

Comments to the Child Support Guidelines Review Panel Document 4 – October 28, 2012 through April 17, 2013

From October 28, 2012, there were a total of nine emails and one letter to the Child Support Guidelines Review Panel. Four (4) emails pertained to a specific DCSE case and was referred to DCSE for a case specific response. Five (5) emails and the one letter addressed general topics. All inquiries received a response.

All identifying information on case specific inquiries has been crossed out and salutations and closings have been deleted.

1. From: KRG
Sent: Monday, November 12, 2012 10:10 PM
Subject: Child Support Guidelines

To Whom it may concern:

I am just a little curious, as to why you convene if there is nothing to back up those guidelines, which become court mandated, or court ordered?

Why is there no consequence or recourse for a system that doesn't protect, the innocent... These children are victims, of not only abandonment, by parents but also by a system which is so severely flawed, that you leave the custodial parents, no recourse but to just survive by their own means because this is system, as flawed as it is, also hurts the innocent and the victims and you as panels to decide guidelines make no punishment severe enough. You also make it so that there is no way to enforce the guidelines or punishments. Why would anyone, follow them? There is no crime/punishment for a negligent parent, who disregards their financial obligation, and figures out that if they pay a dime every three months they can avoid jail or punishment..

2. From: WonderWoman
Sent: Tuesday, November 13, 2012 1:39 PM
Subject: Re: REVIEW REQUESTED 2011

my request for a review is over a year old? i was told it was being sent to court? an administrative order? what all was needed?

how long does this usually take; all of the information was provided when requested over a year ago?

the hard part was done. a court date and review ought not to take this long.

my ex does nothing to help out physically, emotionally or mentally. i have to take my daughter to therapy for mental problems developing and need financial support to do so; she still wets the bed, etc. 12 years later and he does absolutely nothing to get involved so please can you try to expedite this case a little.

thanks for checking on this.

case number XXXXXXX

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3. From: KS
Sent: Wednesday, November 14, 2012 9:21 AM
Subject: Panel Membership?

Hello,
I would be very interested in serving on your panel. What is the process to be considered?

4. From: VF
Sent: Sunday, November 25, 2012 12:57 AM
Subject: Main question regarding child support

Hi,
My name is XXXXXX XXXXXX. I am a single mother of 2. Currently enrolled in receiving child support, however it has been 6 months since a deposit was last made. And a year backed up in payments. The father of my children is working off the books and receives unemployment. Yet, ive yet to receive any payment. Another issue at hand is the amount proposed. Please do tell in what state would \$300 "assistance" be sufficient for 2 children? I know females that receive more money for 1 child while the father is not working and has not been employed for over 2 years...so i just dont understand how the state comes up with these random numbers? I understand men need to make a living for themselves. But so do we. WE meaning the responsible mothers who have our children dressed nice with clothes that fit. Providing a safe living environment. Assure our children go to bed with full stomachs. And make sure they have health insurance. The mothers who rush to their childrens daycare from work, help with homework, make and serve dinner, set pjs out on the bed, bathe them, make sure they brushed their teeth, read for at least 20 minutes, pray and tuck them in. All to do the same thing, the next day. And the day after that. So what about us? I feel the women who use their child support for shoes and club clothes have abused the system. And now mothers like myself, pay the price. I think the decision for child support should be based on more than just numbers. I dont believe the mothers income should have any bearing on the decision either. What difference does it make? It took both the man and the woman to conceive the child. Both should assist in taking responsibility. We cant say equal, because the custodial parent will always give more. More time and money. But there must be a solution to all this chaos. Justice needs to be served. As long as late fees are payed to the county, all the accruing child support is forgotten by the state it seems. In other words...we are forgotten. Our children are forgotten. So what does society teach young boys and girls? Have babies. And have more babies. With different man and different woman. Dont worry because the great taxpayers will pay the bill. As the middle class is denied, childcare assistance, medicaid, etc...we give free homes to lazy people who lie and get social security checks in the mail while they drink and smoke OUR hard earned money away. The system is not fair, and i pray we can start somewhere; here, in fixing it. Thank you. God bless.

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5. From: JWC
Sent: Friday, March 08, 2013 1:24 PM
Subject: Question/Response to Your Briefing on Virginia Child Support Guidelines Review

Ma'am/Panel,

Hello, my name is XXXXXX XXXXXX, a Virginia resident and a father. In reading your briefing you gave to the Child Support Guidelines Review Panel, I have a few questions related to your research presented and possible research you have conducted but didn't include in the briefing...

