 000 00
	Parent's monthly gre	oss income: ousal support received:	\$1,440.83 \$724.00		\$6,000.00 \$0.00
		ousal support paid out:	\$0.00	•	\$724.00
	2	I or adopted children residing with each Parent:	30.00		\$724.00
<i>1</i> 1. T	Iesha	Fred	\$0.00	1	\$0.00
Α5		obligations actually paid out:	\$0.00		\$0.00
		y self-employment tax paid out:	\$0.00	•	\$0.00
	Reasonable Busines	• •	\$0.00	•	\$0.00
		monthly gross income (GI):	\$2,164.83	+	\$5,276.00
		. ,		\$7,440.83	
			c	ombined (GI))
	Sole Child Support		Iesha		Fred
	Identify custodial pa				
	Monthly Basic Child	••	_	\$1,374.90	
	•	owable for health care coverage: Paid by:		\$0.00	
В4	Monthly amount all	owable for employment-related child care		\$0.00	
В5	Total monthly child	support obligation (add lines B2, B3 and B4)	_	\$1,374.90	·
C.	Party's Obligations		Iesha		Fred
		of each party (divide (GI) on line A17 by combined (GI))	29.09%	•	70.91%
	-	ligation of each party	\$399.96		\$974.94
	,	heare coverage paid by Fred	\$0.00		\$0.00
		alth care coverage deduction	\$399.96		\$974.94
C 4	Adjustment after ne	and care coverage deduction		•	
D.	Adjustments, includ	ling SSDI derivative benefit paid to other parent	Iesha		Fred
D1	Total monthly suppo	ort amount owed	-		
D2	Parent's SSDI deriva	ative benefit paid to the other parent for benefit of child(ren):			
	Adjustment:				
	Adjustment:				
D5	Adjustment: tot. mnt	hly support amt each parent pays to other:			<u>.</u>

2021 D Ed.

Fred's monthly support obl. is:

\$974.94

Scenario 3

Tyrone and Sally have three children. Sally is the primary caretaker of the children. Sally works at Kroger supermarket. Her income varies depending on the seasons. DCSE reports her last three quarters of income were \$6854, \$9845, \$5320. Tyrone is on SSI receiving \$750 per month. During the school year, the before and after school daycare is \$219 per month for 42 weeks and during 10 weeks of the summer Sally pays \$175 per week. The children are on Medicaid.

- a. What is guideline amount? Use the Cardinal Express for this calculation
- b. Would it matter if Tyrone was receiving SSDI in the amount of \$1200 instead of the \$750 SSI payment and the children were receiving a derivative benefit of \$397 per month? If so, what would the guideline amount be.

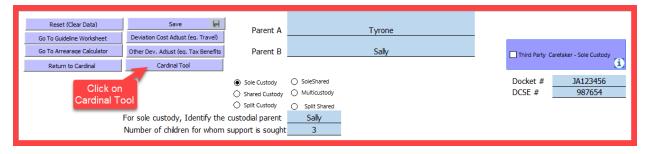
Contents

Question a	
Using Cardinal Tool	
Tyrone's SSI Income	
Children's Daycare – Cardinal Tool	
Question b	
Guideline Worksheet for Question a	10
Guideline Worksheet for Question b	11

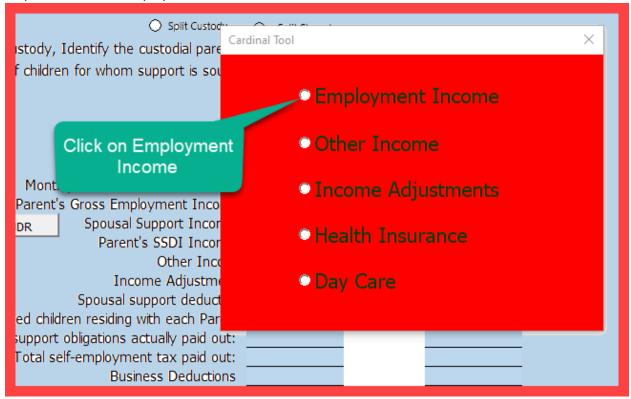
Question a

Using Cardinal Tool

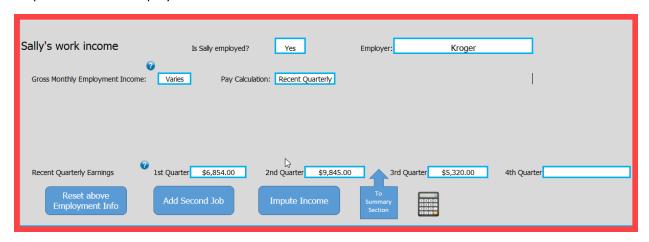
To obtain assistance on calculating Sally's income – Step One



Step Two – Click on Employment



Step Three - Enter Employment Info



Step Four Click on the Cardinal to return to the Cardinal Express



5	Save 📙	Parent A		Tyro	ne			
Deviation Cost A	Adjust (eq. Travel)			· · ·				
Other Dev. Adju	st (eq. Tax Benefits	Parent B	Sally					
Cardi	nal Tool							
		Sole Custody	SoleShared					
		Shared Custody	 Multicustody 					
		 Split Custody 	Split Shared					
or sole custo	dy, Identify the	custodial parent	Sally					
Number of ch	ildren for whom	support is sought	3					
M	onthly Gross In	come information:	Tyrone		Sally			
^{age} Par	ent's Gross Em	ployment Income:			\$2,446.56			
JDR		Support Income						
	Parer	nt's SSDI Income						
		Other Income		9999				
	Ind	come Adjustments		0000				
	Spousal	support deduction:		000				

Tyrone's SSI Income

Tyrone's SSI should not be included in accordance with Va. Code § 20-102 (C).

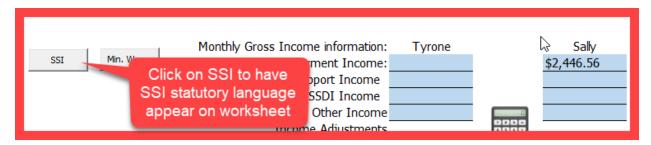
Gross income shall be subject to deduction of reasonable business expenses for persons with income from self-employment, a partnership, or a closely held business. "Gross income" shall not include:

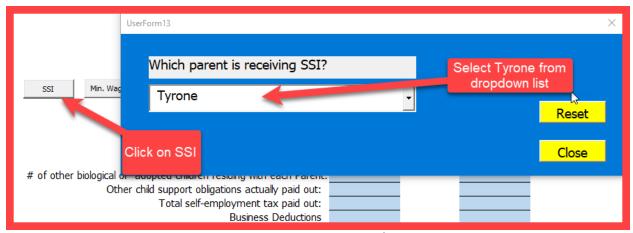
- 1. Benefits from public assistance and social services programs as defined in § 63.2-100;
- 2. Federal supplemental security income benefits;
- 3. Child support received; or

Because Tyrone is on SSI and has no other assets, he is exempt from the minimum support amount of \$126 for three children included in accordance with Va. Code § 20-102 (B)

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);

Click on SSI button to have SSI statutory language appear on worksheet



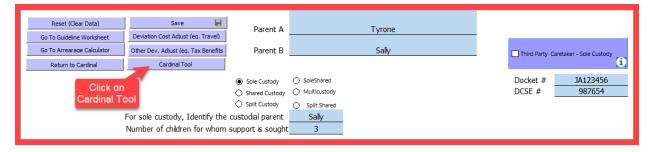


Click on star to see what happens on guideline worksheet



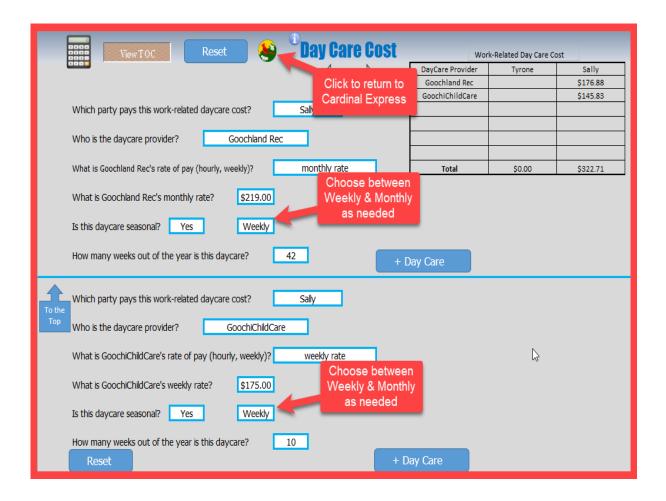
Children's Daycare - Cardinal Tool

Step One – Click on Cardinal Tool



Step Two - Select Daycare





Reset (Clear Data) Save Parent A Tyrone Go To Guideline Worksheet Deviation Cost Adjust (eq. Travel) Go To Arrearage Calculator Other Dev. Adjust (eq. Tax Benefits Parent B Sally Return to Cardinal Cardinal Tool Sole Custody SoleShared Multicustody Shared Custody O Split Custody Split Shared For sole custody, Identify the custodial parent Sally Number of children for whom support is sought Sally Monthly Gross Income information: Tyrone SSI Min. Wage \$2,446.56 Parent's Gross Employment Income: Spousal Support Income JDR Parent's SSDI Income Other Income Income Adjustments Spousal support deduction: # of other biological or adopted children residing with each Parent: Other child support obligations act Total self-employmen Daycare populates to Busine Cardinal Express Sally Reas. Test Children's Healthcare costs \$328.33 Daycare costs

Step Four – Daycare Amount populates to Cardinal Express automatically

Guideline documents that Tyrone is exempt from the presumptive minimum child support obligation

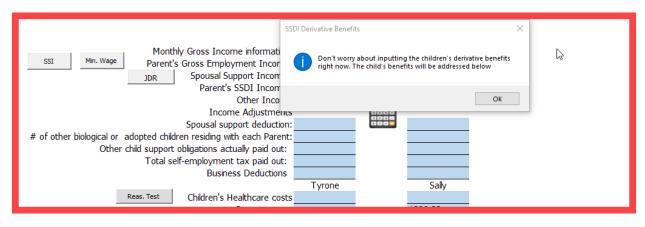
D. Adjustments, including SSDI derivative benefit paid to other parent	Sally	Tyrone
D1 Total monthly support amount owed		
D2 Parent's SSDI derivative benefit paid to the other parent for benefit of child(ren)		
D3 Adjustment:		
D4 Adjustment:		
D5 Adjustment: tot. mnthly support amt each parent pays to other:		
Tyrone's monthly support obl. is: \$126.00		
Tyrone, a recipient of SSI, is exempt from the presumptive min. c	hild support o	bl. 20-108.2(B)
		2021 D Ed.

Question b

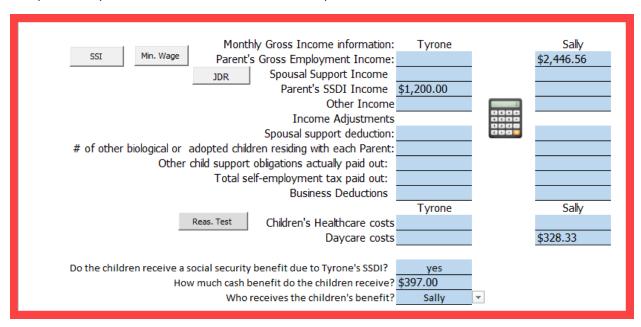
Enter Tyrone's SSDI only for his SSDI income (not the children's derivative benefits)

	M all o T	f :		6.1
	Monthly Gross Income i	nformation: Tyrone		Sally
SSI Min. Wage	Parent's Gross Employme	nt Income:		\$2,446.56
	JDR Spousal Suppo	rt Income		
	Parent's SSE	OI Income \$1,200.00		
	Oti	ner Income	1	
	Incomo A	diuctmente	1000	

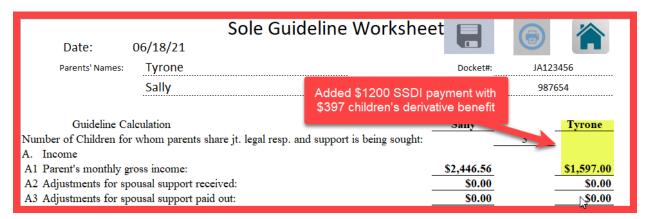
A pop-up appears to remind you not to input the children's derivative benefits at this time.



Complete the questions at the bottom of Cardinal Express



Click go to Worksheet and the SSDI calculation is completed - it includes the Children's derivative benefit \$397 as income and then subtracts it out dollar for dollar from Tyrone's \$597.03 monthly support obligation to leave him with an adjusted monthly support obligation of \$198.03



D. Adjustments, including SSDI derivative benefit paid to other parent D1 Total monthly support amount owed D2 Parent's SSDI derivative benefit paid to the other parent for benefit of child(ren): D3 Adjustment:	Sally \$911.75	Tyrone \$595.03 -\$397.00
D4 Adjustment: D5 Adjustment: tot. mnthly support amt each parent pays to other:	\$911.75	\$198.03

2021 D Ed.

Sole Guideline Worksheet

Date:	06/20/21			
Parents' Names:	Tyrone	Docket#:	JA123	456
	Sally	DCSE #:	678	19
Guideline	Calculation	Sally		Tyrone
	r whom parents share jt. legal resp. and support is being sought:		3	
A. Income		Φ2 446 56		φο οο
A1 Parent's monthly g	cross income: cousal support received:	\$2,446.56 \$0.00	_	\$0.00 \$0.00
	pousal support received.	\$0.00	-	\$0.00
	cal or adopted children residing with each Parent:	Ψυ•υυ	1	φοισσ
Sally	Tyrone	\$0.00	-	\$0.00
A5 Other child suppor	rt obligations actually paid out:	\$0.00	_	\$0.00
	ny self-employment tax paid out:	\$0.00	_	\$0.00
A7 Reasonable Busine		\$0.00	_	\$0.00
A8 Available combine	ed monthly gross income (GI):	\$2,446.56	+ \$2.446.56	\$0.00
		-	\$2,446.56 combined (GI)	
B. Sole Child Suppor	rt Needs	Sally		Tyrone
B1 Identify custodial	parent: Sally		_	
B2 Monthly Basic Chil	**		\$758.04	
•	llowable for health care coverage: Paid by:		\$0.00	
B4 Monthly amount a	llowable for employment-related child care	-	\$328.33	
B5 Total monthly chil	ld support obligation (add lines B2, B3 and B4)	-	\$1,086.37	
C. Party's Obligation	S	Sally		Tyrone
C1 Percent obligation	of each party (divide (GI) on line A17 by combined (GI))	100.00%	_	0.00%
_	bbligation of each party	\$1,086.37	_	\$126.00
	lthcare coverage paid by Tyrone	\$0.00	_	\$0.00
C4 Adjustment after h	nealth care coverage deduction	\$1,086.37	- -	\$126.00
	nding SSDI derivative benefit paid to other parent	Sally	<u>-</u>	Tyrone
D1 Total monthly sup	•		_	
	vative benefit paid to the other parent for benefit of child(ren):		-	
D3 Adjustment: D4 Adjustment:			-	
	nthly support amt each parent pays to other:	-	-	
	y II k k		-	
	Tyrone's monthly support obl. is: \$126.00			
Tyro	ne, a recipient of SSI, is exempt from the presumptive min. child	l support obl. 20-1	108.2(B)	

Page 10

Sole Guideline Worksheet

Date:	06/18/21	1000		
Parents' Names:	Tyrone	Docket#:	JA1234	56
	Sally	DCSE #:	98765	4
Guideline Ca Number of Children for v A. Income	alculation whom parents share jt. legal resp. and support is being sought:	Sally	3	Tyrone
Sally A5 Other child support A6 Credit for 1/2 of any A7 Reasonable Business	usal support received: usal support paid out: or adopted children residing with each Parent: Tyrone obligations actually paid out: v self-employment tax paid out:		+ \$4,043.56 mbined (GI)	\$1,597.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$1,597.00
B4 Monthly amount allo	arent: Sally		\$1,178.45 \$0.00 \$328.33 \$1,506.78	Tyrone
C2 Monthly support obl C3 Deduction for health	f each party (divide (GI) on line A17 by combined (GI)) ligation of each party neare coverage paid by Tyrone alth care coverage deduction	Sally 60.51% \$911.75 \$0.00 \$911.75	- - - -	Tyrone 39.49% \$595.03 \$0.00 \$595.03
D1 Total monthly support D2 Parent's SSDI derivated D3 Adjustment: D4 Adjustment:	ing SSDI derivative benefit paid to other parent ort amount owed ative benefit paid to the other parent for benefit of child(ren):	\$911.75 \$911.75	- - - - -	Tyrone \$595.03 -\$397.00 \$198.03

Tyrone's monthly support obl. is: \$198.03

Scenario 4

Phil and Sasha have five children. Sasha has custody of the children. Phil, a newly wed, works at Purdue Farms making \$19.27 for forty hours per week. Sasha works for Northampton School District making \$2416.67 semi-monthly for 9 months out of the year. During the Summer, Sasha works 10 weeks as a lifeguard at Cherrystone Campground. With her lifeguard job, she provided a year-to-date paystub from 6/15/21 through 8/15/21 in the amount of \$4700.00.

Three of the five children are school age. During 42 weeks of the year, Sasha pays \$75 per week for before and after school care daycare to her mother for the three children. The other two children attend Child First Daycare at a weekly rate of \$150.00 for 42 week school year period. During eight weeks in the Summer, all the children attend the YMCA at a cost of \$195 per week.

Health Insurance: Phil pays \$86.55 per week for healthcare. His cost alone is \$19.62 per week. The health insurance plan covers the children, Phil, and his current wife.

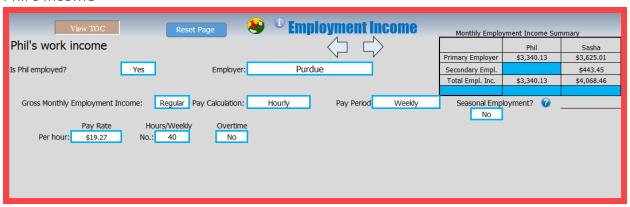
- a. Using the Cardinal Express, what is the guideline amount?
- b. How should you handle the Phil's healthcare cost exceeding the reasonable cost test?

