

Comments to the Child Support Guidelines Review Panel Document 2 – November 14, 2011 through April 28, 2012

From November 14, 2011, through May 25, 2012, there were a total of 35 emails to the Child Support Guidelines Review Panel. Twenty-three (23) emails pertained to a specific DCSE case and were referred to DCSE for a case specific response. Twelve (12) were regarding general topics. All inquiries received a response.

All identifying information has been crossed out and salutations and closings have been deleted.

1. From: DLM
Sent: Monday, November 14, 2011 9:24 PM
Subject: Put me on your email list

Could you please put me on your email list. Thanks.

2. From: JWC
Sent: Monday, November 21, 2011 1:16 PM
Subject: Minutes from the 16 November 2011 Meeting...

Can you please let me know when the minutes from the last meeting will be posted on the website, or send me a copy..thanks

3. From: KT
Sent: Thursday, November 24, 2011 2:08 PM
Subject: My Case

Hello I have no clue if I am writing to the correct person all I know is this what do you do when you are owed BACK CHILD SUPPORT FROM A man WHO ITS SEEMS THAT WHEN THE COURT HAS HIM HE STILL DISAPPEARS ok yea to be fair he has paid a couple of times but only if his back is against the wall and then some how he still gets someone else to pay(any who)There this show cause hearing coming up XXXXXXX for Mr. XXXXXXX no joke that his name he owes a couple of thousands this man is a like a branch on a tree you can be looking right at him but still do not see him let me get back to the point. AT hearing what going to happen the Judge gives him a chance to explain or throw him in jail for the cold months TELL HIM WHEN YOU GET OUT BE A GOOD BOY AND PAY YOUR BACK CHILD SUPPORT and ONCE AGAIN HERE WE GO SEARCHING FOR MR . XXXXXXX yea some people would say let it GO .BUT YOU SEE THE OUR DAUGHTER WAS IS A BLESSING AND WE PLANNED TO HAVE HER SO ON THAT NOTE HE IS STILL HER FATHER AND HE MUST STILL DO HIS PART (I ASK FOR THE MONEY THAT HE OWES but OUT of this SHE ASKS FOR HIS LOVE AND A CHANCE TO FIND CLOSURE you do not know me but I feel a little better just by asking THAT FAMOUS ?(WHY) THANKS for LISTENING

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4. From: AAG
Sent: Friday, December 02, 2011 12:53 PM
Subject: Division of Child Support Enforcement Complaint

My name is XXXXXXXX, XXXXXXXX, address is XXXXXXXX, and my phone number is XXXXXXXX. I am writing this email as a official complaint to the Division of Child Support Enforcement Agency in XXXXXXXX Virginia. My case number is XXXXXXXX. I have been dealing with them for some months now, trying to get them the correct information as to my Gross Pay, but it seems that they don't believe that I am retired from the United States Military. I sent them my retirement orders, pay stub, current address, phone number and everything else that they wanted, but it seems that they still are using my old military pay stubs to calculate my income for determining what I should pay. My retirement pay for a retired XXXXXXXX with XXXXXXXX years is \$2089.00 and this includes disability pay. They are still using more than \$5900.00 and taking out \$996.00 per month from the \$2089.00. I am now required to fly to Virginia in XXXXXXXX for a court hearing of which I can't afford because I am on a very tight budget. I am not disagreeing with any past amounts owed, just the portion of the monthly gross pay that was used to do the calculation. I am trying to fulfill my responsibilities as being the Non-custodial parent but extreme burdens are being placed upon my situation.

5. From: JWC
Sent: Friday, December 09, 2011 6:25 AM
Subject: RE: Minutes from the 16 November 2011 Meeting...

Is there any way to get a copy of the comments made during the meeting by the public, and more importantly the powerpoint presentation that disclosed the survey results?

6. From: MM
Sent: Friday, December 09, 2011 10:33 AM
Subject: Please email me the transcripts from the Hearing held last month.

I don't see any information about them online.
Thank You.

7. From: KJT
Sent: Sunday, December 11, 2011 2:36 PM
Subject: Military housing pay question.

I have a question about child support for the state of VA. My question is does the state of Virginia include my Basic allowance for Housing when calculating my month child

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support payment. Or do they only use my monthly base pay amount? Thank you very much for reviewing my question.

8. From: KJT
Sent: Monday, December 12, 2011 2:23 PM
Subject: RE: Military housing pay question.

Thank you for your fast response. I understand that XXXXXXXX sees it as income but I will be using that money for a home/apartment so my daughter can come a visit me. The BAH and BAS are both non-taxable incomes. Also the federal government (XXXXXXX) order on the pay is that it should not be included in the child support amount. I am by no means trying to take support away from my daughter. She is the love of my life and I simply want to be able to have a good safe place for her to come a stay with me. While I'm home and not out on deployment like I am now. Thanks again.

