

## **Testimony of Stuart A. Miller**

*Custodial Parent of Two (2) now adult children;  
From two separate women – one a former wife, one not.*

**Presented on Wednesday, November 16, 2011, before:**

### *The Commonwealth of Virginia* **Quadrennial Child Support Review Panel**

#### **PREFACE:**

I have identified myself as a “custodial parent” above. For clarification, I have been a non-custodial parent, joint-custodial parent, and a custodial parent of children born in wedlock and out of wedlock – giving me a unique “full-spectrum” view of our child support enforcement system from within and without.

More importantly to this Panel, I am a nationally recognized expert regarding Domestic Policy in general and child support issues in particular. I have been recognized as such on both a federal and state level.

I have had the privilege of working for over twenty years in the area of child support policy and have frequently provided testimony and assistance to Congress, The White House and the Department of Human Services. I was fortunate enough to have worked closely with Dr. Bill Galston, who was then Asst. Director of the White House Domestic Policy Council, under President William Clinton, and subsequently with the Welfare Reform Working Group as well as many members of Congress, who at the time, were focusing on major TANF Reform and was called upon regularly to testify before Congress to help formulate better ways to most effectively address Child Support policy and Child Support Enforcement.

I additionally became a part of the Federal Office of Child Support Enforcement -Focus Group -5 year Agenda -FY 1995 -1999 during that era.

I hope you, too, will lean on my expertise and give me the same consideration – and of course, count on me to provide any research and documentation that you may require in helping you make your decisions.

The issues I raise here today will undoubtedly overflow your plates with a multitude of issues which you might have not realized were within the purview of your appointments. But, they are all directly, if not tangentially, part of your assigned obligations.

The issues I will cover today span a broad range of needs for reform in Virginia’s child support guideline and implementation. I hope that we can continue to work together as you fulfill your duties under Virginia Code § 20-108.2 (1950, as amended) and I will be happy to answer any question or provide any information that will be helpful to your work.

## TOPICS FOR CONSIDERATION AND REVIEW

1. 1.4 multiplier: Bad; get rid of cliff effect. Violates basic precepts of Income shares. Mathematical error. (California starts from a day one adjustment.) It is simpler, more equitable. Start by determining child's needs and then allocate in daily proportion. Non-custodian needs to provide food, transportation, etc on Day 1, not Day 120 or whatever. Custodian is relieved of those on Day 1. Lump sum items like insurance should be credited to whichever parent paid the item.
2. There are some things that are fixed costs regardless of where the child sleeps on a given night (e.g., insurance) Take those out of the formula and allocate COST them 50/50 to each parent. e.g. Childcare.
3. Multiple families: End practice of impoverishing children in the non-custodian's second families; end primogeniture (the state of being the firstborn child) bias in child support.
4. Look also at custodians with multiple child support cash streams and reduce each obligor's burden so that the multiple order custodian isn't disproportionately advantaged over the people who actually earn the money. E.g., one mom with three or more dads.
5. Self support reserve for obligor: Yes; It's foolish to drive these guys into the underground economy and make more of them homeless.
6. No mandatory minimum unless it's really *de minimis* like \$25 per month just to keep a case open for later revision if circumstances improve. If you are destitute you are destitute.
7. Cap on income considered in establishing child support. The government's only legitimate function is in assuring that a child's basic needs are met. There is no state interest in making sure that some kids have a Maserati.
8. No age based differences in support. That's always been just an excuse to pile on more "needs" The reality is that they have very little genuine support for their notion that kids get more expensive with time. E.g., you may start paying for car insurance but you also stop paying for child care.
9. No add-on for child care. If the custodian is not working, child care is not needed. If the custodian is working, there is money coming in to pay for child care. A child care add-on is just a wage subsidy to the custodian; disguised alimony.
10. No add-on for other things (like insurance) that are already built into the basic formula. Stop the double dipping.
11. Demand transparency in the formula. (for, among other things, stopping the double dipping – which can be verified by Dr. Williams.)
12. The child support guidelines are based upon zero visitation. This is similar to the multiplier referenced above... you start adjusting from day one.

13. The custodial parent gets 100% of all tax benefits. The schedule should schedule should take this windfall into consideration and incorporate a reduction based on those tax benefits
14. The child support table is self regulating cost of living adjustments. As incomes rise or fall the child support follows... assuming the judge grants an adjustment. Unfortunately courts are reluctant to grant downward modification and when they do, they are always considered temporary. Whereas upward modification s are almost always considered permanent.
15. Demand accountability for spending the money on the child. This accountability should be to the guidelines commission commission, not the other parent and is not just invaluable, but essential to assure the guidelines are working properly.
16. Downward mods: Need to be more available and more automatic. When somebody is ordered into prison, an automatic part of the court's order should be an order to review child support which obviously can't be paid during the imprisonment except in the rare case of a white collar guy who has substantial assets before entering prison. This is "policy" but it's also "guideline" since we want certain things to be automatic as part of implementing the guideline's imposition of a support order that is consistent with "ability to pay." I believe NY just passed a law addressing this very matter which might be also worthy of review and a similar version included in your recommendations to the General Assembly.

**DUE TO THE AMOUNT OF INFORMATION AVAILABLE ON EACH TOPIC , PLEASE REFER TO THE ITEM NUMBER ABOVE THAT YOU MAY WISH TO REVIEW.... AND COPIES WILL BE SENT EITHER IN HARD COPY AND/OR ELECTRONIC FORMAT (HOEFULLY BOTH) TO THIS PANEL.**

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