Contents

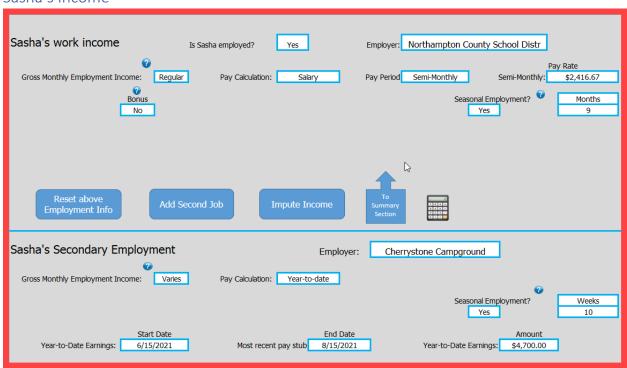
Income	. 2
Phil's Income	
Sasha's Income	
Daycare Cost	
, Healthcare Cost	
Guideline with Healthcare Cost	
Guideline without Healthcare Cost	.7
Statutory Provisions re: Healthcare Costs	8

Income

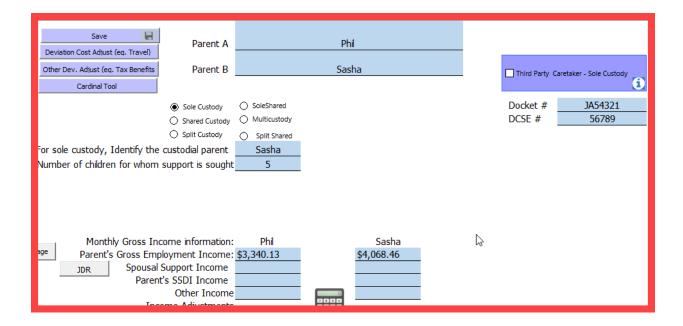
Phil's Income



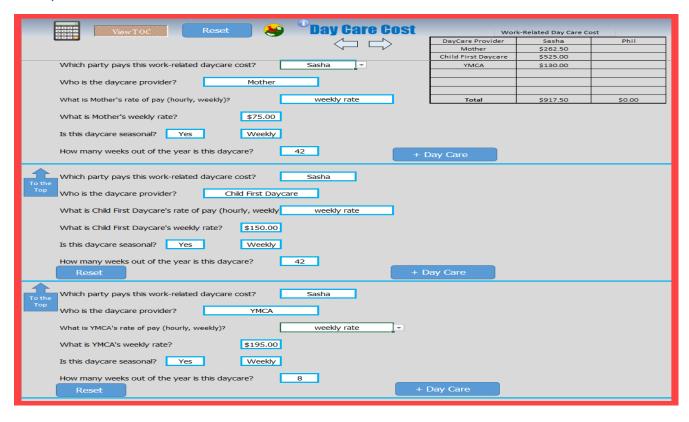
Sasha's Income

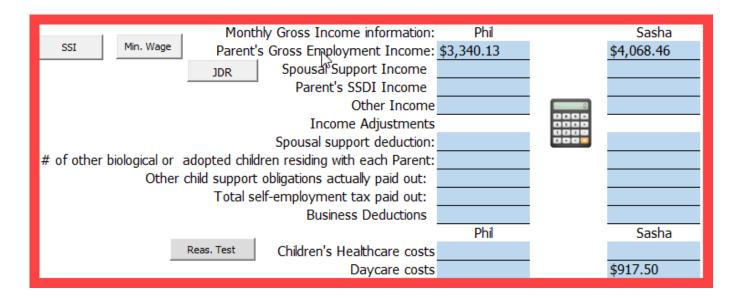


Monthly Emplo	yment Income Sun	nmary
	Phil	Sasha
Primary Employer	\$3,340.13	\$3,625.01
Secondary Empl.		\$443.45
Total Empl. Inc.	\$3,340.13	\$4,068.46
75		

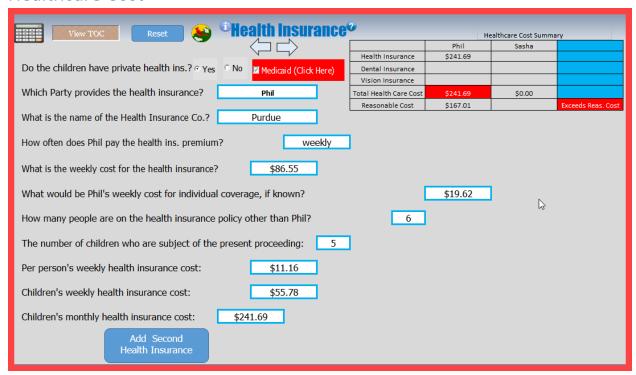


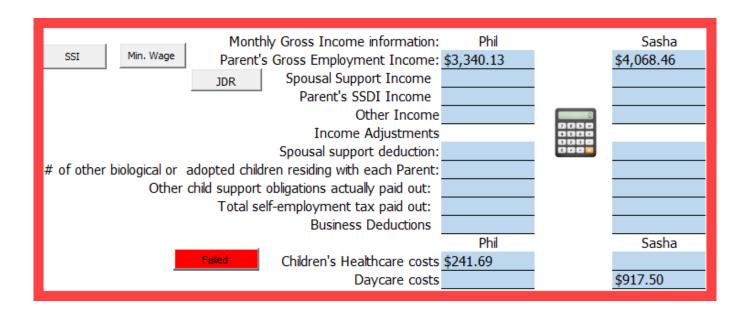
Daycare Cost





Healthcare Cost





Sole Guideline Worksheet With healthcare cost

Date:	06/18/21			
Parents' Names:	Phil	Docket#:	JA54	321
	Sasha	DCSE #:	567	89
Guideline Ca Number of Children for	alculation whom parents share jt. legal resp. and support is being sought:	Sasha	5	Phil
A5 Other child support A6 Credit for 1/2 of any A7 Reasonable Busines	usal support received: usal support paid out: or adopted children residing with each Parent: Phil obligations actually paid out: v self-employment tax paid out:	\$4,068.46 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$4,068.46	+ \$7,408.59 combined (GI)	\$3,340.13 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$3,340.13
B4 Monthly amount alle	rent: Sasha	Sasha	\$1,992.72 \$241.69 \$392.50 \$2,626.91	Phil
C2 Monthly support ob C3 Deduction for health	f each party (divide (GI) on line A17 by combined (GI)) ligation of each party neare coverage paid by Phil alth care coverage deduction	Sasha 54.92% \$1,442.70 \$0.00 \$1,442.70	- - - -	Phil 45.08% \$1,184.21 \$241.69 \$942.52
D1 Total monthly support D2 Parent's SSDI derivated D3 Adjustment: D4 Adjustment:	ing SSDI derivative benefit paid to other parent ort amount owed ative benefit paid to the other parent for benefit of child(ren):	Sasha	- - - - -	Phil

Phil's monthly support obl. is: \$942.52

Sole Guideline Worksheet without healthcare

Date:	06/18/21			
Parents' Names:	Phil	Docket#:	JA54	321
	Sasha	DCSE #:	567	789
Guideline C	alculation	Sasha		Phil
	whom parents share jt. legal resp. and support is being sought:	Susin	5	
A. Income		•		=
A1 Parent's monthly gro	oss income:	\$4,068.46		\$3,340.13
A2 Adjustments for spo	••	\$0.00		\$0.00
A3 Adjustments for spo	• •	\$0.00		\$0.00
_	or adopted children residing with each Parent:			
Sasha	Phil	\$0.00		\$0.00
	obligations actually paid out:	\$0.00		\$0.00
	self-employment tax paid out:	\$0.00		\$0.00
A7 Reasonable Busines		\$0.00		\$0.00
A8 Available combined	monthly gross income (GI):	\$4,068.46	+ •= 400 50	\$3,340.13
		-	\$7,408.59 combined (GI))
3. Sole Child Support	Needs	Sasha		Phil
B1 Identify custodial pa	arent: Sasha			
B2 Monthly Basic Child		<u>-</u>	\$1,992.72	-
	owable for health care coverage: Paid by:	<u>-</u>	\$0.00	-
B4 Monthly amount all	owable for employment-related child care	-	\$392.50	
B5 Total monthly child	support obligation (add lines B2, B3 and B4)	-	\$2,385.22	-
C. Party's Obligations		Sasha		Phil
C1 Percent obligation of	f each party (divide (GI) on line A17 by combined (GI))	54.92%		45.08%
C2 Monthly support ob		\$1,309.96		\$1,075.26
	ncare coverage paid by Phil	\$0.00		\$0.00
	alth care coverage deduction	\$1,309.96		\$1,075.26
-		·		
D. Adjustments, include	ing SSDI derivative benefit paid to other parent	Sasha		Phil
D1 Total monthly supp				
	ative benefit paid to the other parent for benefit of child(ren):			
D3 Adjustment:				
D4 Adjustment:				
D5 Adjustment: tot. mnt	hly support amt each parent pays to other:			

Phil's monthly support obl. is: \$1,075.26

Healthcare Cost – Statutory Provisions

§ 20-108.2 (E)

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.

§ 63.2-1900 Definitions

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

"Reasonable cost" pertaining to health the coverage for dependent children means available, in an amount not to exceed five percent of the gross income of the parent responsible for providing health care coverage, and accessible through employers, unions or other groups, or Department-sponsored health care coverage, without regard to service delivery mechanism; unless the court deems otherwise in the best interests of the child, including where the only health care coverage available exceeds five percent, or by agreement of the parties.

Scenario 5

Aaron and Jasmine have three children. Two of the children reside primarily with Aaron. Jasmine has the third child 104.5 days out of the year. Jasmine recently quit her job at Vale Dentistry in which she made \$50,500 per year. Aaron makes \$83,000.00, annually, at AA accounting. Aaron pays \$450 per month for Anthem health insurance for him and the three children. Aaron does not know the cost for his portion of the health insurance.

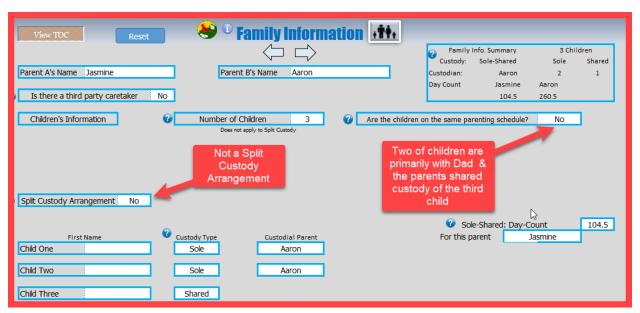
- a. What is the custody arrangement?
- b. What is the presumptive guideline amount? (assume Sole Shared is presumptive amount)
- c. What would the imputed guideline amount be?

Recommend using Cardinal for Imputation Scenario

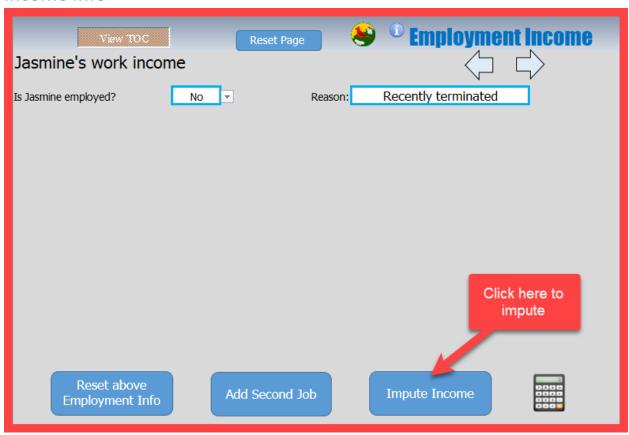
Contents

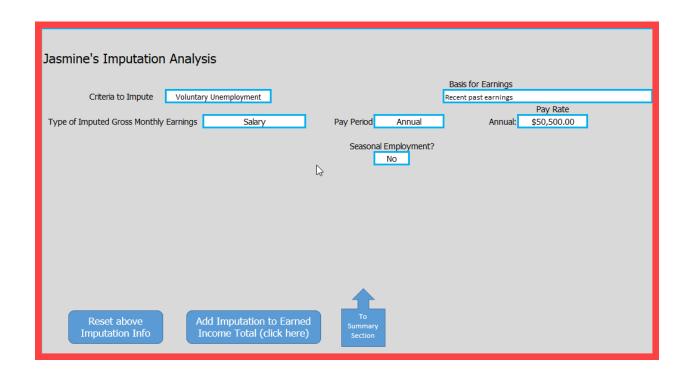
Determining Custody:	1
ncome Info	
HealthCare	
Child Support Report	
Sole Shared Guidelines	
Sole Shared Imputed Guidelines	
sole Shared Imputed Guidelines	/

Determining Custody: Summary Section – provides Custody Type



Income Info



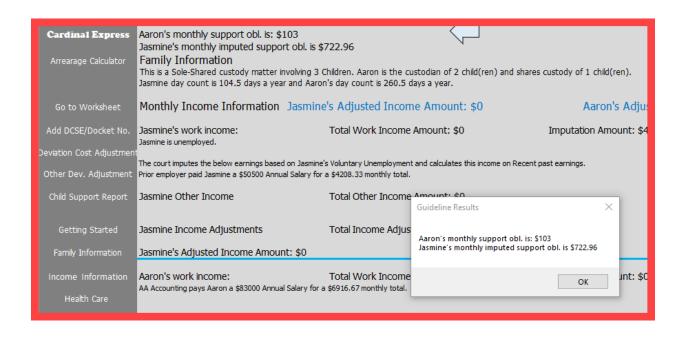




Monthly Employment Income Summary				
		Jasmine	Aaron	
	Primary Employer		\$6,916.67	
		7		
	Total Empl. Inc.	N	\$6,916.67	
	Income Imputation	\$4,208.33		

HealthCare





Child Support Guideline Report DCSE# 123987

Date: 6/18/2021 DCSE# 123987 Docket No JA543678

Party A: Jasmine Party B: Aaron

Custody: This is a Sole-Shared custody matter involving 3 Children. Aaron is the custodian of 2 child(ren) and shares custody of 1 child(ren

Child Support Owed: Aaron's monthly support obl. is: \$103

Jasmine's monthly imputed support obl. is \$722.96

Jasmine's Income Information: Total Adjusted Income - \$0; Imputed Adj. Income -\$4208.33

Primary Employer: Jasmine is unemployed.

The court imputes the below earnings based on Jasmine's Voluntary Unemployment and calculates this income on Recent past earnings.

Prior employer paid Jasmine a \$50500 Annual Salary for a \$4208.33 monthly total.

Aaron's Income Information: Total Adjusted Income - \$6916.67

Primary Employer: AA Accounting pays Aaron a \$83000 Annual Salary for a \$6916.67 monthly total.

Healthcare Cost \$337.5

Health Ins: Aaron pays monthly \$ 337.5 for the child(ren)'s health insurance: \$450 monthly premium to Anthem:

The per person monthly cost for 4 people is \$112.5: The monthly cost for 3 child(ren) is \$337.5.

Daycare Cost \$0

No cost for daycare.

Notes:		

Sole/Shared Guideline Worksheet

One parent has sole custody of one or more children and both parents share custody of one or more children (with same number of days for each child)

Date:	6/18/2021	Parties' Names:	Jasmine		Aaron			 .
		Docket#:	JA543678	DCSE #:	123987			
	Guideline Calcula	ution			Jasmine		Aaron	
Num			esp. and support is being sought:			3		
A.	Income				_			
A1	Parent's monthly gross	income:			\$0.00		\$6,916.67	
A2	Spousal Support Incor	ne:			\$0.00		\$0.00	
	Income deduction for				\$0.00		\$0.00	
A4	-	•	residing with each party:					
٠.	Jasmine		Aaron		\$0.00		\$0.00	
	Income deduction for				\$0.00		\$0.00	
	Income deduction for		•		\$0.00		\$0.00	
	Income deduction for Available combined m		•		\$0.00 \$0.00	+	\$0.00 \$6,916.67 =	\$6,916.67
						т		combined (GI)
		•	's GI (A8) by combined GI	:	0.00%		100.00%	
	Child support from gu				_	\$1,549.33	<u>-</u> .	
A11	Per child amt.: divide	sched. basic month	ly support obl. by # of chile	dren (above):	_	\$516.44	_	
D	C.I. Child Comment No.	1			T		.	
B. R1	Sole Child Support Nee Identify custodial parent:		Aaron		Jasmine		<u>Aaron</u>	
	Sole Custody: # of childr		Aaron			2		
			per child amt. by # of child(re	n) in (B2):	-	\$1,032.88		
	•		basic child support by his/her		\$0.00		\$1,032.88	
B5	Payable to:	Aaron			_	\$104.00		
C.	Shared Child Suppor				Jasmine		Aaron	
	Shared Custody: # of o		Mat	. 1. 11 17	=	<u>1</u>		
			tiply per child amt. by # of		_	\$516.44		
	Total # of days each y		onthly basic child support of	obi. by 1.	104.5	\$723.02	260.5	
			nild(ren) with the parent (C	4) by 365	28.63%		71.37%	
	•	•	ed by other parent's custod		\$516.02		\$207.00	
			basic support by his/her inc	-	\$0.00	_	\$207.00	\$207.00
		Jasmine	ousie support of magner me	ome simie.	40.00		φ207100	Net Amount
	Payable to:		b		2		4	
	Min. Std. Test § 20-10		erty level (household size):		\$2,155.00		\$3,275.00	
	•	•	50% of fed. poverty level?		Yes		No	
	Min. Std. Test § 20-10			Standard Te		7	110	
012	Willia Std. 10st § 20 Te	70.2 (G)(S)(G) Tesur	is. Tuned Minimum	i sumum 1	See Below	•		
D.	Health Care/Work-R	elated (W-R) Dayo	care Calculation		Jasmine		Aaron	
D1	Parent's health care cos	st (HCC) - Health/D	ental/Vision:		\$0.00		\$337.50	
	Parent's W-R daycare				\$0.00		\$0.00	
D3	Combined HCC/W-R	day care costs:			\$0.00		\$337.50	
D4	Amt. Parent owes other	r parent for HCC/W	/-R daycare cost based on i	ncome share:	\$0.00	-	\$0.00	\$0.00
D5	Payable to:							Net Amount
E	Compant to be				Loom-!		1 av	
E.	Support to be paid: Sole Custody: Parent of	uving basis monthly	child support amt		<u>Jasmine</u> \$104.00		<u>Aaron</u> \$0.00	
	•	-	onthly child support amt:		\$0.00		\$207.00	
	HCC/W-R daycare: Pa	-			\$0.00		\$0.00	
		-	e parent to the other parent	:	\$104.00	_	\$207.00	\$103.00
	Payable to:	Jasmine	F F					φ100100
F.	Adjustments includi	ng SSDI daniwatiwa	hanafit naid to other now	ant	Igemino		Agron	
	Total monthly support	_	benefit paid to other pare	unt	<u>Jasmine</u> \$104.00		<u>Aaron</u> \$207.00	
			er parent for benefit of child(r	en):	\$0.00		\$0.00	
	Adjustment:	paid to the oth	r	/-	\$0.00		ΨΟ•ΟΟ	
	Adjustment:				\$0.00		\$0.00	
	Adjustment: tot. mnthl	y support amt each	parent pays to other:		\$104.00	-	\$207.00	\$103.00
	Payable to:	Jasmine	- * -					

2021 D Ed.

Aaron's monthly support obl. is: \$103.00 Jasmine's monthly imputed support obl. is \$722.96

