

**SUMMARY OF COMMENTS TO CHILD SUPPORT GUIDELINE COMMITTEE
JUNE 17, 2013**

By

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A. Introduction and Background.

1. I am speaking as an attorney who has practiced family law for over 38 years in Virginia. My background and qualifications are attached.
2. I previously served in 3 prior Child Support Guideline Panels and was for a short time on this panel until replaced.
3. I co-author Virginia's leading treatise on family law, Virginia Family Law: Theory and Practice (Thompson-West 2012) and my chapter is child support. I am cited in Virginia's appellate courts on the issue.
4. I have drafted many of our current statutes and am an active member of the Virginia Bar Coalition and have testified for over 20 years in the General Assembly on support issues.

B. We need updated data and guidelines

1. **I support an update of the dollar amounts shown on the current guidelines to reflect current economic data. The dollar amounts need to be amended and updated.** The guidelines at the higher ends- over \$10,000- was done without any economic studies and were just % numbers arbitrarily enacted to meet the federal requirement that guidelines needed to apply to all incomes. It was done without any input by any Panel or Family Bar input/.

The difference in support between, eg., \$15,000 of monthly income and \$25,000 monthly income is ridiculously low and does not reflect expenses for higher income cases. The % should be increased to reflect accurate date.

2. Income in the range of \$1,000-\$10,000 needs to be updated to reflect accurate Labor data and I support the study performed by your expert to come up with these numbers. This was tried 2 panel sessions ago through Dick Byrd's efforts and data, but not passed by the General Assembly.

C. Shared Custody Guidelines.

1. **I adamantly oppose any change to the shared custody guidelines where support is computed based on over 90 days. I could support a change in the days if needed, but not a formula change.**
2. I was the primary drafter of this statute. This resulted from my involvement in the case of Ewing v. Ewing which I tried in the Court of Appeals and which created no benefits to a parent who had a child overnight unless it was for a 24 hour "day".
3. The changes to the 90 days, the ½ day for overnights if less than 24 hours, and the new 1.4 multiplier, was the result of 2 years of studies, compromises and efforts to come up with a formula that would change the old formula of 110 days and old multiplier that created the "cliff effect" The "cliff effect is now gone.
4. In the 13 years approximately since the enactment of the current statute- IT IS WORKING BOTH IN PRACTICE, IN REDUCING LITIGATION ON VISITATION DAYS, AND ASSISTING NEGOTIATIONS TO AVOID TRIALS.
5. It is fair- giving non-custodial parents economic relief to have more money when they have their children more time. That is good policy- giving some economic relief when parents have the opportunity to see their children more than just being weekend parents. Again, this support good and sound policy in promoting what is best for children.
5. It has not been litigated in the Court of Appeals. Many times a controversial statute is litigated over and over on the appellate level, As author of a treatise which keeps on top of this, there is only 1 case on the statute that has occurred and that was a minor issue. There has been no floodgate of appellate cases which to me means it is working at the trial level.
6. It is not broken- DON'T TRY TO FIX IT. IT IS WORKING!!!!!!!