

Comments to the Child Support Guidelines Review Panel

There have been a total of 26 emails to the Child Support Guidelines Review Panel. Sixteen (16) emails pertained to a specific DCSE case and were referred to DCSE for a case specific response. Ten (10) were regarding general topics. All inquiries received a response. There was also one letter (#12) hand-delivered to the panel at its last meeting, which pertained to a specific case.

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

1. From: TH
Sent: Tuesday, July 19, 2011 10:01 PM
Subject: Question about the state guidelines

I do not understand how this Case Number: XXXXXXXX gets over \$400 a month(for one child,which the mother is collecting state assistance from public housing to SNAP to assistance with utility bills as well as childcare assistance)in child support payment for 1 of 3 children the case is scheduled for review Jan 2012(which to be completely honest too long when there are 2 additional cases that have lower income amounts a mth?)the request for review was made April 2011,the next Case Number: XXXXXXXX is only awarded \$130/mth and my Case Number: XXXXXXXX is awarded \$65....how does the court system allow this to occur?This is just a disgrace for 1 child to receive soo much & the mother is on soo much assistance??? this really needs to be looked into,with the amount of kids on support from one person,this review shouldn't even have to wait to be taken to court it needs to be reviewed and adjusted accordingly! The economy is worse off as is & people like myself are barely able to care for themselves & the system got one child with a support order of \$411/mth & the mother isn't even taking care of the child himself(the poor child got clothes & shoes that are too small)& she works 2 days/wk & gets a check from work but wont take care of the child.Something needs to be done at least justice should happen within the court system for all three of the children to receive EQUAL support!

2. From: MT
Sent: Friday, July 22, 2011 8:53 AM
Subject: Child Support Guidelines

I am recently divorced and my ex-husband and I keep arguing over what child related expenses are covered under his child support payment and what would be an additional cost ... which the PSA states we will split equally.

I was hoping that there is a document that list what the child support payment covers.

My ex-husband is refusing to pay for the children's summer camp lunches and additional camp activities ... although he pays for 1/2 of the weekly camp

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fee. He is also refusing to pay for summer tutoring for our son which was recommend by the school in order for him to be better prepared for 5th grade. My ex-husband thinks the tutoring fee is included in his child support payment of \$304 a month ... the tutoring cost \$400 a month.

3. From: CL
Sent: Sunday, July 31, 2011 12:45 PM
Subject: Broken link & request to participate

Hi,I was trying to access the va guidelines:
<http://dela.state.va.us/Dela/ComOpsStudy.nsf/f7d0d3fefc1bdfde85256c330057350e/5f925801e8b654ab852576ee004f1f18?OpenDocument>

...and your link is broken. It results in a 404 error.
Also, how far in advance of the next (September) meeting will the agenda be published online?

Is public input accepted? I've faced some struggled in my own divorce... that the current law doesn't seem to address...

Would it be possible to either submit some suggestions for consideration, or would it be possible to speak with someone about the roadblocks I've encountered, in the hopes that perhaps workarounds might be discussed in your next meeting?

4. From: LM
Sent: Wednesday, August 10, 2011 10:29 AM
Subject: Support Laws - recommendations

Thank you for what you do. Ensuring that children are taken care of is extremely important and this office is one of the few in the Commonwealth that put children as a priority. As a sole parent the NCP has not seen the children because of his actions in years. I appreciate the support of garnishment to ensure I receive support for my children. I am fortunate to have had up until the past several months a professional salary to ensure that most of my children's needs are met, even with out the support payment of the NCP. However, based on the thousands of dollars I have spent on attorneys for frivolous suits and to cause me harm - taking time energy and money away from caring for my children - I would like to offer a suggestion based on my experiences; which may not help me - but would possibly help children in the future.