Jasmine's \$0 income is \$3312.5 below the 150% Fed. Poverty Guideline Amount. Applying Sole Guidelines Aaron owes \$1549.33. For Sole Guideline Aaron's Imputed Monthly Support Obl: \$1126.29

2021 D Ed.

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Sole/Shared Guideline Worksheet (Imputation)

Date:	6/18/2021	Parties' Names:	Jasmine			Aaron		
		Docket#:	JA543678	DCSE #:	123987			
		_						
	Guideline Calcu			=	Jasmine		Aaron	
	_	m parents share jt. legal	resp. and support is being sought:		-	3		
Α.	Income				*****			
	Parent's monthly gros			=	\$4,208.33		\$6,916.67	
	Spousal Support Inco		211 4	-	\$0.00		\$0.00	
	Income deduction for			-	\$0.00		\$0.00	
A4		or adopted childre	n residing with each party:		¢0.00		\$0.00	
۸.5	Jasmine 0	n other shild sunner	Aaron 0	-	\$0.00		\$0.00	
	Income deduction for Income deduction for			-	\$0.00		\$0.00 \$0.00	
			•	=	\$0.00			
	Income deduction for Available combined		•	=	\$0.00 \$4,208.33	+	\$0.00 \$6,916.67	\$11,125.00
				=		т		combined (GI)
Α9	Parent's income share	e: divide each parei	nt's GI (A8) by combined GI	·	37.83%		62.17%	
A10	Child support from g	uideline table:			_	\$2,017.00	_	
A11	Per child amt.: multi	ply sched. basic mo	onthly support obl. by # of cl	nildren (above)	: <u>-</u>	\$672.33	_	
B.	Sole Child Support No	_	A	=	Jasmine		Aaron	
	Identify custodial paren Sole Custody: # of child	<u></u>	Aaron		Г	2		
	•		y per child amt. by # of child(re	n) in (B2):	L	\$1,344.66		
	•		y basic child support by his/her		\$508.68	ψ1,544.00	\$835.98	
	Payable to:	Aaron	, , , , , ,	_		\$508.68		
	_				=			
C.	Shared Child Suppo	ort Needs		_	Jasmine		Aaron	
C1	Shared Custody: # of	children:			-	1		
C2	Pro rata monthly bas	ic child support: m	ultiply per child amt. by # of	child(ren) in	_	\$672.33		
			nonthly basic child support of	obl. by 1.	_	\$941.26		
	Total # of days each	• •	• • • • • • • • • • • • • • • • • • • •	-	104.5		260.5	
	•	•	child(ren)with the parent (C	_	28.63%		71.37%	
			need by other parent's custod	-	\$671.78		\$269.48	
C7	Basic monthly suppo	rt: multiply parent'	s basic support by his/her inc	come share:	\$254.13	-	<u>\$167.54</u>	\$86.60
C8	Payable to:	Aaron						Net Amount
C9	Min. Std. Test § 20-1	108.2 (G)(3)(d): # r	nembers in household:	_	2		4	
C10	Monthly income test	at 150% of fed. po	verty level (household size):	_	\$2,155.00		\$3,275.00	
C11	Is either parent's gros	ss income less than	150% of fed. poverty level?	_	No		No	
C12	Min. Std. Test § 20-1	108.2 (G)(3)(d) resi	ılts:					
Б	TT 141 C 157 1 1		0114					
D.	Health Care/Work-			=	Jasmine		Aaron	
	Parent's health care c	, ,	Dental/Vision:	=	\$0.00		\$337.50	
	Parent's W-R daycare			=	\$0.00		\$0.00	
	Combined HCC/W-R	•	W D d td :		\$0.00		\$337.50	\$127.68
			W-R daycare cost based on in	ncome snare:	\$127.68	-	\$0.00	Net Amount
D5	Payable to:	Aaron						Tite I miount
E.	Support to be paid:				Jasmine		Aaron	
	Sole Custody: Parent	owing basic month	ly child support amt:	=	\$508.68		\$0.00	
			monthly child support amt:	=	\$86.60		\$0.00	
	HCC/W-R daycare: P		* **	=	\$127.68		\$0.00	
	-	-	one parent to the other parent	<u>-</u>	\$722.96	_	\$0.00	\$722.96
	Payable to:	Aaron	one purent to the other purent	-	ψ/22.50		Ψοισσ	ψ122190
ردء	i ayaoic io.	Taut VII						
F.	Adjustments, includ	ling SSDI derivativ	ve benefit paid to other par	ent	Jasmine		Aaron	
	Total monthly suppor	_			\$722.96		\$0.00	
			ther parent for benefit of child(r	en):	\$0.00		\$0.00	
	Adjustment:		1	_	\$0.00		\$0.00	
	Adjustment:				\$0.00		\$0.00	
	-	nly support amt eac	h parent pays to other:		\$722.96	-	\$0.00	\$722.96
	Payable to:	Aaron	- • •	-				-

Jasmine's monthly imputed support obl. is \$722.96

Cardinal Calculator

Scenario 6

Ovidio and Maria have one child who lives primarily with Maria. Ovidio owns a home improvement business in which he reports annual gross earnings of \$53,500. He provided business expenses as follows: (1) a monthly phone bill of \$250 of which he uses 50% for business; (2) a monthly truck loan for \$375 of which he uses 75% for business and (4) his annual cost of supplies of \$8500.00. His self-employment tax annually is \$5500.00. Maria makes \$12 per hour for 35 hours per week at Piggly Wiggly Grocery Store. There is no daycare costs or health insurance cost for the children.

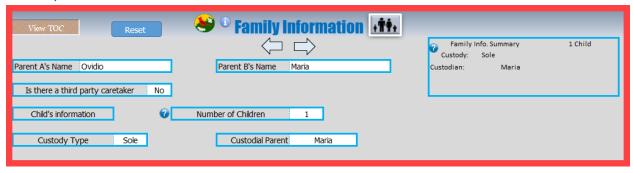
Ovidio has a \$450 support order for another child. He produced payment documentation for that child as follows for the past six months. 1^{st} Month \$300, 2^{nd} Month \$275, 3^{rd} month \$500 4^{th} month \$175, 5^{th} month \$200 & 6^{th} month \$450.

- a. What is the presumptive support amount?
- b. Maria filed the petition for support on October 8, 2020. Ovidio has been paying \$150 per month. What would be the arrearage, including interest, as of the date for running the guidelines?

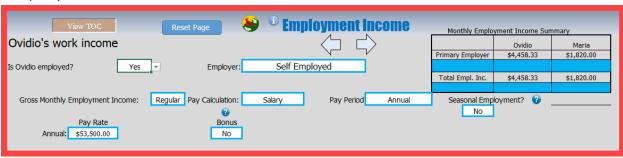
Contents

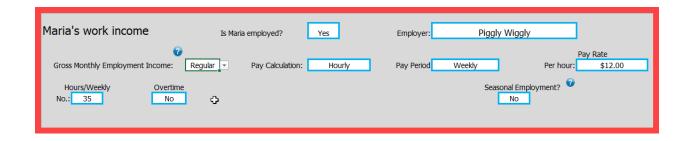
Family Information	2
Employment Info	2
Income Adjustment	3
Business Expense Adjustment	3
Self-Employment Tax	3
Other Child Support Expense Adjustment	5
Arrearage Calculation	7
Principal & Interest Arrearage Calculation	7
Calculate principal only	8
Child Support Report	
Child Support Guideline Worksheet	10
Principal and Interest Arrearage Calculation	
Principal Arrearage Only Calculation	12

Family Information



Employment Info

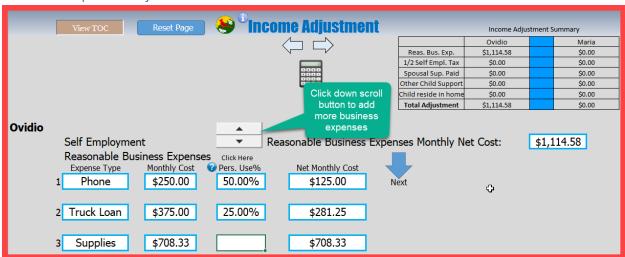




Monthly Employment Income Summary						
Ovidio Maria						
Primary Employer	\$4,458.33	\$1,820.00				
Total Empl. Inc.	\$4,458.33	\$1,820.00				

Income Adjustment



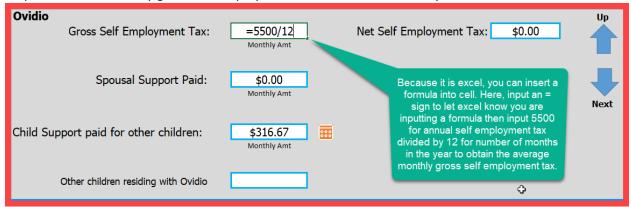


Self-Employment Tax

Step 1 scroll to ½ Self Employment Tax field

Income Adjustment Summary					
	Ovidio	Click here to scroll to			
Reas. Bus. Exp.	\$1,114.58				
1/2 Self Empl. Tax	\$0.00				
Spousal Sup. Paid	\$0.00			\$0.00	
Other Child Support	\$316.67			\$0.00	
Child reside in home	\$0.00			\$0.00	
Total Adjustment	\$1,431.25			\$0.00	

Step 2 Calculate monthly gross self-employment tax. Here is another way to do the calculation.

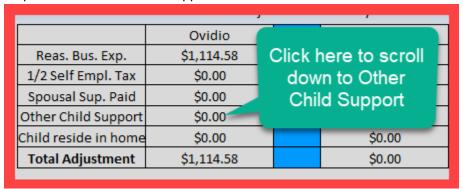


Click Enter

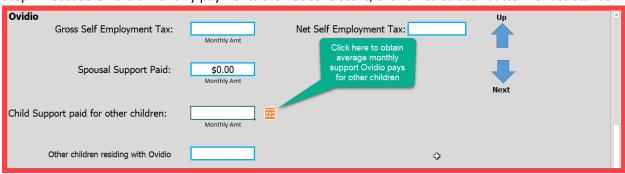
Ovidio	Gross Self Employment Tax:	\$458.33 Monthly Amt	Net Self Employment Tax: \$229.17
	Spousal Support Paid:	\$0.00 Monthly Amt	

Other Child Support Expense Adjustment

Step 1 Scroll to Other Child Support Field.



Step 2 Because Ovidio's monthly payments are not consistent, click on calculator button for assistance.



Step 3 enter the monthly payments and click on the Calculate button

Basic Calculator	Total Monthly Amount
First Month - Child Support Paid	300
Second Month - Child Support Paid	275
Third Month - Child Support Paid	500
Fourth Month - Child Support Paid	175
Fifth Month - Child Support Paid	200
Sixth Month - Child Support Paid	450
<u>Calculate</u> Reset	Close \$316.67

Answer populates in the field automatically.

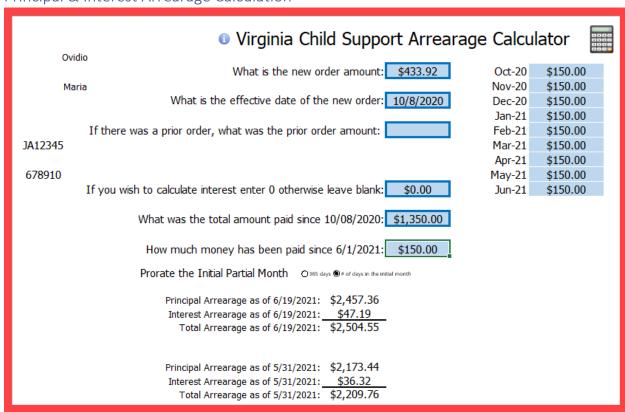
Ovidio Gross Self Employment Tax:	Monthly Amt
Spousal Support Paid:	\$0.00 Monthly Amt
Child Support paid for other children:	\$316.67
Other children residing with Ovidio	

Here are Ovidio's total income adjustments

	Income Adjus	tment S	ummary
	Ovidio		Maria
Reas. Bus. Exp.	\$1,114.58		\$0.00
1/2 Self Empl. Tax	\$229.17		\$0.00
Spousal Sup. Paid	\$0.00		\$0.00
Other Child Support	\$316.67		\$0.00
Child reside in home	\$0.00		\$0.00
Total Adjustment	\$1,660.42		\$0.00

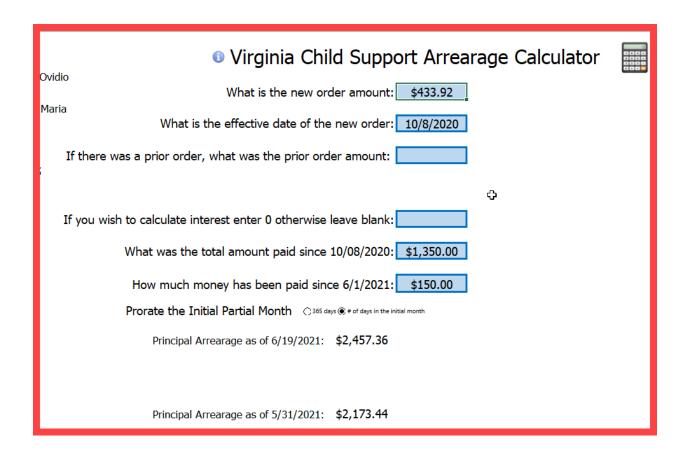
Arrearage Calculation

Principal & Interest Arrearage Calculation



Calculate principal only use an excel formula to calculate Ovidio's payments.

0	Virginia Child Support Arrearage Calculator
0,	What is the new order amount: \$433.92
М	What is the effective date of the new order: 10/8/2020 Because we are using excel, we can enter a
JA12345	If there was a prior order, what was the prior order amount: formula in the field. Remember to start a formula
678910	with = sign If you wish to calculate interest enter 0 otherwise leave blank: □
	What was the total amount paid since 10/08/2020: =150*9
	How much money has been paid since 6/1/2021:



Child Support Guideline Report

Date: 6/19/2021 DCSE# 678910 Docket No JA12345

Party A: Ovidio Party B: Maria

Custody: This is a Sole custody matter involving 1 Child. Maria is the custodian.

Child Support Owed: Ovidio's monthly support obl. is: \$433.92

Ovidio's Income Information: Total Adjusted Income - \$2797.91

Primary Employer: Self Employed pays Ovidio a \$53500 Annual Salary for a \$4458.33 monthly total.

Ovidio's income adjustments include reasonable business expenses - \$1114.58; 1/2 self employment tax - \$229.17; other child support - \$316.67;

Total Income Adjustments: \$1660.42

Maria's Income Information: Total Adjusted Income - \$1820

Primary Employer: Piggly Wiggly pays Maria \$12 per hour for 35 hours Weekly for a \$1820 monthly total.

Healthcare Cost \$0

Daycare Cost \$0

No cost for daycare.

Notes:

Note you can put your notes in this text box

Page 9

Sole Guideline Worksheet

Date:	06/19/21			
Parents' Names:	Ovidio	Docket#:	JA12	345
	Maria	DCSE #:	6789	910
Guideline C Number of Children for A. Income	alculation whom parents share jt. legal resp. and support is being sought:	<u>Maria</u>	1	Ovidio
A1 Parent's monthly gro A2 Adjustments for spo A3 Adjustments for spo A4 # of other biologica Maria A5 Other child support A6 Credit for 1/2 of and A7 Reasonable Busines	ousal support received: ousal support paid out: l or adopted children residing with each Parent: Ovidio obligations actually paid out: y self-employment tax paid out:	\$1,820.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$1,820.00	+ \$4,617.91 combined (GI)	\$4,458.33 \$0.00 \$0.00 \$0.00 \$316.67 \$229.17 \$1,114.58 \$2,797.91
B4 Monthly amount all	arent: Maria	<u>Maria</u>	\$716.15 \$0.00 \$0.00 \$716.15	Ovidio
C2 Monthly support ob C3 Deduction for healt	of each party (divide (GI) on line A17 by combined (GI)) digation of each party heare coverage paid by Ovidio alth care coverage deduction	Maria 39.41% \$282.23 \$0.00 \$282.23	- - - -	Ovidio 60.59% \$433.92 \$0.00 \$433.92
D1 Total monthly supp D2 Parent's SSDI deriv D3 Adjustment: D4 Adjustment:	ling SSDI derivative benefit paid to other parent ort amount owed ative benefit paid to the other parent for benefit of child(ren): hly support amt each parent pays to other:	Maria	- - - - - -	Ovidio

Ovidio's monthly support obl. is: \$433.92

Month	Amount Owed	Amount Paid	Monthly Arrearage	Principal Arrearage	Interest Charged	Interest Paid	Interest Owed	Total Arrearage
As of 09/30/2020				\$0.00			0	
10/1/2020	\$336.00	\$150.00	\$186.00	\$186.00	\$0.00	\$0.00	\$0.00	\$186.00
11/1/2020	\$433.92	\$150.00	\$283.92	\$469.92	\$0.93	\$0.00	\$0.93	\$470.85
12/1/2020	\$433.92	\$150.00	\$283.92	\$753.84	\$2.35	\$0.00	\$3.28	\$757.12
1/1/2021	\$433.92	\$150.00	\$283.92	\$1,037.76	\$3.77	\$0.00	\$7.05	\$1,044.81
2/1/2021	\$433.92	\$150.00	\$283.92	\$1,321.68	\$5.19	\$0.00	\$12.24	\$1,333.92
3/1/2021	\$433.92	\$150.00	\$283.92	\$1,605.60	\$6.61	\$0.00	\$18.85	\$1,624.45
4/1/2021	\$433.92	\$150.00	\$283.92	\$1,889.52	\$8.03	\$0.00	\$26.87	\$1,916.39
5/1/2021	\$433.92	\$150.00	\$283.92	\$2,173.44	\$9.45	\$0.00	\$36.32	\$2,209.76
6/1/2021	\$433.92	\$150.00	\$283.92	\$2,457.36	\$10.87	\$0.00	\$47.19	\$2,504.55

	Court	DCSE
Principal	2457.36	\$2,173.44
Interest	\$47.19	\$36.32
Total	2504.55	\$2,209.76

Page 11

Calculations for the month of the new order's effective date					
Effective date	End of month	Per diem	# of days	Support	
10/8/2020	10/31/20	amount	per order	Owed	
Prior Order Amount	\$0.00	\$0.00	0	\$0.00	
New Order Amount	\$433.92	\$14.00	24	\$336.00	
	Total for Mth		24	\$336.00	

-	7		
Principal arrearage as of September 30, 2020			\$0.00
Effective Date of new support order			10/8/20
Amount owed for October 2020	\$336.00		
Today's Date			6/19/2021
Number of months since October 202	20		8
New Support Amount			\$433.92
Support Owed from November 01, 2	020 through Jur	e 19, 2021	\$3,471.36
Total owed without crediting payments from 10/08/2020			\$3,807.36
Amount paid since 10/08/2020			\$1,350.00
Principal Arrearage as of	6/19/2021		\$2,457.36

DATA ENTRY					
Effective Date of new order		10/8/2020			
New Order Amount		\$433.92			
Prior Order Amount		\$0.00			
Principal Arrearage as of	09/30/20	\$0.00			
Amount paid since	10/08/20	\$1,350.00			
Interest as of	09/30/20	\$0.00			

Party: Ovidio

Party: Maria

DCSE# 678910

Docket # JA12345 2021 D Ed.