9. From: KT
Sent: Tuesday, December 13, 2011 7:34 AM
Subject: RE: My Case

Thank you for reading my email my case number is (XXXXXXX) once again Thank You

10. From: LTJ
Sent: Tuesday, December 13, 2011 8:49 AM
Subject: CHILD Support

I was awarded child support for my daughter over 3 years ago in my divorce decree. However, I am considering a rebuttal to modify support. Would I be able to go through your office for this process or would I have to go through the XXXXXXXX court system because that is the original process. Please advise on the process. Thanks in advance for any assistance on this matter.

11. From: DLM
Sent: Tuesday, December 13, 2011 8:25 PM
Subject: RE: Put me on your email list

Thanks for your response and the link. How do I get contact the non-custodial parents? How do I find out who they are and how they were selected?

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12. From: JWC
Sent: Tuesday, December 20, 2011 2:27 PM
Subject: RE: Minutes from the 16 November 2011 Meeting...

The minutes are posted but none of the other information is..

13. From: JWC
Sent: Wednesday, December 28, 2011 8:39 AM
Subject: RE: Minutes from the 16 November 2011 Meeting...

I was able to access all links, however in reading the Comments to the Child Support Guidelines Review Panel, the top of the page says "All inquiries received a response" however I never did receive a response to my comment...my comment was comment #14...

14. From: JWC
Sent: Thursday, December 29, 2011 6:32 AM
Subject: RE: Topic for Review for the 16 Nov meeting.....Excerpt from the Survey

OK, I did receive this...when I read the notes saying each question was addressed, I was thinking you meant addressed specific to topic (aka an answer or response directly to my situation), but that is not the case, what was meant is that each email was responded to as received...Thank you though for responding..

15. From: ARF
Sent: Wednesday, January 04, 2012 8:46 AM
Subject: child support

Good morning, my name is XXXXXXXX. Im in the XXXXXXXX and I live here in XXXXXXXX. I got married and divorced in XXXXXXXX and I have a court order that established that my ex husband has to pay me 216 dollars every month. He is only paying me 175 dollars right now and he is also paying really late and at some points I have two months without seeing any check. I don't know what to do because he lives in XXXXXXXX (**out of country**) and there is no way for me to go there while im still in the XXXXXXXX. What can I do.

P.S. I remarried and have another kid with my current husband. He was in the XXXXXXXX and is currently attending school but it is really hard for us two catch up with the money for my kids food and daycare. Is there something that I can do to receive that money from my ex husband on time and the correct amount. Also, does the child services offers some kind of help for the kids daycare? My phone number is XXXXXXXX just in case

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16. From: MM
Sent: Friday, January 13, 2012 10:07 AM
Subject: A birthday request for a father
(attached graphic photo not included)

...whose child was murdered by state Agents in exchange for Federal \$\$
This is XXXXXXXX who was starved while "receiving" entitlements and child support.
Her father was turned away at the door by police and told to "get a lawyer" 2 years
prior to her death. He is now in prison for her death.

AUDIT ALL STATE ADMINISTERED CHILD SUPPORT PROGRAMS
Funded with Federal Bribes to state Agents
in direct violation of USCOTUS ruling Printz/Mack vs. US (1997).

17. From: KN
Sent: Tuesday, January 17, 2012 7:24 PM
Subject: Child support case review for increase

Case # XXXXXXXX my name is XXXXXXXX and I have had an open case with.Dcss
since 2005 and need a review, I need to know how to do that please.contact me at
XXXXXXX

18. From: JC
Sent: Wednesday, January 18, 2012 10:56 AM
Subject: case number XXXXXXXX

My Name is XXXXXXXX or aka (case number XXXXXXXX) I have a case with the state
of Virginia.....My email is in regards to why my driver's license is suspended.....
when I first got divorced my ex XXXXXXXX and I had an agreement to what my duties
was in regards for providing for my daughter, I kept that obligation going on 2 years
after our divorce, I moved back to my hometown in XXXXXXXX, still meeting my
obligation in what my daughter needed.....I shortly rec. a letter in the mail stating that I
was over 10k in the arrears. I got on the phone as soon as I could to see what was all
that about, they (dcs and XXXXXXXX my case worker) told me the money I was
handing my ex XXXXXXXX was a gift, I honestly laughed at it because we are divorced
they're no more gifts.....my ex XXXXXXXX called and said I was meeting my
obligations....they still didn't care.....ok im fine with that because like XXXXXXXX said
they are there for the support of my child.....fine....im with it.....I have had my child
support taken out of my check since then for 3 and a half years.....on time no
questions, I recently just found out my driver's license is suspended due to the
arrears, I was told that it was 500 dollars to get my license back, for my job I have to
have one that's valid.....the Virginia Child support services told me in so many words
that they don't care.....I asked well can a curfew be put on it so I can at least use it
during working hours.....Virginia Child support told me in so many words they don't