Recommendations:

- Medical coverage and cost sharing - is in the administrative order and CSEA should enforce it as it does the support payments- should be able to put hold on services/etc for contempt and garnishment. Currently, to get the medical portion the CP has to go to court to enforce an order not adjudicated by that court who signed the

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order. I have asked the CSEA to help get the money I am owed and I am told to take him to court. I am owed thousands of dollars over the past several years by the NCP. Although he is a government employee, he won't pay support voluntarily so it is garnished. It would cost me thousands more dollars to go to court for contempt of that order and then another battle to get the money. Also, I have a unique case in that when I submitted one of the bills for payment I received a small fraction of the bill, it was sent to my attorney so I had to pay 25% of it in fees to have it passed. Then I received a Blue Cross Blue Shield card - the NCP went against the Admin Order; the NCP didn't give BCBS any of the legal documents so I couldn't work any of the issues for a while they would not talk to me at all; the NCP wasn't even to have medical information on the children; my insurance took back 2 years worth of payments which took me over 2 years and countless hours of work to fix working with Doctors and 5 different BCBS offices. I paid thousands of dollars to my attorney to get a court order to remove the boys from a policy they should never had been on based on the Admin Order - and was still not paid for the thousands of dollars owed in the Admin Order. The case workers tell me to get those thousands of dollars - I have to go to court.... I respectfully state that needs to change. If a CP can't get the payment voluntarily they probably don't have the money to pay an attorney and they lose in the long run...more fighting and less money for the children - time away from work, etc.... The situation caused my children to be denied medical care and endangered by being prematurely released from the hospital. It damaged relationships with service providers and put an extreme strain on the CP who already had a special needs child with severe medical issues and trying to work full time at a very demanding job in the XXXXXXXXwith security.

- Percentage of Child Support should be higher for NCP not involved in parenting. Fortunately most NCP are involved in some sort of joint parenting arrangements. They probably buy them presents, food on their weekends - they probably pay for fees, gas, travel and some expenses That even provides some "respite" for the CP when children visit the NCP. NCP who do not provide any of that - actually cost the CP more - the one or more of the children have Special needs that should also increase the support. Having one standard calculation doesn't reward the parents who may not have primary custody - but do want to be involved in the child's life. That is a huge difference in situations and should be rewarded. In the other side, NCP whose actions are contrary to the health and welfare and cost the NCP for the travel and any contact or who don't have any contact and provide no outside contribution other than support - should be documented and should pay a higher percentage of support. I have numerous examples other than my own.

Thank you again for what you do. If I should propose these ideas in some other manner or if you want additional information - please feel free to contact me. I also would like to see the Commonwealth enact a frivolous suit charge - so that if a parent brings up a court issue on a matter just to go to court or hurt the children to hurt the CP or NCP they should have to pay not only the compensation for the court and fees etc but also punitive damages. This may reduce the load in the Juvenile court system that takes 4-5 month to have a court appearance to set a trial date another 4-6 months

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later..... There needs to be a penalty for an action that recently occurred with my children. Violence and Stalking laws in the Commonwealth are all far behind other States, especially my home state of Missouri. I am here due to my service in the US Army and just recently retired here. I will be staying in VA because of my children. I would like to use my experiences to help other families.

5. From: AW

Sent: Wednesday, August 10, 2011 12:51 PM

Subject: When to request to go before the court to review child support

I would be grateful for some advice or a starting point. I have sole custody of my 13 year old son XXXXXXXX, there is not a visitation order in place with his biological father. The child support order case # XXXXXXXX date of order 10/27/20XX is paid directly to me by personal check in the amount of \$303.22 due bi weekly.

My question is should I request to go before the judge to have this order reviewed for possible a higher amount for XXXXXXXX? It has not been changed or reviewed. I was employed at the time of the order but now I am not and attending college.

My second question is the order clearly states it is "Bi-Weekly and due E/O Friday" 9 out of 10 times it arrives late on Monday or Tuesday with a postmark of Friday or Saturday, is this a valid issue to file a "show cause" for violating terms of judge's order. I would like things to be simple and on time. My thoughts would be as simple scheduled bank payment as if it were a bill and schedule online bill pay to go out automatically from his bank account.