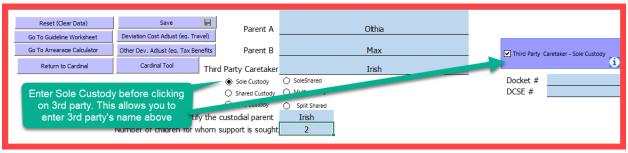
Scenario 7

Olthia and Max have two children which reside with Max's mother, Irish. Olthia makes \$750 biweekly at Fox Auto Sales and Max, who is stationed in Fort Bragg, North Carolina makes \$4500 per month base pay, \$389.29 BAS and \$1450 in BAH. The children are Tricare at no cost. Olthia pays \$350 per month in daycare costs year-round. What is the presumptive guideline amount for each parent?

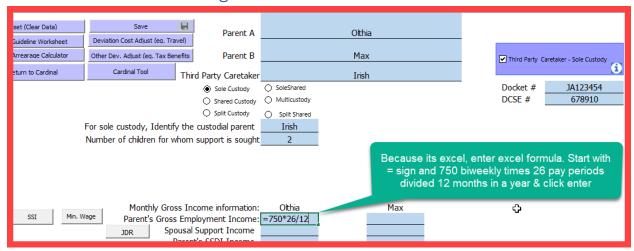
Contents

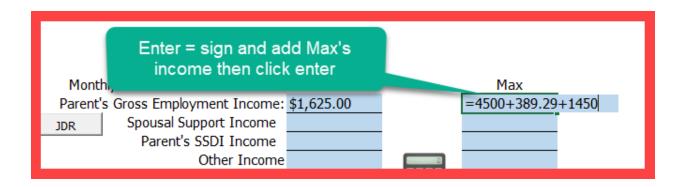
Third Party Process on Cardinal Express	1
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ncome Calculations using Excel Formula	2
3 rd Party Daycare Costs	3
One Guideline for both parents	
one Guideline for both parents	3
Guideline Worksheet	4

Third Party Process on Cardinal Express

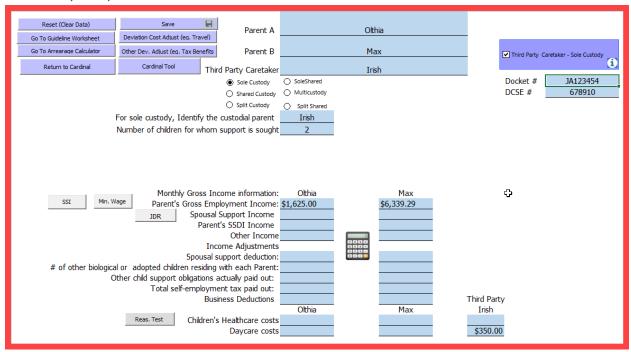


Income Calculations using Excel Formula





3rd Party Daycare Costs



One Guideline for both parents

		_
D. Adjustments, including SSDI derivative benefit paid to other parent	Olthia	Max
D1 Total monthly support amount owed		
D2 Parent's SSDI derivative benefit paid to the other parent for benefit of child(ren)		
D3 Adjustment:		
D4 Adjustment:		
D5 Adjustment: tot. mnthly support amt each parent pays to other:		
Olthia's monthly support obl. is: \$361.46 Max's monthly support obl. is: \$1,410.40		

Sole Guideline Worksheet

Date:	06/19/21			
Parents' Name	s: Olthia	Docket#:	JA123	3454
	Max	DCSE #:	6789	910
Number of Children f	e Calculation For whom parents share jt. legal resp. and support is being sought:	<u>Olthia</u>	2	Max
A3 Adjustments for A4 # of other biolog Olthia A5 Other child supp A6 Credit for 1/2 of A7 Reasonable Busi	spousal support received: spousal support paid out: ical or adopted children residing with each Parent: Max ort obligations actually paid out: any self-employment tax paid out:	\$1,625.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$1,625.00	+ \$ 7,964.29 combined (GI)	\$6,339.29 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$6,339.29
B4 Monthly amount	l parent:Irish	Olthia -	\$1,421.86 \$0.00 \$350.00 \$1,771.86	Max
C2 Monthly support C3 Deduction for he	ns of each party (divide (GI) on line A17 by combined (GI)) obligation of each party althcare coverage paid by Max health care coverage deduction	Olthia 20.40% \$361.46 \$0.00 \$361.46	- - - -	Max 79.60% \$1,410.40 \$0.00 \$1,410.40
D1 Total monthly su D2 Parent's SSDI de D3 Adjustment:	luding SSDI derivative benefit paid to other parent pport amount owed rivative benefit paid to the other parent for benefit of child(ren):	Olthia	- - - - -	Max

Olthia's monthly support obl. is: \$361.46 Max's monthly support obl. is: \$1,410.40

Page 1

Scenario 8

Jamar and Dericia have one child, Dion age 2 1/2. They resided in Chicago before Dericia and Dion moved back to Winchester Virginia to live with Dericia's mother. Jamar travels once a month to visit Dion at a cost of \$550 per month.

Jamar works at Chicago National Bank making \$4807.69 bi-weekly. He receives an annual bonus based on his client's portfolios. This year, his annual bonus is \$17,500. Last year, his annual bonus was \$15,500 and two years ago, his annual bonus was \$8,500. For this scenario, assume the parties are in agreement in averaging the three year bonus to arrive at the bonus figure (technically, this is considered an imputation)

Dericia is a Navy veteran. She is receiving \$2215 in VA disability. She is also receiving \$1608 per month from her Post 9-11 GI Bill for attending Lord Fairfax Community College 8 months out of the year. She only receives the \$1608 BAH with dependents for the months she attends school on campus. Dion attends daycare at Child's World while Dericia attends college. Child World charges \$13.50 per hour 10 hours per week, like what she was paying per hour for daycare in Chicago. Dion is on Tricare prime. Dericia pays \$25 per month for her and Dion. It would cost her \$12.50 per month for her alone.

- a. What would the child support be if Jamar and Dericia share Jamar's travel expenses 50/50 and include Dericia daycare costs as allowed under §20-108.1.
- b. If Jamar insisted on imputing Dericia's former annual income of \$42,500 a year at Chicago Institute for the Art which she quit to move back to Winchester, what would imputed guideline amount be? If Dericia went to school fulltime, she would not be able to use her Post 911 GI benefit to attend school.

Contents

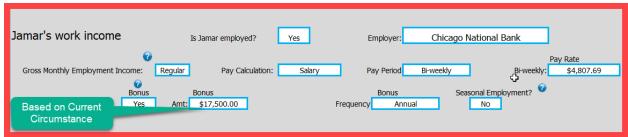
Scenario 8 (a)	
Income	
Jamar's Income	
Dericia's Income	
Child's Healthcare Cost	
Daycare Cost	
Scenario 8 (b)	
Dericia's Imputed	
Increased Daycare Costs	
Scenario A Child Support Report	88
Scenario B Child Support Report	
Scenario B Guideline Worksheet	11

Scenario 8 (a)

Income

Jamar's Income

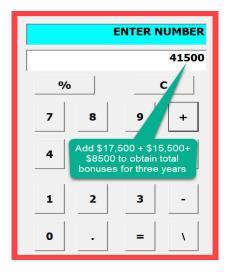
Jamar's Income with current annual Bonus



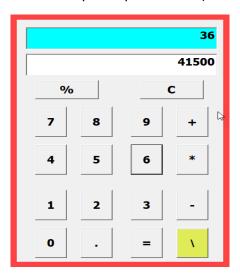
Jamar's Income with looking at current and the past two-year prior annual bonuses of \$17,500, \$15,500, and \$8500. Average the three bonuses over thirty-six months is \$1152.77 (see below) and adding that to Jamar's monthly base salary income of \$10,416.66, his imputed monthly income is \$11,569.43. Because

considering bonuses for other years, utilize imputation analysis since it does not deal with current circumstances. *Tidwell v. Late*, 67 Va. App. 668, 799 S.E.2d 696 (2017);

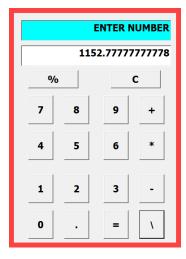
Step One – using the calculator



Step Two divide total bonus income for three years by 36 months (# of months in 3 years)

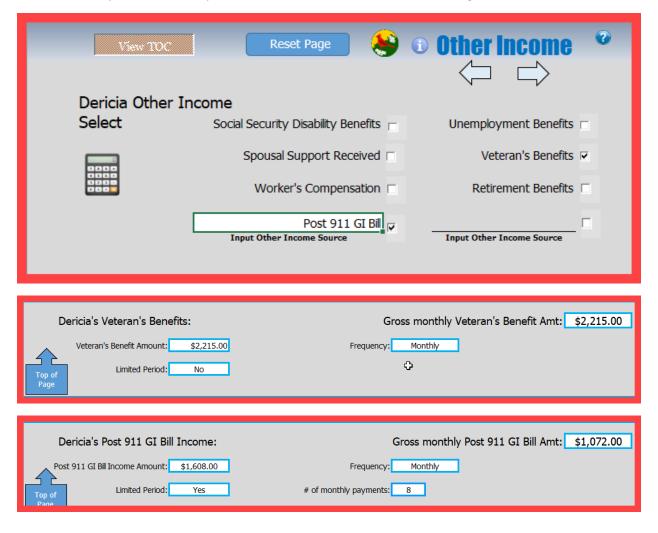


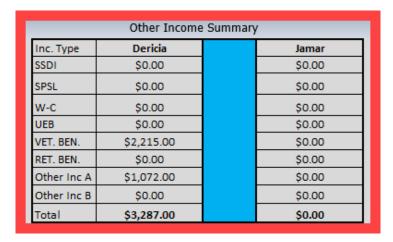
Monthly Average bonus over three years



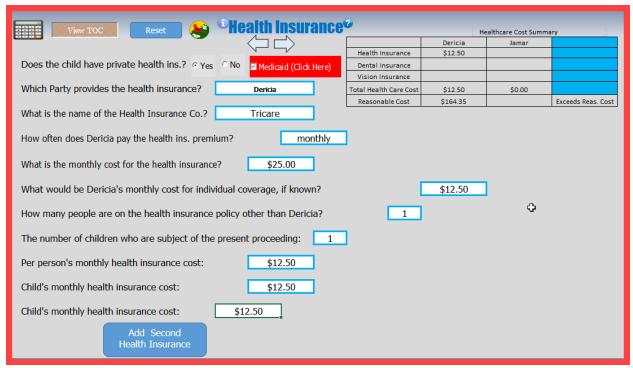
Dericia's Income

Dericia's Veteran Benefits – Because VA provides Dericia with two benefits, checked Veteran's benefits for her disability benefits and inputted Post 911 GI Benefits to address college benefits





Child's Healthcare Cost



Daycare Cost

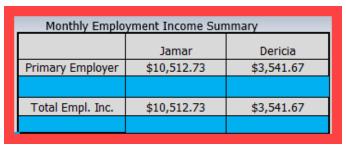


Scenario 8 (b)

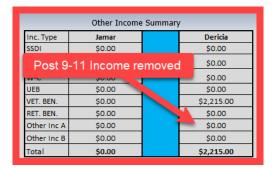
Dericia's Imputed

Income (note used regular employment income rather than imputed because the daycare changes when impute. Consequently, you need to do a clean worksheet to address the imputation and the daycare change.)

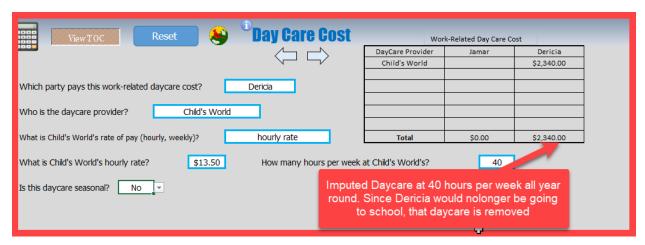




Remove the Post 9-11 GI monthly payment. If Dericia goes back to work, she will not be able to attend school; consequently, the payment would not be included.



Increased Daycare Costs: creates more of a financial burden on Jamar. He is financially better off if the court does not impute to Dericia.



Child Support Guideline Report DCSE# 234345566

Date: 7/4/2021 DCSE# 234345566 Docket No JA12345-01-00

Party A: Jamar Party B: Dericia

Custody: This is a Sole custody matter involving 1 Child. Dericia is the custodian.

Child Support Owed: Jamar's monthly support obl. is: \$1028.05

Jamar's Income Information: Total Adjusted Income - \$10512.73

Primary Employer: Chicago National Bank pays Jamar a \$4807.69 Bi-weekly Salary along with a \$1152.78 Annual bonus for a \$10512.73 monthly total.

Dericia's Income Information: Total Adjusted Income - \$3287

Primary Employer: Dericia is unemployed.

Dericia's other monthly income includes veteran benefits - \$2215; Post 911 GI Bill - \$1072; Total Other Income Amount: \$3287

Healthcare Cost \$12.5

Health Ins: Dericia pays monthly \$ 12.5 for the child(ren)'s health insurance: \$25 monthly premium to Tricare Prime:

Dericia's monthly cost alone is \$12.5 with a \$12.5 monthly per person cost for 1 other people on the plan: the monthly cost for 1 child(ren) is \$12.5

Daycare Cost \$390

Dericia pays \$390 monthly to Child's World based on a hourly rate of \$13.5 for 10 hours per week for 8 weeks out of the year.

Notes: Derica is attending school with Post 9-11 GI Bill. No income is imputed. The parties are sharing Jamar's travel expenses of of \$550 per month 50-50. Jamar bonus is the average the last three annual bonuses: This year - \$17,500. Last year - \$15,500 and two years ago - \$8,500. Average monthly = \$1152.77.

Sole Guideline Worksheet

07/04/21 Date: Parents' Names: Jamar Docket#: JA12345-01-00 DCSE #: Dericia 234345566 Guideline Calculation Dericia Jamar Number of Children for whom parents share jt. legal resp. and support is being sought: A. Income A1 Parent's monthly gross income: \$3,287.00 \$10,512.73 A2 Adjustments for spousal support received: \$0.00 \$0.00 A3 Adjustments for spousal support paid out: \$0.00 \$0.00 A4 # of other biological or adopted children residing with each Parent: Dericia Jamar \$0.00 \$0.00 A5 Other child support obligations actually paid out: \$0.00 \$0.00 A6 Credit for 1/2 of any self-employment tax paid out: \$0.00 \$0.00 A7 Reasonable Business Expenses \$0.00 \$0.00 A8 Available combined monthly gross income (GI): \$3,287.00 \$10,512.73 \$13,799.73 combined (GI) Sole Child Support Needs Dericia Jamar B1 Identify custodial parent: Dericia B2 Monthly Basic Child Support Obligation \$1,307.99 \$12.50 B3 Monthly amount allowable for health care coverage: Paid by: Dericia \$390.00 B4 Monthly amount allowable for employment-related child care B5 Total monthly child support obligation (add lines B2, B3 and B4) \$1,710.49 C. Party's Obligations Dericia Jamar C1 Percent obligation of each party (divide (GI) on line A17 by combined (GI)) 23.82% 76.18% C2 Monthly support obligation of each party \$407.44 \$1,303.05 \$0.00 C3 Deduction for healthcare coverage paid by Jamar \$0.00 C4 Adjustment after health care coverage deduction \$407.44 \$1,303.05 D. Adjustments, including SSDI derivative benefit paid to other parent Dericia Jamar \$407.44 D1 Total monthly support amount owed \$1,303.05 D2 Parent's SSDI derivative benefit paid to the other parent for benefit of child(ren): D3 Adjustment: -\$275.00 D4 Adjustment: Dericia reimburses 50% of Jamar's \$550 Monthly Travel cost. \$407.44 \$1,028.05 D5 Adjustment: tot. mnthly support amt each parent pays to other:

Jamar's monthly support obl. is: \$1,028.05

2021 D Ed.

Child Support Guideline Report DCSE# 234345566

Date: 7/4/2021 DCSE# 234345566 Docket No JA12345-01-00

Party A: Jamar Party B: Dericia

Custody: This is a Sole custody matter involving 1 Child. Dericia is the custodian.

Child Support Owed: Jamar's monthly support obl. is: \$2189.54

Jamar's Income Information: Total Adjusted Income - \$10512.73

Primary Employer: Chicago National Bank pays Jamar a \$4807.69 Bi-weekly Salary along with a \$1152.78 Annual bonus for a \$10512.73 monthly total.

Chicago Inst. For the Art pays Dericia a \$42500 Annual Salary for a \$3541.67 monthly total.

Dericia's Income Information: Total Adjusted Income - \$5756.67

Dericia's other monthly income includes veteran benefits - \$2215;

Primary Employer:

Healthcare Cost \$12.5

Health Ins: Dericia pays monthly \$ 12.5 for the child(ren)'s health insurance: \$25 monthly premium to Tricare Prime:

Dericia's monthly cost alone is \$12.5 with a \$12.5 monthly per person cost for 1 other people on the plan: the monthly cost for 1 child(ren) is \$12.5

Daycare Cost \$2340

Dericia pays \$2340 monthly to Child's World based on a hourly rate of \$13.5 for 40 hours per week.

Notes: Imputed income to Derica from prior employer. Removed Post 9-11 GI Bill income- she would not be going to school. Along with that daycare related to Dericia attending school is removed but day care is imputed to go along with imputed employment Income. The parties are sharing Jamar's travel expenses of of \$550 per month 50-50. Jamar bonus is the average the last three annual bonuses: This year - \$17,500. Last year - \$15,500 and two years ago - \$8,500. Average monthly = \$1152.77.