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care.....I don't have 500 dollars.....what can I do to get that suspension lifted.....after all what I do is support for my child.....if I can't work without having this over my head I can't support her

19. From: MM
Sent: Wednesday, January 18, 2012 1:12 PM
Subject: Request for child support review

I would like to request a child support review as our incomes have substantially changed since the original order. Please notify me how to pursue this review and what information you need from me to support a review. My name is XXXXXXXX and my DCSE# XXXXXXXX. My contact Email is XXXXXXXX. Thank You.

20. From: JC
Sent: Thursday, January 19, 2012 12:17 PM
Subject: RE: case number 93679397

I put the wrong number in the email as my case number im so sorry the correct one is XXXXXXXX

21. From: JDS
Sent: Thursday, January 19, 2012 1:44 PM
Subject: To increase support payment

To whom this may concern: I XXXXXXXX request that my case XXXXXXXX be reviewed for increase of payment for my son XXXXXXXX. The absent parent XXXXXXXX

22. From: CJ
Sent: Monday, January 23, 2012 9:03 PM
Cc: Senator XXXXXXXX
Subject: Input for the Child Support Guidelines Review Panel

My name is XXXXXXXX, and I have been a non-custodial parent to my daughter (currently seven years of age) here in the state of VA since August of XXXXXXXX. If possible, I would like to participate in any future surveys that are conducted by the Child Support Guidelines Review Panel.

Also, a few comments based upon my observations and research over the past four years.

First, while the current system of child custody and child support in the Commonwealth was implemented with the best of intentions and best interests of

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Virginia's children in mind, it is a broken system. I say this because no matter which side of the sole custody/shared custody argument the experts are on, they all agree on one thing - conflict is the absolute worse thing for a child in a divorce situation, and the current system unfortunately encourages conflict. Why? Because both custodial and non-custodial parents have financial interests in the outcome of a custody case and the resulting support order, and the stakes are very high when faced with paying or receiving child support for a period of 10 or 15 years.

Second, the current system is, by statute, discriminatory in two ways as it creates two classes of parents and then arbitrarily treats those two classes differently. I say arbitrarily because I have seen no evidence of a rational reason for making the following distinctions. The first instance is in the definition of what constitutes a full day. For overnight visitation periods that last less than 24 hours, the non-custodial class of parents are only credited with 1/2 day of visitation in support calculations while the custodial class of parents receive full credit for overnight periods even if their child is with the non-custodial parent from 6 am until 10 pm. The second instance is the 90 day cutoff to determine shared versus sole custody in the support calculations. Under this rule, the non-custodial parent receives no credit for up to three months of expenses incurred to provide for their children, the entire cost of providing for a child is allocated to the custodial parent. I have read a lot about the 'fixed' costs that the custodial parent has, and how those costs do not go away when the child/children is/are with the non-custodial parent, but the reverse is also true. The non-custodial parents fixed costs do not go away just because they have less than 90 days access to their children during the year. The fixed costs of both parents are accounted for in the 1.4 multiplier applied to the guideline support need in shared custody cases, and the the arbitrary division should be eliminated or reduced to a more realistic number of 30 or less days to determine shared versus sole custody.

I firmly believe that modifying these two sections in the Code of Virginia to eliminate the arbitrary discrimination that is currently imposed against non-custodial parents would be a large step towards reducing conflict in child custody cases in the Commonwealth. And that is in the best interests of Virginia's children who are the subject of those cases.

23. From: JH
Sent: Saturday, February 04, 2012 6:11 PM
Subject:

Can support be taken from both jobs taken from my full-time since 2007 and now from part time job

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24. From: KB
Sent: Sunday, February 05, 2012 11:44 AM
Subject: Hello

hi I have a question if I move in with my boyfriend who is going to adopt my baby will that affect my child support for my other child?

25. From: MD
Sent: Wednesday, February 22, 2012 12:12 PM
Subject: CASE # XXXXXXXX

I have a few questions regarding DCSE collection and enforcement procedures in XXXXXXXX.