My third question is in the order it states respondent to pay 66% of all extraordinary uninsured medical and dental expenses. I have never mailed him one of these bills and there are a few. I just did not want any conflict. But now I am wondering if I should gather these bills and submit them for reimbursement either to him or in court?

6. From: MC

Sent: Thursday, August 25, 2011 7:19 PM

Subject: Child Support question

Hello, I have a question regarding Child Support; if both the Legal custodian and non custodian of a child make the same gross income per month, both military, and the non custodian has another child (2 children total), will the child support amount decrease for the non custodian?

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From: MC

Sent: Friday, September 02, 2011 4:44 PM

Thank you for the response. By any chance, how can a person submit an appeal for custody/support without a lawyer and living out of state (XX)?

7. From: FW

Sent: Wednesday, August 31, 2011 3:41 PM

Subject: Child Support for XXXXXXXX in the case of XXXXXXXX (custodial parent) and XXXXXXXX (Non-Custodial parent)

My name is XXXXXXXX and I just recently received a check in the amount of 17.75 for DCSE NADC SUPPORT.

My social is XXXXXXXX (I added that so that it is easier to pull my case file information), and I wanted to know how I would be able to receive and increase in child support. Or what the process is of getting a review from your board.

8. From: CM

Sent: Friday, September 23, 2011 6:53 AM

Subject: child support guidelines

I would like to know if Over time is able to be calculated into my calculation for child support. My son turned 18 and I went to have him emancipated and they where going to attempt to raise my amount due to the fact I have been working over time to account for the loss of income. But every time I do this she goes back to court and asks for more money which means I can never catch up on my mortgage, even if I decided to get a second job to make up for the loss of income it will defeat the purpose! Can you offer any advice

9. From: DP

Sent: Saturday, September 24, 2011 1:44 AM

Subject: Child Support Guidelines Survey

I believe this is an incredibly important survey and I am disheartened to know that I was just made aware of it today. I did fill out the survey and send it in but I would respectfully request you allow more time for the word to get out so that more parents can take part in this.

I am a mediator here in the state of Virginia and I deal with child support on a daily basis. I believe there are so many things that need to be addressed and I would love to have the opportunity to share my thoughts based on not only my work experience, but also my personal experience as a Custodial Parent who received child support and also as the wife of an NCP who is paying child support.

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As a neutral I am not advocating for paying parents to pay less or for receiving parents to get more. I have seen situations where custodial parents clearly are not receiving enough and other instances where they paying parent is paying more than he can handle....so my quest is to help create something that does not vary quite so much. In mediation, parents can opt to deviate from the guidelines but mediators cannot advocate for either parent in regards to trying to convince them to increase or decrease the amount. The difference in mediation is that the parents can talk about their own individual reality in regards to the actual costs of raising THEIR child. The parents dont get that opportunity in front of a Judge because most Judges tend to go strictly by the guidelines without taking other things into consideration (and there are a list of conditions that would allow a Judge to deviate from the guidelines if he/she wanted to).

On a personal note, my husband and I actually met with our local Rep XXXXXXXX a few months ago in regards to the problems he (my husband) has had with DCSE and some of the tactics they have used in his case. Mr. XXXXXXXX seemed very interested in this case and stated he would be willing to discuss things further and possibly propose legislation. He also noted that he is part of the Child Support Guideline Review Panel for Virginia and our concerns would be brought up at a future meeting.