Sole Guideline Worksheet

07/04/21 Date: Parents' Names: Jamar Docket#: JA12345-01-00 DCSE #: Dericia 234345566 Guideline Calculation Dericia Jamar Number of Children for whom parents share jt. legal resp. and support is being sought: A. Income A1 Parent's monthly gross income: \$5,756.67 \$10,512.73 A2 Adjustments for spousal support received: \$0.00 \$0.00 A3 Adjustments for spousal support paid out: \$0.00 \$0.00 A4 # of other biological or adopted children residing with each Parent: Dericia Jamar \$0.00 \$0.00 A5 Other child support obligations actually paid out: \$0.00 \$0.00 A6 Credit for 1/2 of any self-employment tax paid out: \$0.00 \$0.00 A7 Reasonable Business Expenses \$0.00 \$0.00 A8 Available combined monthly gross income (GI): \$10,512.73 \$5,756.67 \$16,269.40 combined (GI) Sole Child Support Needs Dericia Jamar B1 Identify custodial parent: Dericia B2 Monthly Basic Child Support Obligation \$1,461.39 \$12.50 B3 Monthly amount allowable for health care coverage: Paid by: Dericia B4 Monthly amount allowable for employment-related child care \$2,340.00 B5 Total monthly child support obligation (add lines B2, B3 and B4) \$3,813.89 C. Party's Obligations Dericia Jamar C1 Percent obligation of each party (divide (GI) on line A17 by combined (GI)) 35.38% 64.62% \$2,464.54 C2 Monthly support obligation of each party \$1,349.35 \$0.00 C3 Deduction for healthcare coverage paid by Jamar \$0.00 C4 Adjustment after health care coverage deduction \$1,349.35 \$2,464.54 D. Adjustments, including SSDI derivative benefit paid to other parent Dericia Jamar \$1,349.35 D1 Total monthly support amount owed \$2,464.54 D2 Parent's SSDI derivative benefit paid to the other parent for benefit of child(ren): D3 Adjustment: D4 Adjustment: Dericia reimburses 50% of Jamar's \$550 Monthly Travel cost. -\$275.00 \$1,349.35 D5 Adjustment: tot. mnthly support amt each parent pays to other: \$2,189.54

Jamar's monthly support obl. is: \$2,189.54

2021 D Ed.

Scenario 9

Omar and Minna have three children – Mira age 2, Rahul age 8, and Kabir, age 13. Mira resides with Minna 245 days out of the year, Rahul 185.5 days out of the year and Kabir 104 days out of the year.

Omar is a surgeon making \$250,000 annually at UVA University Hospital and Minna is a college professor at UVA making \$125,000 annually. Minna pays \$450 per week for Mira to attend Charlottesville Daycare Center for eight months out of the year. Omar pays \$360 per week for before and after school daycare for Rahul nine months out of the year.

Omar provides health insurance for the children and himself through Kaiser Permanente at monthly cost of \$650. His monthly cost alone would be \$87.00 per month.

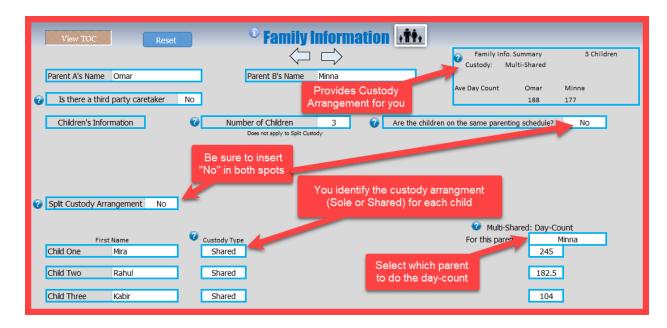
What would be the presumptive guideline amount? Use Cardinal for the three complex guidelines (Sole-Shared, Split-Shared, Multi-Shared).

Contents

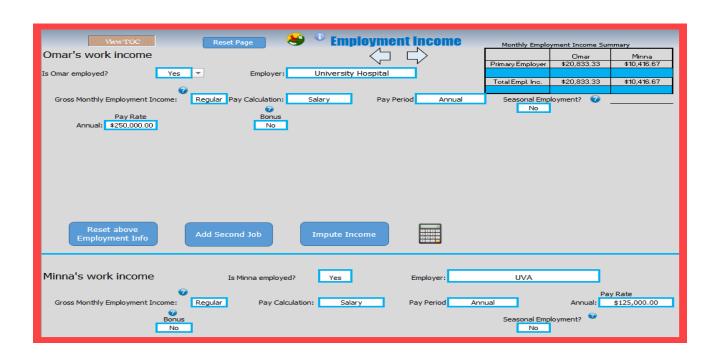
Custody Arrangement	
	_
Income	2
Daycare Cost	3
Health Insurance	_

Custody Arrangement

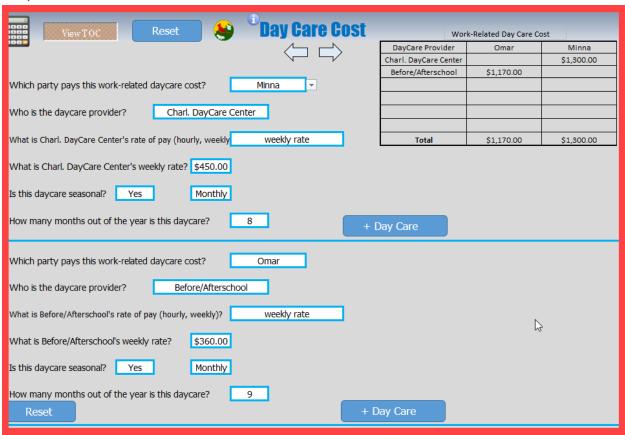
Multi-custody arrangement due to the children not being on the same the same schedule and the parenting time for each child is greater than 90 days but less than 275 days.



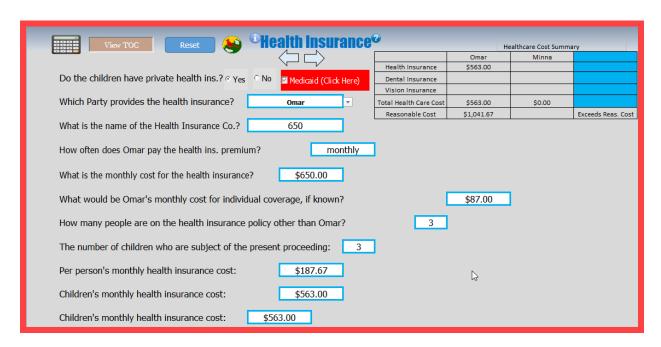
Income



Daycare Cost



Health Insurance



Child Support Guideline Report

Date: 7/5/2021 DCSE# 678901 Docket No JA1234-01-00

Party A: Omar Party B: Minna

Custody: This is a Multi-Shared custody matter involving 3 Children. Omar has a 188 average day count and Minna has a 177 average day count.

Child Support Owed: Omar's monthly support obl. is: \$1007.99

Omar's Income Information: Total Adjusted Income - \$20833.33

Primary Employer: University Hospital pays Omar a \$250000 Annual Salary for a \$20833.33 monthly total.

Minna's Income Information: Total Adjusted Income - \$10416.67

Primary Employer: UVA pays Minna a \$125000 Annual Salary for a \$10416.67 monthly total.

Healthcare Cost \$563

Health Ins: Omar pays monthly \$ 563 for the child(ren)'s health insurance: \$650 monthly premium to 650:

Omar's monthly cost alone is \$87 with a \$187.67 monthly per person cost for 3 other people on the plan: the monthly cost for 3 child(ren) is \$563

Daycare Cost \$

Minna pays \$1300 monthly to Charl. DayCare Center based on a weekly rate of \$450 $\,$ for 8 weeks out of the year. Omar pays \$1170 monthly to Before/Afterschool based on a weekly rate of \$360 $\,$ for 9 weeks out of the year.

Notes:			

Multiple Shared Guideline Worksheet

Multiple shared custodies (all children shared but differing numbers of days)

Number of Children for whom parents share jt. legal resp. and support is being sought: A. Income
Number of Children for whom parents share jt. legal resp. and support is being sought: 3 A. Income \$20,833.33 \$10,416.67 A1 Parent's monthly gross income: \$0.00 \$0.00 A2 Spousal Support Income: \$0.00 \$0.00 A3 Income deduction for spousal support paid by the party \$0.00 \$0.00 A4 # of other biological or adopted children residing with each party: \$0.00 \$0.00 A5 Income deduction for other child support paid by the party \$0.00 \$0.00 A6 Income deduction for 1/2 of self-employment tax paid: \$0.00 \$0.00 A7 Income deduction for Reasonable Business Expenses \$0.00 \$0.00 A8 Available combined monthly gross income (GI): \$20,833.33 + \$10,416.67 \$31,250.00 A9 Parent's income share: divide each parent's GI (A8) by combined GI: 66.67% 33.33% combined (GI)
Number of Children for whom parents share jt. legal resp. and support is being sought: 3 A. Income \$20,833.33 \$10,416.67 A1 Parent's monthly gross income: \$0.00 \$0.00 A2 Spousal Support Income: \$0.00 \$0.00 A3 Income deduction for spousal support paid by the party \$0.00 \$0.00 A4 # of other biological or adopted children residing with each party: \$0.00 \$0.00 A5 Income deduction for other child support paid by the party \$0.00 \$0.00 A6 Income deduction for 1/2 of self-employment tax paid: \$0.00 \$0.00 A7 Income deduction for Reasonable Business Expenses \$0.00 \$0.00 A8 Available combined monthly gross income (GI): \$20,833.33 + \$10,416.67 \$31,250.00 A9 Parent's income share: divide each parent's GI (A8) by combined GI: 66.67% 33.33% combined (GI)
A1 Parent's monthly gross income: A2 Spousal Support Income: A3 Income deduction for spousal support paid by the party A4 # of other biological or adopted children residing with each party: Omar Minna A5 Income deduction for other child support paid by the party A6 Income deduction for 1/2 of self-employment tax paid: A7 Income deduction for Reasonable Business Expenses A8 Available combined monthly gross income (GI): A9 Parent's income share: divide each parent's GI (A8) by combined GI: \$20,833.33
A2 Spousal Support Income: A3 Income deduction for spousal support paid by the party A4 # of other biological or adopted children residing with each party: Omar Minna S0.00 A5 Income deduction for other child support paid by the party A6 Income deduction for 1/2 of self-employment tax paid: A7 Income deduction for Reasonable Business Expenses A8 Available combined monthly gross income (GI): A9 Parent's income share: divide each parent's GI (A8) by combined GI: \$0.00 \$0
A3 Income deduction for spousal support paid by the party A4 # of other biological or adopted children residing with each party: Omar Minna S0.00 S0.00 A5 Income deduction for other child support paid by the party A6 Income deduction for 1/2 of self-employment tax paid: A7 Income deduction for Reasonable Business Expenses A8 Available combined monthly gross income (GI): A9 Parent's income share: divide each parent's GI (A8) by combined GI: \$0.00 \$0
A4 # of other biological or adopted children residing with each party: Omar Minna S0.00 S0.00 A5 Income deduction for other child support paid by the party A6 Income deduction for 1/2 of self-employment tax paid: A7 Income deduction for Reasonable Business Expenses A8 Available combined monthly gross income (GI): A9 Parent's income share: divide each parent's GI (A8) by combined GI: Combined GI S0.00
OmarMinna\$0.00\$0.00A5 Income deduction for other child support paid by the party\$0.00\$0.00A6 Income deduction for 1/2 of self-employment tax paid:\$0.00\$0.00A7 Income deduction for Reasonable Business Expenses\$0.00\$0.00A8 Available combined monthly gross income (GI):\$20,833.33+\$10,416.67\$31,250.00A9 Parent's income share: divide each parent's GI (A8) by combined GI:66.67%33.33%
A5 Income deduction for other child support paid by the party A6 Income deduction for 1/2 of self-employment tax paid: A7 Income deduction for Reasonable Business Expenses A8 Available combined monthly gross income (GI): A9 Parent's income share: divide each parent's GI (A8) by combined GI: \$0.00
A6 Income deduction for 1/2 of self-employment tax paid: A7 Income deduction for Reasonable Business Expenses A8 Available combined monthly gross income (GI): A9 Parent's income share: divide each parent's GI (A8) by combined GI: \$0.00 \$0.00 \$0.00 \$10,416.67 = \$31,250.00 combined (GI) combined (GI)
A7 Income deduction for Reasonable Business Expenses \$0.00 \$0.00 A8 Available combined monthly gross income (GI): \$20,833.33 + \$10,416.67 = \$31,250.00 combined (GI) A9 Parent's income share: divide each parent's GI (A8) by combined GI: 66.67% 33.33% combined (GI)
A8 Available combined monthly gross income (GI):
A9 Parent's income share: divide each parent's GI (A8) by combined GI: 66.67% 33.33% combined (GI)
A10 Child support from guideline table:
B. Shared Child Support Needs Omar Minna
B1 Shared support need: multiply sched. mnthly basic child support obl.(A10) by 1.4: \$4,726.40
B2 Total # of days each year parent has custody of child 1:
B3 Total # of days each year parent has custody of child 2: 182.5
B4 Total # of days each year parent has custody of child 3: 261 104
B5 Total # of days each year parent has custody of child 4:
B6 Total # of days each year parent has custody of child 5:
B7 Total # of days each year parent has custody of child 6:
B8 Total # of days each year parent has with children: B9 Average # of days each year parent has custody of children: 187.83 177.17
B9 Average # of days each year parent has custody of children: B10 Parent's custody share: divide avg. # of days child(ren) with parent (B9) by 365: 187.83 177.17 48.54%
B11 Basic support: multiply parent's shared support need by the other parent's custody share: \$2,294.19 \$2,432.21
B12 Basic monthly support: multiply parent's basic support amt. by his/her income share: \$1,529.54 - \$810.65 \$718.89
B13 Payable to: Minna Net Amount
B14 Min. Std. Test § 20-108.2 (G)(3)(d): # members in household: 4
B15 Monthly income test at 150% of fed. poverty level (household size): \$3,275.00 \$3,275.00
B16 Is either parent's gross income less than 150% of fed. poverty level? No No
B17 Min. Std. Test § 20-108.2 (G)(3)(d) results: Passed Min. Std test
C. Health Care/Work-Related (W-R) Daycare Calculation Omar Minna
C1 Parent's health care cost (HCC) for Health/Dental/Vision: \$563.00 \$0.00
C2 Parent's W-R daycare cost: \$1,170.00 \$1,300.00
C3 Combined HCC/W-R daycare costs: C4 Amt. parent owes other parent for HCC/W-R daycare cost based income share: \$\frac{\\$1,733.00}{\\$866.71} \tag{\\$577.61} \\\$289.10
Not Amount
C5 Payable to: Minna
D. Support to be paid: Omar Minna
D1 Shared Custody: Parent owing net basic monthly child support amt: \$718.89 \$0.00
D2 HCC/W-R daycare cost: Parent owing net monthly amt: \$289.10 \$0.00
D3 Net monthly support amt. payable from one parent to the other parent: \$1,007.99 - \$0.00 \$1,007.99
D4 Payable to: Minna
E. Adjustment for SSDI Derivative Benefit Paid to Other Parent Omar Minna
E1 Total monthly support amt each parent owes the other parent: \$1,007.99 \$0.00
E2 Parent's SSDI derivative benefit paid to the other parent for the benefit of child(ren): E3 Adjustment: \$0.00
E4 Adjustment: \$0.00 \$0.00
E5 Adjustment: tot. mnthly support amt each parent pays to other: \$1,007.99 - \$0.00 \$1,007.99
E6 Payable to: Minna
2021 D Ed.

Omar's monthly support obl. is: \$1,008

Scenario 10

Rick and Katie have two children who primarily reside with Katie. Rick works at Franklin Johnson Corp making \$22.00 per hour for forty hours per week. Katie works at Commonwealth Bank making \$1875 bi-weekly. Rick pays \$350 per month year around for the children's daycare to his mother, Ms. Flaire. Katie has the children on Medicaid.

- a. What is the presumptive guideline amount? Use Cardinal Express & Basic Calculator
- b. What is the significance of the noncustodial parent (Rick) providing the daycare cost?

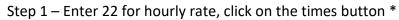
Contents

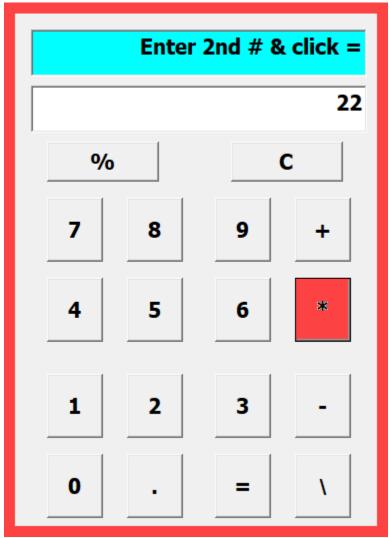
Basic Calculator to calculate income	3
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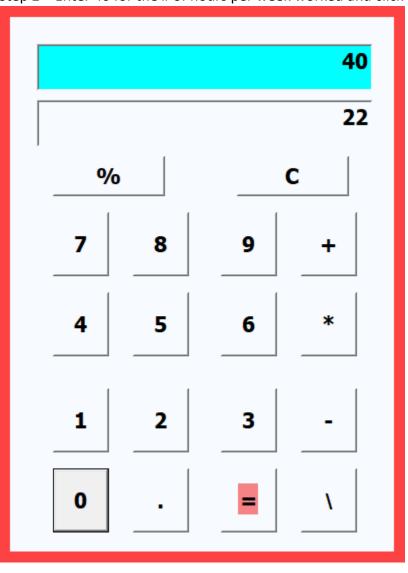
Save Deviation Cost Adjust (eq. Travel)	Parent A		Ricl	K	
Other Dev. Adjust (eq. Tax Benefits	Parent B		Kati	ie	
Cardinal Tool					
For sole custody, Identify the Number of children for whom	•	SoleShared Multicustody Split Shared Katie			
Parent's Gross Emp JDR Spousal Paren Spousal s al or adopted children residing Other child support obligations a Total self-employme Bus	Support Income t's SSDI Income Other Income ome Adjustments support deduction: with each Parent: actually paid out:	Rick		Katie \$4,062.50 Katie	

Basic Calculator to calculate income

Ricky's Income

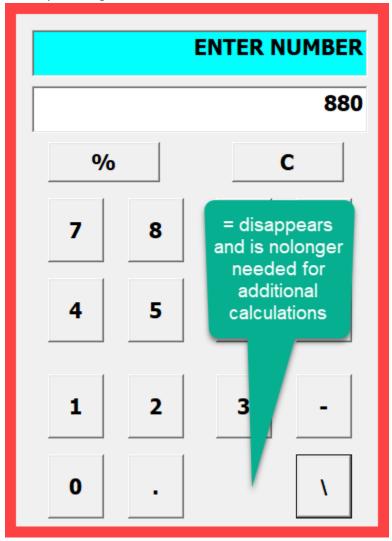


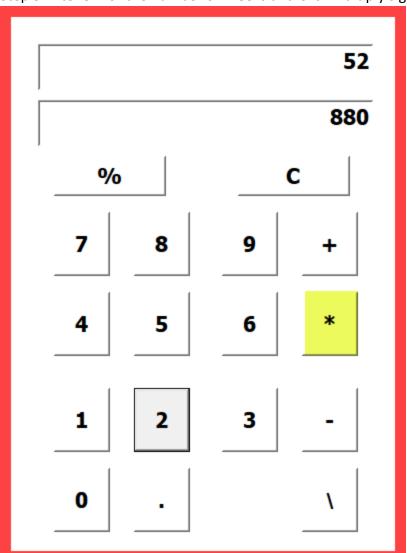




Step 2 – Enter 40 for the # of hours per week worked and click equal sign =

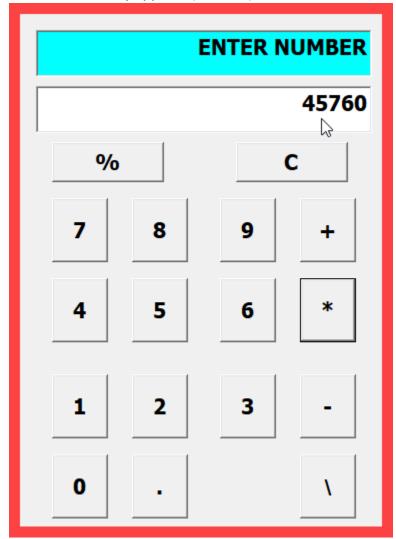
Weekly Earnings are \$880





Step 3 Enter 52 for the number of Weeks and Click multiply sign *

Total annual salary appears (\$45,760)



