

Gail Hubert RN BSN
4104 Sorrento Drive
Chesapeake, VA 23321

November 9, 2011

Ladies and Gentlemen of the VA Child Support Guideline Panel; Honorable Judges, Senator, and Delegates,

I am submitting citizen comment and I plan on presenting this comment in person, but I want to make sure my voice is heard in the event of not being able to attend the 11/15/11 meeting.

I was in attendance of the last VA Child Support Guideline Panel in 2009 and was able to make a comment regarding Nam Joseph's letter "9/9/09 Regarding Issues with Child Support Guidelines". I agreed with him that the statute appears to presume "fair sharing" of costs. I commented at that panel meeting that I have a shared custody order and can verify from my experience that I have provided the vast majority of variable costs for my 2 children since my 2000 divorce with their father. The variable costs include health/beauty supplies, school supplies/costs, school clothes, school lunches, activities, and anything they may need excluding their meals while they are at his house.

As requested at that last panel meeting in 2009, I have provided my case information to Lawrence Diehl as there was to be a study done by the VA Family Law Coalition per the 2009 panel report to the Governor. I am also curious of the results and report of that study.

Some parents will provide only what is required by law. And with shared custody, there is an assumption of shared expenses, that as visitation time increases, so do the expenses. I beg to differ.

I'm not an expert in the finances of child support guidelines, I'm only a RN and a mom, and I have difficulty with understanding the different type of formula methods. I realize the economics of child support guidelines are very complicated. I have even contacted R. Mark Rogers who has submitted "Economic Critique of VA Child Support Guidelines and Recommendations" in 2002 to the panel. After sharing my concerns with him, his comment to me was that "the guideline cost table assumes that the NCP (noncustodial parent) has no parenting time. So, it is actually economically rational to have no threshold." So, if under 90 days of custody time there is assumed no NCP costs, then at 90 days the assumption is made that there is now actual costs. This assumption can severely affect the fairness of shared custody support.

If I apply the basic VA child support calculation to my case, I would receive \$488/mo. But, I have shared custody of my two children, ages 15 and 17, where I am the custodial parent and their father has custody for 118 days/31% (calculated at the time of that court date), and the VA shared custody calculation is \$195. Per Laura Wish Morgan's "Child Support Guidelines and the Shared Custody Dilemma", standard visitation is 73 days/20%. So, for an 11% increase in visitation time, the child support is reduced by 60%.

Also, when compared to the child support guidelines of nearby states, the child support order of \$195 is very low. In NC, for my case, the child support calculation would be \$396, Maryland would be \$502, WV would be \$372, DC would be \$310. Each of these child support calculations is, at a minimum, 50% greater than that of the VA guideline calculation.

I'm not sure why there is such a difference between the calculations, but I imagine this can't be the only VA case with such an impact. My only thought is that most of the cases involve NCP who

makes more money than the CP (custodial parent), unlike my case where I make more money than my ex husband.

Also, I'd like to point out, per VA Code, 20-108.2 under shared custody support to be paid, it states "the support amounts thereby calculated that each owes the other shall be subtracted from one another and the difference shall be the shared custody support one parent owes to the other, with the payor parent being the one whose shared support is the larger." This reflects that both parents "pay" support to the other, thus both are to pay their share and neither parent alone "pays support", but both are to contribute.

I don't know what the solution for revision to VA Support Guidelines would be, but it seems that the CP is assumed to pay the vast majority of variable expenses, disproportionate to visitation time, unless there is a deviation ordered for an extra ordinary expense by the judge. When I went to court when my children were 4 and 6, who knew what activities they would be involved in at that time. The guideline lacks an account of the variable expenses and assumes that the CP will pay for everything, excluding meals during visitation. But when using the calculation for shared custody, there can easily be cases where the CP is paying a higher custody share, thus paying the NCP "child support" and the CP will also be paying for all variable expenses, too.

Even in cases of 50/50 time share, the variable expenses will fall on one parent as there is not any law or guideline that clarifies that variable expenses are to be shared, it is only assumed. But in reality, one parent will fall into that 'unfair' role. For example, what if neither parent pays for public school fees with 50/50 parenting time, who is legally responsible? If both parents are responsible, why wouldn't the guideline reflect that? How could the guideline reflect this situation? What would that situation be for 40/60 parenting time, or 30/70 parenting time? How can this be clarified within the support guidelines?

The assumption that variable expenses are actually being shared in shared custody cases needs to be addressed and the equality of shared guideline scale compared to surrounding areas also needs to be studied. Also, I believe there needs to be a clearer area on the worksheet for the judge to make deviations as necessary.

Thank you for your attention and your effort towards creating and maintaining fairness within the guidelines. I would be glad to answer questions regarding my case from the panel members.

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