Background for Context - I am a retired veteran of the USAF (E-8), a father with three children and I have 50/50 shared physical custody of my children

My questions are:

1. The panel decided to continue using the "Income Shares Model" which to me seems highly unrealistic and probably serves as the basis of my child support disputes in the first place. In this day and time, is there not a fairer method to determine child support? The bill accrued in both houses just doubled, yet the model dismiss that. The notion that you would have the same disposable income is outrageous, and ultimately only one parent ends up carrying the load. This also provides absolutely no incentive for the lower wage parent to do anything. In my situation my wife has decided she will not get promoted, retire at twenty years in service as an E-6, and then take me back to court for additional child support because her income will go down because she chose to retire.

2. Is there any analysis conducted on military spouses/incomes in relation to gross income? Half of a military member's income is tax free. Particularly in my case, my wife makes \$6300 gross...but in actuality, \$3000 of that money is given to her Tax Free as a housing/food entitlement. If she was required to pay taxes on that money her gross income would be around \$7000. But as a result, out of the \$6300 gross she make, her net is \$5900 cause she is only paying taxes on \$3600 of her monthly income, whereas my 100% of my income is fully taxed. And then she gets all of that back in taxes! The problem lies in the comparison of incomes under the shared income model...it looks as if I make so much more money than she does, yet if she was paying the taxes I was it would be more comparable. I am actually retired military, and a defense contractor, and it's not right that her compared income is sheltered.

3. I didn't see any discussion in your briefing about shared parenting and potentially modifying the guidelines to account for that. I did see in your out brief to the panel though that you recommended adjusting the 1.4 multiplier to a 1.6 to avert a "cliff effect". Could you explain how this works, I am not sure I have a good understanding of why it exists any way.

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4. Have you conducted any research on modifying the guidelines to account for 50/50 shared custody of the children? I get that the monetary value is different from single custody, but not shaped enough. My issue is I have 50/50 shared custody of my children, the children stay with me for a week and they stay with their mother for a week continuously, and as a result of me having a higher income, I have to pay her child support. I then must also pay 71% of the childcare expenses. It seems to me that from a proportionality standpoint the law has leveled the playing field when they required me to pay 71% of the daycare bill. Why on earth would I have to pay her child support after that...doesn't seem right!

5. Did you do any research on having disclosure of how the Child Support is spent? In Virginia the "receiving parent" doesn't have to disclose what they spent the money on. This creates a continual argument over the use of child support. Example: I give my soon to be ex \$900 in child support for the two weeks a month that she has the children, and then I pay \$1200 a month in child care (as compared to her \$400), yet every time something comes up, ex: swim, school supplies, etc, none of the child support that I give her is considered for that, I get "That's not what child support is for." She gets \$2700 a month from the military for dependent rate housing, and then \$350 for food (both tax free), and then I give her child support, yet no expenses that come up for the children are "covered under the child support" I give her....If she would have to account for that money I believe things would be different.

Thanks for your time, and I really hope you have a chance to respond.

6. From: LK

Sent: Tuesday, March 26, 2013 9:52 AM

Subject: Request to Modify Child-Support Schedule due to Tax Benefits Received by Custodial Parent

Members of the Panel-

I recently read the agendas and meeting minutes of the Virginia Child Support Guidelines Review Panel, and learned that child-support guidelines will change sometime in the near future so that they reflect the newly proposed schedules that are based on the Betson-Rothbarth methodology. While you decide which tax rate year to use in determining child-support obligations, I urge you to consider a modification to the child-support schedule that takes into account the amount received by the custodial parent in tax benefits each year.

In Virginia, unlike most states, judges have no authority to order the custodial parent to waive the child tax exemption or credit so that it may be claimed by the non-custodial parent, even if the non-custodial parent provides most of the financial support for the child. See *Floyd v. Floyd*, 436 S.E.2d 451, 463 (Va. 1997); Pearlene Anklesaria, *Child-Related Tax Breaks for Divorced Parents*, 22 J. Am. Acad. of Matrim. L. 425, 426-27 (2009) (contrasting Virginia law with the law of most states).

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These tax benefits received by the custodial parent are not reflected in Virginia's child support schedule, although they should be.

Instead, Virginia law leaves courts with the discretion to consider taxes as a "deviation factor" in reducing or increasing child support obligations (except for day-care-related tax credits and exemptions, which courts must consider if the other parent actually shows the amount of the resulting "tax savings"). But in practice, these tax benefits are not usually addressed by Virginia courts in child-support rulings. The courts also refuse to allocate the tax benefits of raising children to a non-custodial parent even when that parent pays for most of the child's living expenses.