12 45760 % C 7 8 9 5 4 6 * 1

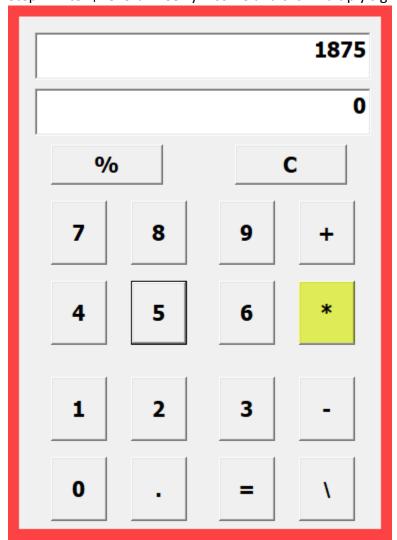
Step 4 enter 12 for number of months in a year and click on divide sign \

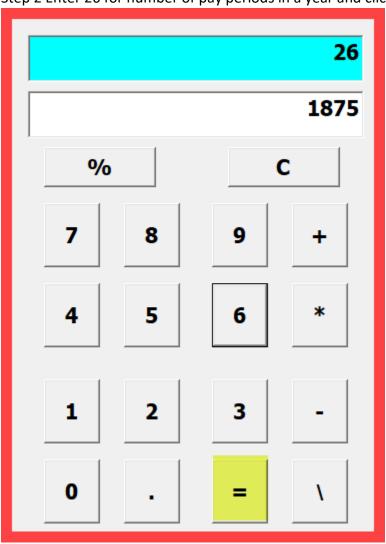
ENTER NUMBER 3813.33333333333 % C 7 8 9 5 6 * 1 2 3 0

Answer – Ricky's monthly employment income

Katie's Income

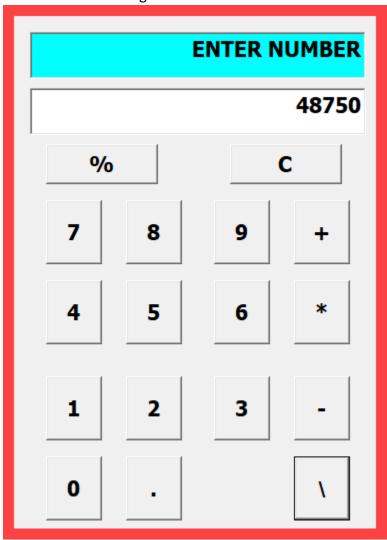
Step 1 Enter \$1875 bi-weekly income and click multiply sign *

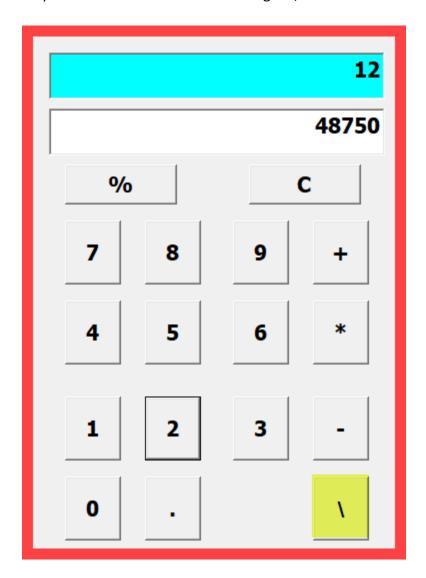


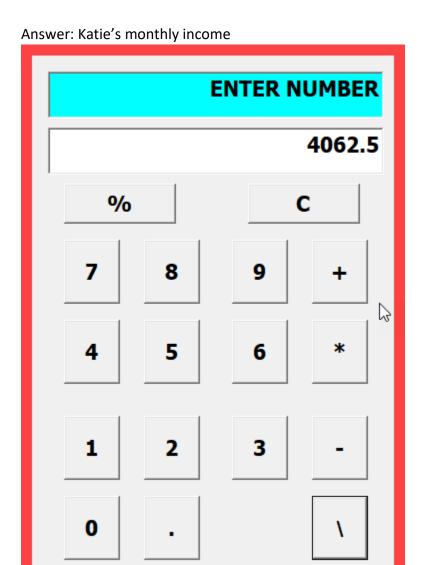


Step 2 Enter 26 for number of pay periods in a year and click =

Katie's annual earnings







Child Care Statutory Provisions found in § 20-108 (2)

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 childcare under this subsection. Where appropriate, the court shall consider the willingness and availability of the noncustodial parent to provide childcare 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.

Comment: Section G does not have the same language for daycare cost as it does for health care cost which provides for monthly obligation being reduced by the cost for healthcare coverage paid by the noncustodial parent.

Sole Guideline Worksheet

Date:	06/19/21			
Parents' Names:	Rick	Docket#: JA123		345
	Katie	DCSE #:	678910	
Guideline C		Katie	_	Rick
	whom parents share jt. legal resp. and support is being sought:	-	2	
A. Income	ross incoma:	\$4,062.50		\$3,813.33
A1 Parent's monthly gross income: A2 Adjustments for spousal support received:		\$0.00	-	\$0.00
A3 Adjustments for spousal support paid out:		\$0.00	-	\$0.00
3	al or adopted children residing with each Parent:	Ψ0•00	Ī	ΨΟ•ΟΟ
Katie	Rick	\$0.00	-	\$0.00
A5 Other child suppor	\$0.00	-	\$0.00	
A6 Credit for 1/2 of any self-employment tax paid out:		\$0.00	-	\$0.00
A7 Reasonable Busine		\$0.00	-	\$0.00
A8 Available combined monthly gross income (GI):		\$4,062.50	+	\$3,813.33
		_	\$7,875.83	
		c	combined (GI)	
B. Sole Child Support	Needs	Katie	_	Rick
B1 Identify custodial p				
B2 Monthly Basic Child Support Obligation		_	\$1,417.55	
B3 Monthly amount allowable for health care coverage: Paid by:		-	\$0.00	
B4 Monthly amount al	llowable for employment-related child care	-	\$0.00	
B5 Total monthly child	d support obligation (add lines B2, B3 and B4)	-	\$1,417.55	
C. Party's Obligations		Katie		Rick
	of each party (divide (GI) on line A17 by combined (GI))	51.58%	-	48.42%
C2 Monthly support of		\$731.17	-	\$686.38
• • •	thcare coverage paid by Rick	\$0.00	-	\$0.00
	ealth care coverage deduction	\$731.17	-	\$686.38
C4 Adjustment after in	candi care coverage deduction	φ/31.1/	-	φυου.3ο
Adjustments in also	ding SSDI derivative handfit paid to other parent	Va4:a		Diala
D. Adjustments, inclu D1 Total monthly supp	ding SSDI derivative benefit paid to other parent	<u>Katie</u> \$731.17		Rick \$686.38
	vative benefit paid to the other parent for benefit of child(ren):	φ/31.1/	-	φυου.30
D3 Adjustment:	Reimburse Rick's \$350 daycare cost based on Katie's income share		-	-\$180.53
D4 Adjustment:	Remotise Nick's \$330 daycate cost dased on Ratie's income shale	-	-	-ψ100.33
	thly support amt each parent pays to other:	\$731.17	-	\$505.85
			_	

Rick's monthly support obl. is: \$505.85

Intergovernmental Cases

- I. Long Arm
- II. UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA)
- **III. Controlling Orders**
- **IV. Establishment and Enforcement**
- V. Representing an Out-of-State Party
- **VI.Order Registration**
- VII. Modification
- **VIII.Closure on Interstate Cases**

DCSE and UIFSA (Uniform Interstate Family Support Act) and Hague Convention

The goal is one controlling and enforceable order.

Interstate Cases

DCSE is considered both a <u>TRIBUNAL</u> and the authorized state administrative state agency in interstate and international child support under:

UNIFORM INTERSTATE FAMILY SUPPORT ACT; § § 20-88.32 to 20-88.95

DCSE as Tribunal

- Administratively Establish Paternity and Support on an out-of-state person if extended personal jurisdiction is established under § 20-88.35
- Take some administrative enforcement actions on an out of state person.
- Duties of DCSE as a Tribunal are found at § 20-88.48

Long Arm Jurisdiction § 20-88.35

- 1. The individual is personally served with process in the Commonwealth
- 2. The individual submits to the jurisdiction of the Commonwealth by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any content to person jurisdiction.
- 3. The individual resided with the child in the Commonwealth.
- 4. The individual resided in the Commonwealth and paid prenatal expenses or provided support for the child.
- 5. The child resides in the Commonwealth as a result of the acts or directives of the individual.
- 6. The individual engaged in sexual intercourse in the Commonwealth and the child may have been conceived by the act of intercourse.
- 7. The individual asserted parentage of a child in the Virginia birth father registry.
- 8. The exercise of personal jurisdiction is authorized under Subsection A 8 of § 8.01-328.1.

Interstate Direct Enforcement-*Income*Withholding

DCSE may send an income withholding order across state lines without the requirement of registering the order in that state or obtaining assistance from that state's Child Support Agency. § § 20-88.64-

20.88.64:5

Contesting: Register the Withholding Order in the Tribunal where they live and filing a contest to the order.

If Virginia Resident is served with Wage Withholding Order from Wisconsin on his/her employer. Virginia Resident can register that order in Virginia and challenge the Wisconsin order in Virginia. This would be done under § 20-88.64: 5.

Challenges: Mistake of Fact

DCSE as Interstate Administrative Agency

DCSE the administrative agency to handle incoming and outgoing requests with other states and countries to establish paternity and support, modify support and enforce support orders by Court action and registration.

Duties of DCSE in interstate matters under UIFSA are found under § 20-88.50

Representing Out of State Party

Protections: Special Rules of Evidence Under § § 20-88.59, 60 and 61.

- A copy of the record of Child Support payments certified as a true copy of the original by the custodial of the record may be forwarded to a responding tribunal. The copy is evidence of the facts assured in it and is admissible to show whether a payment has been made (A).
- Documentary evidence transmitted from another state to a tribunal of this Commonwealth by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence of an objection based on the means of transmission (E).
- Voluntary acknowledgment of paternity certified as a true copy (J).
- In a proceeding under this chapter, a tribunal of this Commonwealth SHALL permit a party or witness residing
 in another state to be deposed or to testify by telephone, audiovisual means or by other electronic means a
 the designated tribunal or other location in that state. A tribunal of this Commonwealth shall cooperate with
 the tribunals of other states in designing an appropriate location for the deposition or testimony (F).
- Defense of immunity based on the relationship of husband or wife or parent and child does not apply (I).

Non-Parentage as a Defense 20-88.58

A party whose parentage of a child has been previously determined by or pursuant to law may not plead non-parentage as a defense to a proceeding under this chapter.

Paternity and Support-UIFSA Application of Law 20-88.46

Except at otherwise provided in this, a responding tribunal of the Commonwealth <u>shall</u> apply the procedural and substantive law generally applicable to similar proceedings originating in the Commonwealth and may exercise all powers and provide all remedies available in those proceedings.

A responding tribunal of the Commonwealth shall determine the duty of support and the amount payable in accordance with the law and support guidelines of the Commonwealth.

Scenario

Custodial Parent lives in Virginia with emancipation date of 18 or graduation from High School. Non-Custodial Parent lives in New York with emancipation date of 21.

Virginia sends request to New York to establish paternity and support. Matter goes to court in New York.

Emancipation date will be 21 and New York's guidelines for support will be used.

Registration of Out of State Order

Registration is a two-step process § § 20-88.66, 20-88.67:

- Registrations
- Confirmation

Official Accounting Record

Example: NY order, NY has asked VA to enforce its order against a VA resident. VA court orders payment to VA DCSE. VA DCSE sends money to NY for distribution. NY payment record is the Official Record.

Available Defenses under 20-88.72 Registration for Enforcement

- 1. The order was obtained by fraud;
- 2. The order has been vacated, suspended or modified by a later order;
- 3. The issuing tribunal has stayed the order;
- 4. There are defenses under laws of the Commonwealth to the remedies sought;
- 5. Full or partial payment has been made
- 6. Statute of Limitations under § 20-88.69;
- 7. Issuing Tribunal Lacked Jurisdiction;
- 8. The alleged order is not the controlling order.
- 9. Burden of proof on non-registering party § 20-88.72 (A)

Defense under 20-88.72

What if a party presents evidence establishing a defense under § 20-88.72?

Not an automatic dismissal of petition.

The tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence and issue other appropriate orders. An uncontested portion of the order may be enforced by all remedies available.

Effect of Confirmation

§ 20-88.73: "Confirmation of the registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration."

This includes the amount of arrears, which is also confirmed. After confirmation, a party cannot challenge amount of arrears owed during later enforcement proceedings.

Main Tenet of Registration for Enforcement Only

When an order is registered for enforcement only, the state in which it is registered **does not** obtain the authority to modify the order, the state may only enforce the order.

Registration for Modification and Continuing Exclusive Jurisdiction (CEJ) 20-88.39

A State has CEJ if:

- It has issued a child support order and the Custodial Parent, the Non-Custodial Parent or the Child still reside in the state at the time of the filing of the pleading.
- The parties have filed a written consent with the issuing tribunal to allow another state's tribunal to modify the order and assume CEJ.

Effects Of Continuing Exclusive Jurisdiction

The state tribunal which has CEJ has the **sole** and **exclusive** authority to modify the child support order

Registration for Modification-Controlling Order with no CEJ.

Play Away: The party requesting the modification must file in jurisdiction of non-requesting party. § 20-88.76

Modifiable Terms of Order

The Registering State may only modify terms of the controlling order which could be modified by the issuing court. § 20-88.76(c),(d)

Example: Age of Majority is a non-modifiable term.

INTRODUCTION TO CHILD SUPPORT ENFORCEMENT IN VIRGINIA

2021 Virginia Beach Bar Association August 20, 2021

Dakida Brandon, Minna Sandwich, Scott Darnell & Mitch Broudy, Eastern Virginia Regional Legal Office Division of Child Support Enforcement Virginia Department of Social Services (757) 985-3213

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I. Federal Mandates impacting Virginia DCSE:

A. Introduction:

- 1. Part IV-D of the Social Security Act In 1975, Social Security Amendments of 1974 (Public Law 93-647) created the child support program in part IV-D of the Act. The program was designed for cost recovery of state and federal outlays on public assistance and for cost avoidance to help families leave welfare and to help families avoid turning to public assistance. This statute, as amended, authorizes Federal matching funds to be used for enforcing support obligations by locating nonresident parents, establishing paternity, establishing child support awards, and collecting child support payments.
- 2. IV-D State Agencies this established the basis of the formation of child support enforcement agencies, known as IV-D agencies, across the country. It required every State to establish a IV-D agency to collect child support payments due to recipients of Aid for Dependent Children (AFDC) who were required to sign over to the state claims to child support as a condition of eligibility. States were required to offer similar services to non-AFDC cases if requested.
- B. Federal Statutory and Regulatory Authority:
 - 1. See 42 USC §§ 651 et seq. and 45 CFR Part 301 through Part 310.
 - 2. Basic Mandated Services to be performed by State IV-D Agencies:
 - a) Locate Services;
 - b) Establishment of paternity, child support and health care coverage;
 - c) Modification; and
 - d) Collection, enforcement and distribution of support monies.
 - 3. Highlights of Federal Mandates:
 - a) 1981 Omnibus Reconciliation Act of 1981 (Public Law 97-35)
 - (1) IRS is authorized to withhold tax refunds for delinquent child support;
 - (2) Obligations assigned to the state are no longer dischargeable in bankruptcy proceedings. With the Bankruptcy Reform Act of 1994, child support became

- statutorily protected from being discharged in bankruptcy; and
- (3) States are required to withhold a portion of unemployment for delinquent support.
- b) 1988 Family Support Act (Public Law 100-485)
 - (1) Every State is required to implement various procedures for immediate and mandatory wagewithholding for all support orders being enforced by the State's Child Support Enforcement Agencies.
 - (2) By 1994, states are required to implement presumptive, rather than advisory, guidelines.
 - (3) Authorizes the appointment of an Assistant Secretary for Family Support within DHHS (Department of Health and Human Services) to administer the Child Support Enforcement Program (OCSE). www.acf.hhs.gov/programs/cse/index.html
- c) Child Support Recovery Act of 1992 (Public Law 102-521) & Deadbeat Parents Punishment Act of 1998 (Public Law 105-187) a child support violator can be prosecuted under Federal law if the following facts exists: 1) the violator willfully failed to pay; 2) a known child support obligation; 3) which has a) remained unpaid for longer than a year or is greater than \$5,000 (misdemeanor), or has b) remained unpaid for longer than two years or is greater than \$10,000 (felony) 4) for a child who resides in another state, or 1) the violator traveled in interstate or foreign commerce; 2) with the intent to evade a support obligation; 3) if such obligation has remained unpaid for a period of one year or longer-or is greater than \$5,000 (felony). See 18 U.S.C. §228.
- d) Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (Public Law 104-193)
 - (1) Replaces AFDC program with temporary family assistance block grant program;
 - (2) Streamlines the paternity determination process;
 - (3) States must adopt UIFSA by 1/1/98;
 - (4) All IV-D orders must include health care coverage, and notice to new employer is sufficient to enroll the child in the absent parent's health plan (unless contested);

- (5) States must require employers to report all new hires within 20 days to child support enforcement authorities. The goal of this requirement is to reduce the delay in establishing immediate wage withholdings;
- (6) States must review and adjust support orders every 3 years (or shorter cycle) or based upon a substantial change in circumstances (1) upon the request of either parent, or (2) if the child is receiving public benefits;
- (7) Each military department must facilitate leave for paternity and support hearings; and
- (8) Enforcement remedies:
 - (a) Seize lump sums from workers' and unemployment compensation, lotteries, judgments, settlements;
 - (b) Attach assets in financial institutions and retirement funds;
 - (c) Seek to void or settle fraudulent transfers;
 - (d) Force the sale of property;
 - (e) Have the authority to suspend driver's, professional, occupational, and recreational licenses:
 - (f) Impose liens, which must arise by operation of law;
 - (g) Credit bureaus must furnish reports to IV-D agencies, and states must report arrearage to credit bureaus; and
 - (h) Effective 10/1/97, cases with a \$5000 arrearage are subject to passport revocation. (Effective October 1, 2006, cases with arrearages of \$2,500 are subject to passport revocation).
- e) P.L. 109-8, Abuse Prevention and Consumer Protection Act of 2005
 - (a) Allow child support to continue to be enforced even if a debtor has filed bankruptcy.