The issue of child support is not simply about money being paid from one parent to another. Its about how it is calculated and some of the things that happen to the paying parent who is trying to comply; its about why more Judges dont deviate when they should; why DCSE has the liberty to just suspend a parents license without authority from the Court; why DCSE consistently represents the parent who receives money even though it clearly states in all of their public information that they do NOT represent either parent. (you will notice in Court that DCSE reps always sit at the same table as the custodial parent and they answer questions for the custodial parent even when that parent has an attorney. DCSE is supposed to be neutral but it is clear and evident in court that they are not); why DCSE does not hold parents in contempt when they lie on the affidavit DCSE has them fill out when they apply for services; why DCSE just takes that affidavit as the gospel truth and immediately sends the other parent a letter stating that they "owe" the other parent a certain amount of money just based on that parents affidavit. The ncp is not given the opportunity to provide receipts proving that he (or she) has in fact paid. Also, why are Judges and DCSE reps not including the tax credits received by the custodial parent as "income" as they are supposed to by law? This creates a bias against the paying parent by giving yet one more financial advantage to the receiving parent.

These are just a few of my concerns with the system and how child support awards are fracturing families and hurting children in the long run. And keep in mind, I was a Mother who received child support when my children were younger, but I was always fair with my ex husband because even back then I didnt believe it was my duty to "nail his ass to the wall" as one attorney claimed he could do for me. (I walked away from that attorney).

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Child support is supposed to allow the child to live in the same relative lifestyle with each parent and yet the "awards" given to some parents are creating a class of poverty stricken fathers who are not able to provide the basic essentials for themselves after paying support. Child support is not supposed to create financial distress for either parent.

If possible, I would love to be part of any dialog the review panel might have in regards to reviewing the child support guidelines.

I am also requesting an extension in regards to your survey so that more parents (paying and receiving) can have the opportunity to have their voice heard. I will do my part in getting the word out about the survey. I am the mediation coordinator at a Juvenile and Domestic Courthouse so I could pass the survey on to parents I work with as well. I could also inform my fellow coordinators about the survey and have them pass it on to their clients as well.

From: DP

Sent: Monday, October 03, 2011 6:19 PM

Subject: RE: Child Support Guidelines Survey

Thank you so much for the update! I have filled out the survey but I plan on sharing this with as many parents as possible so their opinions can be voiced as well. I will share this with fellow mediators and attorneys too.

I am also very interested in becoming a member of the panel. If that is a possibility, I would love more information on what steps need to be taken to make this happen. I work as a mediator and calculating child support is a huge part of my caseload. I hear questions/complaints/suggestions from parents on a daily basis.

Thank you again for keeping me updated with the deadline extensions for the survey.

10. From: DM

Sent: Saturday, September 24, 2011 1:26 PM

Subject: 250 non-custodial fathers

Just sent out an email about your survey, please keep it up at least another two weeks. Could you add links or explanations of what some of your terms mean like the shared custody multiplier 1.4 and deviation from guidelines.

Fathers for Virginia Google [Group](#). Website: [Fathers for Virginia](#).

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11. From: GN

Sent: Sunday, September 25, 2011 10:11 AM

Subject:

Is the panel interested in input from the public and how or whom do we send material to, contact?

From: GN

Sent: Monday, October 03, 2011 9:22 PM

Subject: RE: CS survey

Thanks for the extension. I will forward this to a couple of friends.

Mine has been sent in. I would love to hear thoughts on it but did not include my name. If there is a possibility or value of a little one on one feedback I could send a copy that I saved as a word document or tell you how to identify the one I sent.

Courious, if you could tell me how many responses / surveys you recieved and who made it?

12. From: RC

Hand-delivered letter to all panel members on September 26, 2011

In my recent letter to Commissioner Brown of the Virginia Department of Social Services (VDSS) forwarded to Director Nick Young of the Department of Child Support Enforcement (DCSE) of questions I raised asking for an investigation was sent to state officials and angered him and has resulted in reprisal. I believe this because, for over 23 years this agency failed to do one physical thing to collect court ordered support. It was not until this case was transferred from Fairfax to Fredericksburg, Virginia, were collections initiated by DCSE/VDSS (both children are out of school and over 18). The Fredericksburg office demanded during our worst economy \$5,000.00 in 30 days or lose driving privileges. However, the method of collection used of waiting the life of the case was not explained or information made available to me, this further violates the case and my civil and constitutional right to due process. It is my responsibility to pay the court ordered support; it does not relieve DCSE/VDSS of its responsibility to ensure payments are received. DCSE is charged with that responsibility and to also carry out the force of law to accomplish that objective. DCSE could have utilized the court when the case was manageable at \$1,000 in arrearages. DCSE chose to wait until the case was outrageously in arrears at \$16,000 creating greater difficulty to collect.