Custodial parents can typically claim a refundable \$1,000 tax credit for each child on line 51 of their tax return (see IRS Form 1040), even if they pay no income taxes, and can claim a tax exemption of \$3650 per child on line 42 of their tax return. Thus, although these tax benefits affect most households, they will not be taken into account unless they are built into the child-support schedule itself, by reducing child-support obligations to reflect the amount already received by the custodial parent in tax benefits. Therefore, I urge you to modify the child-support schedule so that it takes this into account.

Given this gross disparity in the resulting costs incurred by the non-custodial parent compared to the custodial parent in our current schedule, I believe a modification that takes tax benefits received by the custodial parent into account would offer a more fair and reasonable child-support schedule. Please provide a response discussing how the Panel plans to address this issue and when. If you do not plan to address this issue, please provide a thorough response explaining why. I plan to send this request to all state senators and congressmen, including those listed as members on your panel.

7. From: WJL

Sent: Monday, April 08, 2013 1:35 PM

Subject: Child Support Review for case JJxxxxxx-04-00,JJxxxxxx-05-00 ,JJxxxxxx-03-01,JJxxxxxx-05-00 (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

I would like to have my case reviewed for change of child support as I have been reassigned back in this area and see my kids almost 50% and would like to have support reviewed for the purposes of reduction. What is the plan of action for getting this done in an expedient manner? Please below for case Number:

JJxxxxxx-04-00,

JJxxxxxx-05-00

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JJxxxxxx-03-01,
JJxxxxxx-05-00

Thank you for your time with this issue.

8. From: MB
Sent: Thursday, April 11, 2013
Subject:

Hi my name is XXXXXX XXXXXX. I'm currently disabled I lost my left leg 2 years ago . My only income is SSI in which you all are currently taking a total of 700 which leaves me with 579 2 live off off . I don't have insurance so that takes just about all my money after doctor appts and meds. My case number is XXXXXXXXXX. I'm asking 4 a review cause I can't survive off of this. I have a bunch of medical issues. Thank you and have a nice day . I had put in for a review before but I was n the hospital so I wasn't able 2 return them n time.

9. From: JL
Sent: Tuesday, April 16, 2013 8:50 PM
Subject: Review

Simply want to have my case reviewed to see if appropriate payments are being paid by me.. i have another child now which is the age of 2 and I am having to issues making it from paycheck to paycheck. I want support all of my children.. but the issue is my ex I know has been making considerably more income for the past several years. .

My case #000XXXXXXX

Ref# XXXXXXXXXXXXXcXXXX

I can provide you with more information if necessary. .?

And if I need to go about this another way please let me know!

Thank you for your help!!

My contact number is XXX-XXX-XXXX

10. From: Unknown (Letter sent to the Commissioner)
Sent: Wednesday, April 17, 2013 12:27 PM
Subject:

To All Addressees:

I have a very sensitive issue that I would like to discuss with you. It has taken me more than 3 years to write this letter. It is my hope that you will read this letter in its entirety and hear my heart. I would like to speak to a situation that is growing out of control.

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This situation is consenting women who knowingly have affairs with married men and whether accidental or purposeful, children are born out of wedlock. Currently over 30% of children are born out of wedlock and nearly 70% in the African-American community. This is a social, emotional and cultural holocaust eating away at the very fiber of this nation which binds us together as one nation under God.

It seems that the government is looking the other way when it comes to the legitimate wife and family by rewarding this behavior in a way that destroys the covenant family unit. Why does DCSE take 50 -65% of a married man's income, plus the cost of medical coverage to care for a child born outside the covenant of marriage? The unfortunate consequence to the man's covenant family is emotional and financial suffering. Many such families find themselves on the verge of bankruptcy because of two people making a bad decision.

Let me be clear: I do believe that the child deserves to be taken care of but there is nothing in place to make the women accountable for their decision to pursue relationships with married men. As the laws are written today, only the non-custodial parent bears the financial consequence. The income is supposed to provide care for the child but I have witnessed women in stores bragging about getting their hair and nails done and partying when they get their support check etc. THIS IS CRIMINAL.

The laws governing child support need to be re-evaluated because the unbalanced proportion places a tremendous financial burden on the legitimate family. It seems as though the state is willing to help destroy the covenant marriage by placing this large financial burden on an already strained relationship. Sometimes those marriages end in divorce.