- (b) Child support claims are given priority.
- (c) Proceedings related to child support for income withholding, license suspension, credit bureau reporting, tax refund intercepts, and enforcement of medical obligations are exempt from automatic stay provisions.
- (d) Bankruptcy trustees are required to notify the claim holder and the child support agency of the debtor's last known address.
- f) P.L. 109-171, Deficit Reduction Act of 2005 (DRA)
 - (a) all child support orders include a provision that either or both parents must provide medical support, and that states may enforce medical support obligations against the custodial parent.
 - (b) Additionally, states must also provide services to collect co-pays, deductibles, and un-reimbursed medical expenses collected on behalf of a child.
 - (c) IV-D agencies must impose an annual fee of \$25 on cases where the custodial parent has never received TANF and at least \$500 has been collected.
- g) The Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs Final Rule was published on December 20, 2016 Federal Register
 - (a) The rule includes language for states to consider the noncustodial parent's specific circumstances in imputing income when evidence of income is limited.
 - (b) The final rule establishes criteria that child support agencies must use to determine which cases to refer to court for a civil contempt action and how they prepare cases for a civil contempt proceeding.
 - (c) The rule provides that a state may not exclude incarceration from consideration as a "substantial change in circumstances."

- (d) In addition, after learning that a parent who owes support will be incarcerated for more than 180 calendar days, the state must either send a notice to both parents of their right to request a review and adjustment or automatically initiate a review and adjustment with notice to the parents.
- C. For Virginia statutes regarding DCSE authority and procedures, see generally §63.2-1900 et seq.

II. Virginia DCSE's Organizational Structure

A. Virginia DCSE:

- 1. Division of the Department of Social Services: DCSE is housed within the Virginia Department of Social Services. Barbara Lacina is Virginia's IV-D Director.
- 2. Virginia DCSE is divided into three geographical regions: Central, Eastern & Western. An assistant director oversees each region. There are district offices throughout the Commonwealth providing child support services within their geographical area. With the advent of Covid. The organizational structure of the district office is based on function. Typically, there are Establishment, Enforcement, and Financial Units.
- 3. Customer Service In 2006, DCSE implemented a centralized Customer Service Call Center, located in Martinsville, to provide enhanced services to child support customers, which includes an interactive voice response telephone system (800) 468-8894. In addition to the call center, DCSE has an interactive website MyChildSupport (portal) https://mychildsupport.dss.virginia.gov/ (strongly recommended for clients to communicate with DCSE, make payments and obtain records.)
- B. DCSE Legal Services (See Attachment B Contact information)
 - 1. The Office of the Attorney General (OAG) provides attorneys to represent the Division. Victoria Dulligan, Senior Assistant Attorney General, oversees the child support section of the OAG.
 - 2. The child support section is divided into three regions. A Regional Assistant Attorney General oversees each region. Within each region, Assistant Attorney Generals are assigned to each District Office to provide legal advice and represent the Division in court. In addition, the OAG has appointed several private attorneys (outside counsel) throughout the Commonwealth to represent the Division in court.

3. Assistant Attorney Generals and private outside counsel represent the interest of DCSE and not the custodial parent. LE Op. 964 (1988).

III. DCSE Services:

A. Obtaining and Terminating DCSE Services Chart

Type of Case	How to Obtain Services	How to Terminate Services		
TANF	Referred from the local Department of	Upon the termination of TANF benefits, the		
Va. Code § 63.2-	Social Services (Automatic-by	custodial parent may file written notice to the		
1909	operation of law)	Division to terminate the collection of current		
		support; however, the Division shall continue		
		to collect monies for TANF arrears and		
		interest until the balances are paid in full.		
Foster Care	Referred from the local Department of	Terminates upon the child support and		
Va. Code § 63.2-	Social Services unless the foster care	arrearage being paid in full and the child		
1910	social worker files a good cause notice	leaving foster care.		
	not to proceed with child support.			
	(Automatic – by operation of law)			
DJJ	Referred from DJJ	Ended June 30, 2021. No longer can contempt		
Va. Code § 16.1-		actions be filed in these cases.		
290 D				
Child Care	As a condition of eligibility, all	Custodial parents may file a written notice		
Subsidy	applicants and recipients must	to close the financial portion of their case.		
22VAC40-661-	cooperate with the Division of Child			
70	Support Enforcement unless the			
	subsidy program determines that good			
	cause exists for their failure to do so.			
Non-Public	File application with the Division.	Party who opens case provides written notice		
Assistance	The Courts do not have the authority	to the Division.		
Va. Code § 63.2-	to direct DCSE to open a case.			
1904 &				
22VAC40-880-50				
See Appendix 3DCSE Application and for Case Closure form located on Public DCSE website				

- B. For a description of Full IV-D Child Support Services, see I. B.2 above. In addition, DCSE may provide services related to spousal support:
 - a) DCSE does not establish spousal support orders or initiate court action to establish spousal support orders;
 - b) DCSE may enforce IV-D spousal support obligations when a current child support order or child support arrearage that accrued pursuant to the order is being enforced;
 - c) DCSE does not collect or enforce spousal support only.
 - d) IV-D spousal support enforcement services end when neither current child support nor arrearage is due in the case. The NCP

will be directed that future payments be made to the payee directly, and release any enforcement action(s) for the collection of spousal support.

IV. Administrative Process:

A. Paternity Establishment:

- 1. Sworn Acknowledgment of Paternity the Department shall provide to both the mother and the putative father a written and oral description of the rights and responsibilities of acknowledging paternity and the consequences that arise from a signed acknowledgment, including the right to rescind the acknowledgment within the earlier of (i) sixty days from the date of signing or (ii) the date of entry of an order in an administrative or judicial proceeding relating to the child in which the signatory is a party. Virginia Code § 63.2-1913.
- 2. Genetic Testing The Department may order genetic testing and shall pay the costs of such tests, subject to recoupment from the father, if paternity is established. The present cost for the testing completed by Virginia DCSE is \$38.00 per person (\$114 for two parents and one child). If testing is completed by another state's DCSE, the cost will vary. Virginia Code § 63.2-1913.
- 3. When the putative father neither signs an affidavit of paternity nor voluntary submits to genetic testing within ninety days from locating him, then the matter is referred to court for judicial action.
- B. Administrative Child Support Order (ASO):
 - 1. Essentials of an ASO (See Appendix 6 ASO)
 - a) The ASO is similar to a child support order from the court for it addresses the following:
 - (1) Monthly amount owed for current support;
 - (2) Amount of arrearage owed;
 - (3) Frequency of support payments;
 - (4) Date the first payment is due;
 - (5) a statement that if child support arrearages, including interest and fees, exists when the youngest child subject to the order emancipates, payments will continue to be collected in the total amount due (current support plus amount applied toward arrearages) at the time of

emancipation until all arrearages are paid;

- (6) A provision for health insurance;
- (7) A provision for unreimbursed medical and dental expenses; and
- (8) A provision for an administrative income withholding order.

b) Effective Date of an ASO

- (1) An initial ASO is effective on the date it is served or the date service is waived; the first payment is due on the first of the month following the date of service and on the first of each month thereafter.
- (2) A modified ASO is effective the date the Notice of Proposed Review was served on the non-requesting party. Payment is due the date the NCP receives the order (service date) and on the first of each month thereafter.
- c) TANF Arrearage In some circumstances, the DCSE will assess a child support arrearage based on the TANF paid out to the Custodial Parent for the benefit of the child prior to the entry of the ASO. Virginia Code § 63.2-1908.
- d) Legal effect of the ASO ASOs have the same force and effect as a court order. However, any order issued by a court supersedes an administrative order. Virginia Code § 63.2-1915. The existence of an administrative order does not preclude either a noncustodial parent or custodial parent from commencing appropriate proceedings in a juvenile and domestic relations district court or a circuit court. Virginia Code § 63.2-1916.
- 2. Modification of an ASO and the General Administrative Review Process 22VAC40-880-250
 - a) Review Process: For TANF cases, DCSE will automatically review a case every thirty-six months. The parties may request in writing a review once every three years from either the entry of the last order or the last administrative review, whichever event occurred last; however, upon a showing of special circumstances, DCSE will entertain a modification earlier. Special circumstances include the following:
 - (1) A child needs to be added to an order as a result of a birth or a physical change in custody;

- (2) A child is no longer eligible to receive continued current support (and other children are active on the order) due to a physical change in custody or emancipation;
- (3) A health care coverage obligation needs to be added to the order;
- (4) The health care coverage insurance premium increases or decreases by at least 25 percent;
- (5) The existing child support order does not include the unreimbursed medical/dental provision;
- (6) The CP's work-related child care expense increases or decreases by at least 25 percent;
- (7) Either parent's income increases or decreases by at least 25 percent.
- b) If none of the special circumstances are met nor the three years have elapsed, the parties shall receive a review denial notice from DCSE (See Appendix 7 Review and Adjustment Termination Notice).
- c) The department shall adjust an administrative obligation when the results of the review indicate a change of at least 10% in the monthly obligation but not less than \$25. DCSE provides a notice of the results of the review. The parties have fifteen days from the notice date to file a written objection with the caseworker.
- d) Effective Date of the modified ASO: Virginia Code § 63.2-1916 requires the effective date of the ASO to be the date of the notice of review is served on the non-requesting party.
- 3. Modification of Court Orders Although DCSE lacks the authority to enter an ASO when a support order is in existence, VA Code § 63.2-1921 allows for quasi administrative/judicial review of the child support order. The same review process for the ASO is utilized. A motion for entry of the proposed support order is submitted to the court along with the order. If neither party objects to the entry of the proposed order within thirty days of receipt of the notice, the proposed order may become final. Like the ASO, the effective date is date the non-requesting party was served with the notice of the proposed review.

C. Administrative Enforcement Actions

1. Immediate Income Withholding Order / Va. Code Ann. §§ 63.2-1924 & 63.2-1926. Wage Withholding applies to military, federal, civilian

- employers, unemployment benefits, worker's compensation, pension/retirement benefits, Social Security Disability, independent contractors and some veteran's benefits. Employer is liberally construed and can actually apply to situations where the employer pays the independent contractor on a periodic basis. See Va. Code § 63.2-1900.
- 2. Utilization: Generally, every ASO requires the use of a wage withholding. In addition, upon the noncustodial parent becoming one month overdue on court ordered child support, DCSE is authorized to implement a wage withholding. The noncustodial parent may appeal the wage withholding within ten days of service. The appeal is limited to a showing of a mistake of fact: that is, misidentification of payor or error in the amount of arrears or current support.
 - a) The statute requires DCSE to collect current support and payments toward the arrears. The monthly arrearage repayment is calculated by taking either 25% of the monthly current support owed or \$65.00 which ever is greater.
 - b) Consumer protection limits apply. Va. Code § 34-29 limits employer to sending 60% of the employees disposable income if they have no dependents that are residing with them and limits the employer to 50% if they have dependents residing with them. If the child support arrears is over twelve weeks old, then the limits increase to 65% for employees with no dependents residing with them and 60% with employees who have dependents residing with them.
 - c) An Issue Relating to Employer The employer is responsible for providing the noncustodial parent with a copy of the wage withholding. The employer may charge up to \$5.00 for processing each wage withholding. If the employers fail to withhold the income, they may be held responsible for 100% of monies they should have withheld. Va. Code § 63.2-1930. In addition, if the employers withhold the funds but fail to forward the funds to DCSE, they are subject to criminal action, Embezzlement, Va. Code § 18.2-111.2.
 - d) Miscellaneous the administrative wage withholding terminates when the child support obligation ceases and no support arrearages are owed, or if the case closes with DCSE. Va. Code §§ 20-60.3 and 63.2-1916 provide that upon child support ceasing, DCSE shall continue to collect arrearage in the same amount as the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid.

- 3. Liens VA Code §§ 63.2-1927, 63.2-1928 & 63.2-1939
 - a) Utilization: A lien arises by operation of law for overdue support and the department may file a lien on the real or personal property of the noncustodial parent when the division has
 - (1) Issued an administrative support order;
 - (2) Received a Virginia court order; or
 - (3) Received a support order from a jurisdiction outside of Virginia.
 - b) Effect of the Lien:
 - (1) When the lien is docketed in the county or city where the noncustodial parent resides, it shall be a lien against all property of the debtor in that location where docketed with priority of a secured creditor including:
 - (a) Real Estate Va. Code § 63.2-1934 allows for foreclosure through an action brought in circuit court. The statute only requires placing a notice of foreclosure in the local newspaper for two weeks. These liens have been recently effective with the recent surge of refinances;
 - (b) Personal Property, including a lien against anticipated personal injury or wrongful death settlement or award proceeds; DCSE's lien takes priority over all other liens except as stated in Va. Code § 63.2-1927.
- 4. Orders to Withhold & Deliver Administrative Garnishment on Bank Accounts etc... Va. Code §§ 63.2-1929 & 63.2-1931.
 - a) Order to Withhold (See Appendix 10 Order to Withhold) is a separate order from the Order to Deliver. The Order to Withhold freezes the account. The account/property is frozen until the entity receives an Order to Deliver or a DCSE notice rescinding the order.
 - (1) It is served on both the account holder and the NCP. It may be used for anticipated personal injury or wrongful death settlement proceeds. The NCP has a right of appeal based upon a mistake of fact or that the property is exempt from the debt under the law if exercised within ten days of being served with the order. The entity served with the

- order to withhold must file an answer under oath within ten days of service responding to the order to withhold.
- (2) If a financial institution replies that the NCP has funds in a joint account, within twenty-one days from the date it received the answer DCSE must serve the joint account holders and the institution with notice. The joint account holders have ten days from service to appeal the matter. If the apportionment of the joint account cannot be resolved, DCSE files a petition in general district court/circuit court. Where the joint holders are married, it is presumed that the account is owned by them equally and the parties must prove by clear and convincing evidence otherwise. The financial institution may release the funds after twenty-one days of serving its answer if it has not received DCSE's notice to the joint account holders. In addition, the institution may release the funds after ninety days from receiving the notice to joint account holders if it has not received an order to deliver or a court petition pertaining to the apportionment.
- b) Orders to Deliver: the statute provides that the Commonwealth hold the entities harmless when they deliver money or property to DCSE; on the other hand, the entities are liable for 100% of the value of the debt which is the basis of the lien for failure to surrender the property to DCSE. Va. Code § 63.2-1930.
- 5. Credit Bureau Reporting Va. Code § 63.2-1940 requires DCSE to provide support payment arrearage information to the consumer credit reporting agencies. DCSE is further required to provide noncustodial parents notice of the proposed release of information and the procedures available to contest the accuracy of the arrearage. When the arrears total at least \$500 or the noncustodial parent is over three months behind in his support, DCSE automatically reports the arrearage information to the major credit bureaus: Equifax, Trans Union and Experian.
- 6. Suspension of Drivers License Va. Code §46.2-320 authorizes DCSE to suspend the noncustodial parent's driver's license:
 - a) Criteria for Driver License Suspension:
 - (1) An arrearages of more than \$5,000 or
 - (2) 90 days delinquent in support payments.
 - (3) NCP has failed to comply with a subpoena, summons, or warrant relating to paternity or child support porceedings.

- b) Process: Within ten days of service of the notice to suspend driver's license, the NCP may file an appeal at DCSE's District Office. DCSE will then file a petition to suspend the drivers license in court. The burden of proof is on the NCP to show that his failure to pay was not willful (See Appendix 13 Notice of Intent to Suspend Drivers License).
- c) Reinstatement of Driver's License: To avoid license suspension or have the license reinstated, NCP may negotiate with DCSE. Virginia Code was amended in 2019 to address the reinstatement of driving privileges.
 - (1) Criteria for License Reinstatement 1st Time:
 - (a) Paid the delinquency in full; or
 - (b) Reached an agreement with DCSE to satisfy the delinquency within a period not to exceed 10 years and at least one payment, representing at least five percent of the total delinquency or \$600, whichever is less, has been made pursuant to the agreement. Failure to comply with the agreement will result in license re-suspension without further notice.
 - (c) Comply with summons, warrant or subpoena relating to a child support or paternity proceeding
 - (d) Successfully complete or participate in an ICMP program.
 - (2) If the NCP fails to abide by the agreement and subsequently seeks reinstatement of driver's license then the NCP must meet the following criteria:
 - (a) the person has paid the delinquency in full; or
 - (b) has entered into a subsequent agreement with DCSE to satisfy the delinquency within a period not to exceed 7 years and has made at least one payment of \$ 1,200 or five percent of the total delinquency, whichever is less, pursuant to the agreement.
 - (3) If the NCP fails to abide by the second or subsequent agreement and seeks reinstatement of driver's license then the NCP must meet the following criteria:

- (a) Has entered a new agreement with DCSE if the person has made at least one payment of \$1,800 or five percent of the total delinquency, whichever is less, and agrees to a repayment schedule of not more than 7 years.
- d) Restricted Driver's License: In addition, the NCP may file a petition for restricted driver license. Upon a showing of good cause, the court may grant a restricted driver license to and from work, school, visitation and medical appointments so long as the only hold on the NCP's license is from DCSE.
- e) Suspension of occupational licenses under Va. Code § 63.2-1937;
 - (1) This enforcement action is initiated through a court process and not through an administrative process.
 - (2) It has similar prerequisites as a driver license suspension: arrearages of more than \$5,000 or more than a 90 day delinquency period, or failure to comply with a subpoena, etc. The NCP has various defenses to the suspension of a professional license including the following:
 - (a) There is an alternate remedy that would result in collection.
 - (b) It would cause irreparable harm to himself or his employees;
 - (c) It would not result in payment of arrears; or
 - (d) The NCP made a good faith effort to reach an agreement with DCSE.
- f) State Tax Refund/Lottery Intercept allows for DCSE to intercept refund monies and lottery winnings of the NCP if the NCP has an arrears balance of \$25 or more. The NCP is served with an advance notice and provided thirty days to note the appeal to receive an administrative hearing regarding the amount of arrearages or the validity of the claim. The appeal from the hearing officer is to the circuit court in which the NCP resides and the matter is decided based on the record as opposed to a trial *de novo* (See Va. Code §58.1-527).
- g) Federal Tax Intercept (26 USC § 6402; Va. Code § 63.2-1955; & 45 CFR § 303.72) operates similar to the state tax refund

program with some minor exceptions. If TANF arrears are \$150 or more and three months delinquent or non-TANF arrears are \$500 or more, DCSE may intercept federal tax returns. If there is a joint return, DCSE will hold the funds for 180 days to allow the joint tax payor file an innocent spouse claim with the IRS.

h) Passport Denial

(1) Criteria for Passport Denial - NCP owes child support arrearage in an amount exceeding \$2,500. The amount cannot include spousal support arrears. (42 USCS§652 (k)).