1. How many times does a N/C parent get away with providing inadequate financial documentation? (no tax returns, no bank statements, etc.)
2. How far behind in arrears does a N/C parent get away with, while the custodial parent is busting her butt every day to provide for the children?
3. When will the \$38k dollars in arrears become a warrant for an arrest even though he pays little to no support on a monthly basis; with several FTP in the court system?
4. When will his business property (self proprietor) be auctioned off to pay his due support, his license to operate be revoked and a lien put against the bank accounts in the state of virginia, until the money is paid?
5. he and a new bride are walking around in under armour fitness gear (top of the line) and new rocks on their hands, but his support owed is going up?

I'm a lot disheartened about the system, when I went to court, I asked why do I have to take time off of work for his SHOW causes, DCSE has edont nothing to be effective and I have requested Weekend Jail time, since he and his new Business Partner/ Wifey have a crack addiction. It is recorded with the XXXXXXXX Court System. The court refuses to make an effective decision and lock the N/C parent up? And I have missed too much work because of this ridiculous choice to utilize what is supposed to be a system to HELP me and my children avoid foreclosure.

which by the way, had to file bankruptcy due to the lack of support and almost lost the house I work hard for on a daily basis. I think trash detail and prison time amy help make a point since he isnt paying anything anyway.

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Please reply with sound advice. my worker keeps sending me lien action; it doenst auctionthe equipment or pay the mortgage over my kids' head.

Hope you can help.

peace be with you.

26. From: CM
Sent: Monday, February 27, 2012 8:27 AM
Subject:

I want to change or stop my child support for the State of Virginia. My ex-wife Lives in XXXXXXXX. She has lived there since 2007 August. Mrs. XXXXXXXX. I also want to report a change in job status and a Birth of a new child. My New Daughters name is XXXXXXXX.

Military Child Custody Jurisdiction

Discovering what state or country has jurisdiction to decide custody and visitation over a military child or the child of a DoD civilian or contractor is not as difficult as it may first seem. The rules are really pretty simple. Child custody and visitation jurisdiction is governed by where the child(ern) is physically located for a period of six months or more. In the case of an infant, it is where the child was born or has lived for a majority of his or her life. Which means that if you PCS to Germany, England or any other country with your child and the child is there for more than six months that foreign court has jurisdiction over your child for the purpose of deciding who is awarded custody and how visitation is to be accomplished. The complications arise when people, not just the parties wanting the custody decision, but lawyers and judges as well, try to use citizenship or the parents' state or country of residence as part of the jurisdictional decision. I cannot tell you how many times I've heard all sorts of people ask how a German court can have jurisdiction over a US citizen child. This law should not be strange to family law practitioners. The law is the same under the UCCJEA a model law adopted by most US states.

27. From: WS
Sent: Monday, February 27, 2012 1:56 PM
Subject: Child Support Percentage Review

How can the percentages of gross income by a non-custodial spouse for incomes in excess of \$20,000 per month be justified? Based upon some rough calculations my XXXXXXXX will pay less then 15% of his gross income for child support. Looking at the payment schedule, this appears to be another case where the scales tilt toward benefitting those with the most means.

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The table of percentages does not appear to make any provisions for the ages of the children. As the children enter the teenage years, the cost of food and clothing increase significantly. So too do the number and cost of activities in which the children wish to participate. And yet the percentage appears to remain fixed.

But what appears to me to be totally alarming is that the percentage of income drops significantly the larger the gross income. An individual with 3 children earning \$1,000 per month is required to pay \$344, that's 34.4%. As I mentioned above, my XXXXXXXX whose monthly income is in the mid-\$20k per month range pays a little over \$2,800 per month, 12.2%. Furthermore, the actual cost of raising three children far exceeds the \$33,600 per year.

I don't believe that any individual on this panel wouldn't agree; that, had the father remained in the home environment helping to raise the children, the amount of money spent on child support would be significantly greater.

The current structure rewards the non-custodial spouse by putting a cap on the amount of money that is provided and yet the courts appear to bend over backwards to protect this individuals rights, even though they tend to trample the rights of the custodial parent.

I'm hoping that this panel would take into consideration a form of means testing whereby the courts can award child support closer to the ability of the non-custodial spouse's ability to pay. It appears to me to be morally wrong that an individual, who can afford a boat, 3 cars and cruises, is allowed to pay the minimum statutory amounts, while the custodial parent works two jobs to provide a reasonable home and comfort level for the 3 children.