It seems as though the state doesn't care about the covenant family's well being and suffering, they make everything about the illegitimate child bringing about marital conflict which affects not only marriage partners but also their children. The quality of the parents' marriage can have a positive or negative impact upon the children.

Either we promote God's original plan, for children to be born in the covenant of marriage or we promote fatherlessness which destroys the nation. My heart breaks when I think about the number of children born in single parent homes. I believe when the government stands up and holds the women accountable and refuses to allow them to receive a compensation to squander on themselves, some of this ungodly behavior will cease.

Let me share my personal story: over 30 years ago I was a woman going through a divorce with a three year old child. I left a small town with no money so I could start over. When I got settled, I called Social Services and they awarded me \$41.00 per month in food stamps based on my part time earning of \$62.00 per week. I was a legitimately married woman and I received only \$120.00 per month as court ordered child support from my husband, who was employed by a hospital supply company,

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making \$17.00 per hour with over time. He averaged \$2,800.00 per month and my award was not even equal to 10% of his income and he had no other children.

I lived with my parents for several months before renting a house paying \$80.00 per month. I set up my utilities on three monthly installments; when I paid my last installment, I requested that my assistance be discontinued. I felt someone else could benefit from the service. I fought to make it on my own. Later, I met my husband of 29 years and I was blissfully happy until five days before Christmas 2009. I will never forget the day that plain white envelope arrived in the mail requesting that he appear for child support. I was in total shock. It was like this woman intentionally waited until the Christmas holiday to place her petition out of vengeance.

When my husband contacted the DCSE office in reference to this matter, he was talked to like a common criminal and couldn't get the Information he needed because of the rudeness of the caseworkers. All men are not deadbeat dads and should be treated with respect when calling. It's like the caseworkers side with the woman before they have all the facts on the case, finding them guilty without a hearing.

In our situation the woman withdrew the summons but threatened to reinstate it if he didn't pay the amount she was requesting, \$1,075.00 per month, plus the cost of medical coverage averaging about \$1,200.00 per month. I have never met or talked to this woman or met the child but we pay over \$12,000.00 a year in child support but we cannot claim this loss of income on our taxes, which is unfair.

My husband never had a paternity test because on the day the child was born the caseworker at hospital did not explain the paperwork or Inform him that he was entitled to get a paternity test; she just handed him the papers and said he needed to sign them so that his insurance would cover the bill. We later found out that what he signed was an Acknowledgement of Paternity. She never informed him that he had 60 days to reject the signing of the acknowledgement. The worker took advantage of his fear of discovery and did not give him the opportunity to read the paperwork so that he could make a sound decision about signing or not signing the papers.

I found out about the child 5 months later, and In talking to my husband about our difficult situation, he Informed me that the woman involved Informed him of her pregnancy about 4 months after their encounter. I immediately asked him if he requested a paternity test and his answer was "no, he didn't know that he could." He said that a lady approached him In the waiting area with paperwork to be signed for the hospital bill. I began searching the laws governing paternity establishment In Virginia and found out that the law required the man to be Informed of his right to genetic testing and that he did not have to sign the Acknowledgement of Paternity for the bill to be paid. This was a direct violation of his rights. While it says he can go to court to establish paternity, we do not have the money for an attorney.

I do not believe that it was fair for the woman to give the child my husband's last name. It's not right for a child to bear the name of a man if the parent's are not

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married. If they are engaging in premarital sex paternity should always be questioned. When a couple is unwed, even if the man accepts paternity, a DNA test still should be required by law. There are many men paying child support for other men's children because they are not financially able to pay for genetic testing. They go along with the accusation, simply because the woman says "It's yours and I haven't been with anyone else."

Some women set out to entrap married men for financial support. Yes, it takes two to tango but many men have fallen into these traps which are set to destroy families. Understand that I am a woman and not every woman is an innocent victim or taken advantage of, some are sent as destroyers. In the case of Senator Edwards, the woman knew he was a married man and he had relationships with other women, still she pursued him.

I believe with all of my heart that Mrs. Edwards would be alive today, but she simply lost her will to live and died of a broken heart because of the betrayal of her husband and the child that he fathered by this woman who showed no remorse for her part in the affair. If it seems like I am advocating for men, I AM! Some men are victims. My husband was faithful for 26 years and we never had an incident. He enjoyed his home and family, however he strayed and I was completely blindsided by this event.