(2) Process

- (a) DCSE submits NCP's name with arrearage to the Federal Office of Child Support Enforcement (OCSE);
- (b) OCSE sends a pre-offset notice to the NCP. The pre-offset notice informs the NCP that if the NCP owes an arrearage in an amount exceeding \$2,500, the Secretary of State will refuse to issue a passport, and may revoke, restrict, or limit a passport which was previously issued;
- (3) Practice Pointer: NCP will be denied a new or the reissuance of a passport. It is unlikely that the State Department will suspend or revoke a passport.
- (4) Exceptions to Passport Denial. 22VAC40-880-405.
 - (a) Life or death situations involving an immediate family member (verification of the death or medical emergency is mandatory);
 - (b) Employment contingent upon international travel with written proof from the employer of current employment or an offer and acceptance of employment and an agreement with DCSE that includes an income withholding order, a lump sum payment, and a plan to make regular payments to satisfy the arrearage within a finite period of time, or.
 - (c) The erroneous submittal of an individual, i.e., the denial of an individual that has never owed child support, not an individual that owed child support at the time of submittal and has since made payment.

V. DCSE Administrative Appeal & Review Process

A. Reviews, Appeals, and Hearings Overview

- 1. State and federal law require that the NCP be given the right to contest and appeal certain administrative actions taken by DCSE to establish and enforce a support obligation.
- 2. CPs also have the right to appeal any action to establish or adjust a child support obligation.
- 3. Either party can request that his/her case be reviewed any time. He or she may also be entitled to an informal administrative review, to appeal, or to a formal hearing with a hearing officer and judicial review.

B. Case Review

- 1. Consists of the analysis of information and actions taken on a case the review must relate to an action that has been or could be taken based on sufficient case information, and is to ensure that the information or action taken on the case was correct.
- 2. Either party may request a review of his/her case at any time. The request may be made verbally or in writing.
- 3. Generally, the caseworker has 10 days to contact the requesting party by phone or in writing.
- 4. The caseworker will evaluate the actions on the case to ensure that appropriate procedures have been followed and advise the party requesting the case review of the results of the review and any actions taken.

C. Administrative Review

- 1. Consists of an informal conference
- 2. The Administrative Review is held when the NCP contests any federal offset program notice, a report made because of a request from a consumer reporting agency, passport denial, or Comptroller Vendor Debt set off.

D. Administrative Hearing

- 1. An Administrative Hearing is a formal hearing that gives an appellant an opportunity to contest actions taken by DCSE.
- 2. Either parent may appeal any provision of an Administrative Support Order.
- 3. The NCP may appeal the Notice of Proposed Action for a Mandatory

Withholding of Earnings, Advance Notice of Lien (Virginia court orders only), State Income Tax Intercept, Order to Withhold and Passport Denials. Matters regarding Federal Income Tax Offset, Consumer Reporting Referral and Comptroller Vendor Debt Set Off can only be appealed after an administrative review decision has been issued by DCSE.

4. In order for the NCP to appeal an enforcement action, the NCP must prove that either: (1) the action was based on a mistake of fact because there was either an error in the identity of the noncustodial parent or an error in the amount of current support or past due support owed, or (2) the funds are exempt from garnishment by law.

5. Procedural Requirements:

- a) A request for an administrative appeal hearing must be made in writing.
- b) A request for an appeal of an Administrative Support Order must be received within 10 calendar days of service of the order.
- c) Appeal of a State or Federal Income Tax Intercept must be received within 30 calendar days of the NCP receiving the off-set notice.
- d) The written request for an administrative appeal must be mailed to the Appeals and Fair Hearings Unit, DCSE Section, Virginia Department of Social Services, 801 E. Main St., Richmond, Virginia 23219.

6. Pre-Administrative Hearing Issues:

- a) The DCSE Section Hearings Manager will assign the appeal to a hearing officer.
- b) If the hearing officer determines that the appeal is valid, the hearing officer will schedule the hearing within 45 days from the postmark date, unless there are delays due to scheduling conflicts or a request for a continuance.
- c) The CP, NCP, and their counsel, if any, will be notified in writing of the date, time, and location of the hearing. The appellant is responsible for providing the hearing officer with a current, correct mailing address.
- d) The district office will be notified of the hearing date, time and location. The hearing will be held at the district office where the CP resides, unless the hearing officer approves other arrangements.

- e) The appellant may request a telephonic hearing by contacting the hearing officer either in writing or by telephone. A prehearing conference may be held at the district office to address preliminary matters prior to the hearing date. An appellant who requires special assistance or an accommodation must notify the hearing officer as soon as possible.
- f) The district office representative must submit the case documents to the hearing officer no later than three workdays before the hearing.
- g) Continuances: The hearing may be rescheduled once, for good cause as determined by the hearing officer, if the request is made in advance. The appellant may initially make the request for a continuance by telephone or in writing. The hearing officer has discretion to reschedule a hearing in the case of an emergency.

7. Administrative Hearing Protocol:

- a) The hearing officer has complete authority over the hearing, including the authority to limit the number of witnesses and to require that the evidence be relevant to the issue being appealed.
- b) Formal rules of evidence do not apply at the hearing. Only evidence that is determined by the hearing officer to be relevant to the issue being appealed will be admissible.
- c) Either party may record the hearing. The hearing officer will record the hearing if the issue on appeal involves state or federal tax intercepts.

8. The Administrative Hearing

- a) The hearing will generally follow this order:
 - (1) The hearing officer will make a preliminary statement explaining the hearing procedure before the hearing begins.
 - (2) Introductory statement and introduction of attendees by hearing officer;
 - (3) Presentation of the district office's case; Questions by appellant;
 - (4) Presentation of the appellant's case;
 - (5) Questions by the district office;

- (6) District office's closing statement (may be waived); and
- (7) Appellant's closing statement (may be waived).
- b) Hearing Rights are as follows:
 - (1) Examine all documents and records used by the district office in determining the support obligation with the exception of information protected by the Government Data Collection and Dissemination Practices Act.
 - (2) Present the case or have it presented by legal counsel or another person;
 - (3) Bring witnesses to the hearing;
 - (4) Advance arguments without undue interference at the hearing;
 - (5) Question or refute all pertinent facts and circumstances in the case;
 - (6) Submit evidence to establish pertinent facts and circumstances; and
 - (7) The hearing officer may hold the record open to receive additional evidence or clarify facts at the request of either party.

9. Hearing Officer's Decision

- a) A written decision will be sent to all parties by certified mail, return receipt requested, within 45 calendar days of the date of the appeal request, unless a continuance was granted. A copy of the decision will be sent to the district office.
- b) If the hearing took place in person, rather than by telephone, the hearing officer may request a waiver of service by certified mail and may personally serve the decision on the parties. If service of the decision is made personally at the time of the hearing, the district office will send a copy of the decision, by certified mail, to the custodial parent if the custodial parent is not present at the hearing.
- 10. Appeal of the Hearing Officer's Decision:
 - a) An appeal may be taken by filing a written notice of appeal with the clerk of the court having proper jurisdiction to review the

decision of the hearing officer.

- b) A nonresident obligee for whom the Department is acting is not required to appear at the hearing. Evidence relative to the support obligation may be taken from a nonresident obligee by deposition and presented by the Department at the hearing.
- c) Such appeal shall be taken within ten days of receipt of the hearing officer's decision. Except for state and federal intercepts, all hearing officer decision appeals are heard in the Juvenile & Domestic Relations District Court appeal de novo (See Virginia Code § 63.2-1943). The hearing officer appeal decisions for federal and state intercepts are heard in circuit court on the record.
- d) Statutory/Regulatory Authority: Virginia Code §§ 63.2-1942 & 63.2-1943; 22VAC40-880-420, 430, 440.
- e) Admin. Appeal Chart

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APPEAL TYPE	TIME PERIOD TO	APPEAL	PROCESS		
	NOTE APPEAL	CRITERIA			
ADMINISTRATIVE	10 calendar days	Hearing officer has	NCP may file an appeal to J&DR		
SUPPORT ORDER	from date of service	no jurisdiction over	Court within 10 days of receiving		
(ASO)	of ASO	paternity	the decision of the hearing's		
			officer. The JDR appeal is heard de		
			novo.		
INCOME	10 calendar days	Appeals are based	NCP may file an appeal to J&DR		
WITHHOLDING	from date of service	on mistake of fact.	Court within 10 days of receiving		
ORDER	of notice of intent	63.2- 1924 (B)	the decision of the hearing's		
(IWO)			officer. The JDR appeal is heard de		
			novo.		
ADVANCE	10 calendar days	Appeals are based	The NCP may appeal the Adv. Not.		
NOTICE OF LIEN	from date of service	on mistake of fact.	of Lien that is based on an arrears		
	of ASO	There is no formal	that accrued under a Virginia Court		
		administrative	Order. The NCP cannot appeal		
		appeal process.	liens filed on ASOs or on an out-of-		
			state order. NCP may file an appeal		
			to J&DR Court within 10 days of		
			receiving the decision of the		
			hearing's officer. The JDR appeal		
			is heard de novo.		
INTENT TO	10 calendar days	Past due support	NCP may file an appeal to J&DR		
REPORT CREDIT	after receiving notice	shown on this notice	Court within 10 days of receiving		
AGENCY	of the result of the	is not correct or not	the decision of the hearing's		
	Admin. Review.	owed. §63.2-1940	officer.		

VENDOR PAYMENT INTERCEPT	10 calendar days after the Vendor Payment Intercept Notification is mailed	a. past due support is not owed; b. the amount of the debt claimed is incorrect, or c. the payment is ineligible for interception.	NCP files an appeal in the circuit court within 30 calendar days of receiving the hearing officer's decision. The agency's finding of facts shall be sustained if supported by the evidence. Va. Code §§ 63.2-1943& 58.1-527
PASSPORT DENIAL	30 days from the date of the Pre-offset Notice to request an administrative appeal	a. arrears don't meet the threshold amount at the time of certification or, b. mistaken identity of the party.	NCP files an appeal to circuit court within 30 calendar days from the date of the hearing officer's decision pursuant to the procedures under the Setoff debt Collection Act, Va. Code §58.1-520 et seq.
FEDERAL TAX INTERCEPT	30 calendar days from the date of mailing of the administrative review determination	a. past due support is not owed; or b. the amount of the debt claimed is incorrect.	NCP files an appeal in the circuit court within 30 calendar days of receiving the hearing officer's decision. The agency's finding of facts shall be sustained if supported by the evidence. Va. Code §§ 63.2-1943& 58.1-527
STATE TAX INTERCEPT	30 calendar days from the date of the State Income Tax Intercept/Lottery Winnings Notification Letter	a. past due support is not owed; or b. the amount of the debt claimed is incorrect.	NCP files an appeal in the circuit court within 30 calendar days of receiving the hearing officer's decision. The agency's finding of facts shall be sustained if supported by the evidence. Va. Code §§ 63.2-1943& 58.1-527
ORDER TO WITHHOLD (OWD)	10 calendar days after service of the Order to Withhold §63.2-1929	a. You are not the person named in the order; b. past due support is not owed or an incorrect amount; or c. property withheld is exempt under law.	NCP may file an appeal to J&DR Court within 10 days of receiving the decision of the hearing's officer. The JDR appeal is heard de novo.

VI. Practice Pointers

A. IV-D versus non-IV-D Services:

1. Court issued Income Withholding Orders - the Division may be tangentially involved in cases where neither party has applied for DCSE services. Generally these non-IV-D cases are created as a result of court-ordered income withholdings; because all income withholdings (both IV-D and non-IV-D) are paid through the Commonwealth of Virginia (See Va. Code Ann. § 20-79.3(10)). The Division maintains an accounting record of these payments but does not assign a caseworker or actively manage these cases at the district office level. The Division is limited to processing payments on such cases and has no authority to modify withholding orders or take enforcement actions. Any order directing funds to be paid through the Division or modifying such an order should be mailed or faxed to the following address: DCSE - Central Registry, 801

- E. Main St, Richmond, Virginia 23219; With non-IV-D cases, it is essential to keep the Division, the clerk's office that issued the income withholding, and the noncustodial parent's employer informed of any support modifications which affect the income withholding. DCSE cannot modify a court ordered wage withholding. DCSE is required to prorate the monies among all the cases no matter whether IV-D or non-IV-D. DCSE can provide a record of payments to the non-IV-D parties. A non-IV-D case can be easily converted to a IV-D case upon a party filing an application of services with DCSE.
- 2. As of July 1, 2018, the courts are now authorized to issue wage withholdings for spousal support cases when no child support is ordered. VA Code § 20-79.1. Prior to July 1, 2018, the statute only authorized wage withholding for spousal support if the obligor also owed child support.

B. Payment/Disbursement:

1. Payment Options

- a) Mail Payments: The checks or money orders should be made to the Treasurer of Virginia and mailed to Treasurer of Virginia, P.O. Box 570, Richmond, VA 23218-0570. The NCPs are required to insert their names and social security numbers on the checks or money orders.
- b) On-line banking can be used to pay child support electronically for financial institutions that contract with Checkfree. (To determine if your financial institution uses Checkfree, go to http://www.checkfreecorp.com/cda/corp/ and drop down the list at "Pay Bills Online". Then click on "Providers for Consumers" and click on "All". If NCP's financial institution is not on this list, the payment will come to DCSE by paper check.) Enter NCP's nine digit social security number, without dashes, in the customer account number field. The payee "Treasurer of Virginia" and the payment address of PO Box 570, Richmond, VA 23218, have been programmed to generate EFT payments to Virginia Child Support Enforcement.
- c) MyChildSupport on-line portal. NCP's can set up accounts and make payments on-line through the secure website. http://www.dss.virginia.gov/family/dcse.html
- d) Military Allotment through My Pay. https://mypay.dfas.mil/mypay.aspx

- e) Virginia MyChildSupport voice response system- 1-877-670-2941.
- f) TouchPay Kiosks in all district offices and some courthouses.
- g) MoneyGram- most CVS and Wal-mart locations. Receive code 14683. The obligor must provide his/her DCSE # which should contain 10 digits. The DCSE # shall include zeroes in front of the DCSE# to provide the 10 digits (Example 0007546699).

2. Disbursement:

- a) Proration Rules Funds collected by DCSE must be prorated among the noncustodial parent's cases both IV-D and non-IVD cases with monies first paying current support on each case, and any remaining funds then paying arrears (Va. Code §20-79.1).
- b) Parents receiving Support Payments- Custodians may receive support payments three ways:
 - (1) EPPI Card- Similar to an ATM or debit card. When a payment is received and processed, it is then applied to the Way2Go card.
 - (2) A paper check mailed to the custodian.
 - (3) Direct Deposit Instead of having the child support mailed to the custodial parents, custodial parents can arrange for payments to be directly deposited into their account. The form may be downloaded from the DSS website https://www.dss.virginia.gov/files/division/dcse/forms/032-11-0200-20-Ang.pdf

C. Federal Parent Locator Service (FPLS)

1. New Hire Requirements – Va. Code § 63.2-1946 and the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, 42 U.S.C. 653A, requires all employers to report newly hired and re-hired employees to a state directory within 20 days of their hire date.

2. Purpose:

a) Federal and State laws contain strict guidelines for the use of new hire reporting information.

- b) Virginia's child support computer system matches new hire information against open child support cases to locate non-custodial parents to establish paternity and child support orders, and enforce existing orders.
- c) IV D agencies across the country utilize these matches in similar manner as Virginia.
- d) New hire information can also be used by states to help detect and prevent fraudulent payments to recipients of unemployment insurance, workers compensation, and welfare benefits.
- 3. Employers: The law applies to all employers and/or labor organizations in the State of Virginia. Employers must report all employees who reside or work in the State of Virginia to whom the employer anticipates paying earnings.
 - a) Temporary agencies are responsible for reporting their workers who sign a W-4 form and report to an assignment. Workers need to be reported only once; they do not need to be reported each time they report to a new client. If the worker has a break in service from your agency and a new W-4 form is required, then a new hire report is also needed.
 - b) Labor unions and hiring halls must report their own employees; that is, individuals who work directly for the labor union or hiring hall. If the labor union or hiring hall simply refers individuals for employment, it does not need to file new hire reports for these actions. If a labor organization actually pays the individuals whom it refers (as opposed to having them paid by the person or entity to whom they have been referred), the labor organization would be considered the "employer" and subject to the new hire reporting.

4. Employees:

- a) Employee Test: an individual who is an employee for purposes of federal income tax withholding from wages is also an employee for new hire reporting purposes. Employers do not have to report subcontractors.
- b) Rehires: Employers must report rehires, or employees who return to work after being laid off, furloughed, separated, granted a leave without pay, or terminated from employment. Employers must also report any employee who remains on the payroll during a break in service or gap in pay, and then returns to work. This includes teachers, substitutes, seasonal workers, but not reservist called to active duty.

5. Obtaining information from the FPLS:

- a) DCSE Confidentiality Rules- The Division is authorized to provide the parties with copies of court orders, administrative orders, enforcement actions, fiscal records, and financial information used to calculate the child support obligation. In addition, the Division may provide personal information contained in the case record that pertains to the individual requesting the information. The Division cannot provide client information to an attorney unless the attorney provides a written authorization from his or her client.
- b) Special Application a special application can be filed with State Parent Locator Service requesting locate information of a parent. The request must meet specific criteria before any information can be released.

VII. Financial Record Terminology:

- A. Allocation (proration) is a process of dividing an NCP's payment among all cases for which s(he) is ordered to pay support. The system automatically allocates a support payment from an NCP among the NCP's cases, IV-D and non-IV-D, based on a hierarchy of current support and arrears. APECS executes this hierarchy through a table of support types, accounts, and subaccounts. Support types include but are not limited to the following; a) Child Support, b) Medical Support, and c) Spousal Support.
- B. Distribution is the allocation of child support collected to the various types of debt within a child support case i.e., monthly child support obligation, child support arrearage, child support interest, spousal support, spousal support arrears, spousal support interest, medical arrears and medical interest etc.
- C. Federal Tax Refund Offset Program collects past due child support amounts from noncustodial parents through the interception of their Federal income tax refund, or an administrative payment, such as Federal retirement benefits. Since its purpose is to collect past due child support, this is the one instance where the payment is credited first to the arrearage balance and then to current support owed for the month. Additionally, this is one instance where TANF debt is paid before non-TANF debt.