28. From: KT

Sent: Tuesday, March 13, 2012 4:42 PM

Subject: My Case XXXXXXXX

Hello a couple of Months ago I email you about my case and you got back with me with an answer Thank you so much as it turned out Mr. XXXXXX was told by the court that he was to make a certain payment by a certain date and this he did so. MY DAUGHTER and I WERE VERY HAPPY TO SEE THE AMOUNT POSTED .XXXXXX will be 21 the end of XXXXXX you see I am so very glad she can see that with the support of a good parent and case workers there can be good answers in the end even if it take awhile so on that note if would not be me if I did not ask what's to come of Mr. XXXXXX and our case now .

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29. From: MD
Sent: Sunday, March 18, 2012 7:38 PM
Subject: RE: CASE # XXXXXXXX

THANK you so much for your assistance with the below case; all seem to have turned out great.

Though a review is pending for another case, #XXXXXXX, is there any way a memo can be sent to DFAS, on your letter head, to collect the current amount of \$XXXXXX due each month. CT told DFAS to stop auto payments.

30. From: CJ
Sent: Tuesday, March 27, 2012 6:15 PM
Subject: Re: Input for the Child Support Guidelines Review Panel

My understanding is that the Attorney General's office will comment or offer opinions on certain issues. If that is the case, would it be possible to get an opinion on the legality of the following:

VA Code § 20-108.2(G)(3)(c) Definition of a day. For the purposes of this section, "day" means a period of 24 hours; however, where the parent who has the fewer number of overnight periods during the year has an overnight period with a child, but has physical custody of the shared child for less than 24 hours during such overnight period, there is a presumption that each parent shall be allocated one-half of a day of custody for that period.

This 'dual' definition of a day appears to be in conflict with the Virginia Human Rights Act, Virginia Code Chapter 39 which states:

It is the policy of the Commonwealth of Virginia:

To safeguard all individuals within the Commonwealth from unlawful discrimination because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, disability, in places of public accommodation, including educational institutions and in real estate transactions; in employment; to preserve the public safety, health and general welfare; and to further the interests, rights and privileges of individuals within the Commonwealth; and to protect citizens of the Commonwealth against unfounded charges of unlawful discrimination.

Unlawful Discriminatory Practice Defined Conduct which violates any Virginia or federal Statute or regulation governing discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, disability.

I would also note that VA Code § 20-108.2(G)(3)(c) seems to fail the Rational-basis test (if the law categorizes on some other basis): the law is constitutional so long as it is "reasonably related" to a "legitimate"

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government interest and is therefore in conflict with the Equal Protection Clause of the 14th Amendment to the Constitution of the United States and various other federal laws against discrimination.

31. From: LZ
Sent: Friday, April 06, 2012 8:25 PM
Subject: Child Support question

I live in the state of XX and my sons dad recently left us and moved to VA. He has two warrents out for his arrest here, (not child support related) so i dont think hes comeing back. His check was getting garnished. How does it work if he is living in another state, does VA force child support?

32. From: AK
Sent: Saturday, April 28, 2012 5:04 AM
Subject: Child Support Question

I am living on my military retirement, which is a gross of \$1850. I have just received a court order to pay \$1050 per month for one child. This doesn't seem right, as when I look at the calculator is shows that I should pay only \$321.

33. From: BJ
Sent: Tuesday, May 1, 2012 2:34 PM
Subject: Child Support Reconciliation

my name is XXXXXXXX i have a case with you my social is XXX-XX-XXXX i would like to have a reconsideration on my child support i just got out of prison from a probation violation after two years and have been getting charged 600 dollars a month the hole time and i am in serious debt i am fine with paying support but its just way to much and im unemployed and any job i do find will most likely be minimum wage please help me to get this done or let me know who to talk to please thank you.

34. From: JC
Sent: Thursday, May 10, 2012 2:47 PM
Subject: Child Support Review Requested

I am writing you today to request a review of my case (last four digits of my SS# XXXX). I understand completely the mistakes I have made in the past and I want to rectify my mistakes and move forward to provide my children the best possible support in anyway I possibly can.

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I have been unemployed for quite some time and among other issues that are my fault, and I accept that. I now have a steady job with wonderful opportunities that will provide my children a bright and stable future ahead. If you could contact me with the best way to proceed, I am eager to do my part - for my children.

35. From: DH

Sent: Friday, May 25, 2012 7:59 AM

Subject: Child Support Question (Virginia)

I am trying to determine from your guidelines if: Income from a spouse of a non-custodial parent is used in determining a Virginia child support amount. In other words if there is a non-custodial parent paying child support and if they marry another person, will the new spouses income be a factor in the total gross income of the non-custodial parent and used in determining/changing the non-custodial's parent child support?

I hope you can assist/clarify.