There are television programs encouraging Immoral sexual behavior and extramarital affairs. In so many ways we look the other way when it comes to adultery and fornication. We keep saying we want to build strong families but we are promoting everything but that.

The current laws have enabled situations where the women try to punish the man for not leaving his wife, by continuing to request more money and placing a heavier financial burden on the family. Every time the man gets a pay increase, they drag them back into court or the child support office for an increase. I believe if women knew that they could no longer be rewarded for their behavior, maybe the unwed mother birth rate would decrease.

We need to start holding consenting adults accountable by saying, "If you knowingly have an affair with a married man and become pregnant you are not entitled to any compensation."

I have suffered great pain because this situation has touched my life in a way that I will never be the same. It has been over three years now and I am still suffering. There is not a day that goes by that I don't pray for the pain to go away. My daughter has also been affected; not only did the caseworker deny my husband his rights; her actions affected his covenant daughter by denying her rights of inheritance and financial security as well as mine.

I may not get a response from this letter but I just want to go on record by saying "THIS IS WRONG!" The current laws don't address the suffering that is caused by the

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decisions that you make at a table behind closed doors to compensate consenting women for bad decisions. Try hearing the voices of women and children who are suffering like me before you make your laws and cast your vote.

Please don't judge me until you walk in the shoes of wounded women and children that have been affected by this situation. You will never be able to fathom the magnitude of pain, depression, suffering and other health issues that this kind of betrayal causes. People have no idea just how painful and difficult surviving infidelity really is, unless they have been there themselves. This is not just a bad day or something you will get over in a few days, it's like something inside has died. It is living through your worst nightmare compounded with our one sided laws.

My husband is 53 years old and he is now on medication for hypertension because he is suffering as well from his betrayal and the shame he feels every time he looks in my face and sees the lack of trust and pain. STD's and other health issues associated with unlawful sexual unions have impacted this nation. But national statistics do not and cannot speak to the fear and emotional toll the wife experiences months and years after discovering her husband's infidelity. I now have to be tested for the next five years for HIV. I live in constant dread and fear for my health.

Even though you forgive, restoring the trust is a long painful process. Along with the betrayal you have to deal with the possibility of losing everything you've worked for, because the system is currently set up to protect the offender. The institution of marriage is under attack on all fronts and it needs to be addressed.

Currently the woman In this case has a well paying job, owns her own home and is able to take frequent shopping trips up state, attend professional sports games and horse races on the West Coast. On the other hand my husband and I can't afford to take a vacation, lost our life Insurance we've had over 25 years, rarely go out to dinner or a movie. Now In our senior years, we are facing bankruptcy because of this financial burden.

I recently lost my job which helped compensate for the support. I live in fear everyday of losing everything we've worked for and if for some reason he should lose his job and not be able to pay child support, he could be incarcerated. My question to you, "IS THIS FAIR ?" You may say, "He shouldn't have strayed," but we are human and we all make mistakes. Something has to be done to protect the legitimate family. Your laws MUST BE CHANGED.

I believe If a woman knowingly has an affair with a married man and she becomes pregnant and she is capable of caring for the child, social services should not be involved. The legitimate family should not have to suffer. The custodial parent's overall financial situation needs to be considered i.e. bank accounts, retirement, Investments, properties etc. should be Included In the calculation if there is compensation given.

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The purpose of child support is so that non-custodial parents on welfare would provide for their children as they should. Taxpayers should not have to provide for children born of poor decisions.

In our case the mother is non-welfare and makes in excess of \$70,000 per year and can afford to provide nicely for the child. The state should have no role or responsibility regarding her situation. Just as one makes a decision to purchase something one cannot afford, and they must live with their decision, so should the custodial parent who can afford to provide for their child do so.

Further, I believe the formula for assessing support should be based on proportion share. For example; the woman makes 30% more than my husband, has no other children or dependents, she should only be entitled to a small stipend if any, but not 50.60% of a husband's Income.

What I am asking for is legislative redress of laws governing the child support system. I know that this will be an unpopular issue, especially in a political year; but true leaders are always courageous; those who would represent both the letter and the spirit of the law must be willing to face a difficult issue and make the right decision because it is right, not because it is politically expedient.

I have chosen to fight for my marriage and I have forgiven my husband but not all marriages survive this kind of betrayal. We have a long road ahead of us but we are committed to each other and hopefully through prayer and our faith in God we will be celebrating our 31st wedding anniversary this year.

I would like to thank you for allowing me to share my story with you, because it is a part of my healing. One day I hope other women and children won't have to suffer as we have.