DCSE/VDSS failure to manage its cases also fails the thousands of children it represents. DCSE/WDS doesn't conduct field investigations to gather its own information on fraud. Director Nick Young states DCSE does not have to defend its actions or non-actions that also explains why DCSE does not conduct field

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investigations of its own to eliminate or detect fraud. In this case DCSE did not know how long the mother, her then boyfriend and his employed sister lived together in subsidized housing or that the mother and boyfriend married, purchased a home in Stafford, VA and continued to receive state assistance. DSCE/VDSS never verified the incomes that were in the home (i.e. the mother, husband and his sister). What is being put in place to correct this practice?

As the non-custodial parent obtaining information about my case is too difficult, it borders on "prejudice and discriminatory" practice. Guidelines require an attorney to protect the interest of the child. What is being put in place requiring the attorney review both parent's situations to ensure maximum result for the child, court and parents?

DCSE/VDSS and the Virginia General Assembly are requiring I commit perjury before driving privileges are reinstated. I am required to sign a statement guaranteeing a monthly committal. Director Nick Young states DCSE cannot guarantee success on every case. The state cannot guarantee when the economy will stabilize itself and hold that stability, offering me the opportunity to earn the money to satisfy the obligations. Is it reasonable that I commit perjury to satisfy a failed requirement so that this nightmare continues?

I ask each of you to do whatever is in your power to create change in DCSE, VDSS and the VGA to provide answers to these questions so that the thousand of fathers tn/ing to complete their requirements, raise and guide their children to be contributing member of society may do so without being place under extreme undue pressure.

13. From: SM
Sent: Thursday, September 29, 2011 12:33 PM
Subject: request for review

How can I request a review of child support? Last Order was almost 5 years ago and there have been several changes in income.

14. From: JC
Subject: RE: Child Support for Shared Custody
Date: Sat, 1 Oct 2011 22:07:47

I do plan on attending the next meeting to address this issue, but my business travel schedule is somewhat sporadic. I just want to ensure that this specific issue is addressed even in my absence...any advisement helps!! Thanks

For the panel, I submit the following topic for inclusion during the public comment period of your next meeting:
Hello, My name is XXXXXXXX. I have recently spent 21 years in the XXXXXXXX and

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retired in March 20XX. I have transitioned into the civilian world and am currently a DOD Contractor. I am going through the process of a divorce, and I find the Virginia laws regarding child support to be out of line with the times. I am married to another military member who is an XXXXXXXX in the XXXXXXXX. Her net salary due to her location is approx \$5400 a month. We have 3 children together and we also have 50/50 SHARED PHYSICAL CUSTODY, as agreed to and substantiated by a court order. My children live with me for one week, and they live with her for the next week. Because I now have a retirement, and am working as a civilian I make twice what she does, and because of this the state of Virginia not only makes me pay 70% of all expenses for the children, but they also make me give her child support in the amount of \$804 a month on top of that for the children even though they I have them exactly 50% of the time. In no way is this fair...I must pay 70% of daycare (\$980) compared to her 30% (\$420), and then give her \$800 for child support! There was no standard of living at my current salary because we separated before I even received my first paycheck as a contractor. Is there any pending litigation that will change the antiquated laws that govern child support??? As well 50% of her income is not taxed, whereas 100% of my income is, so the numbers are even more advantageously in her favor. Ex: She gets \$2700 of her income tax free...if she had to pay taxes on that money then our gross income comparison would be fair, being that she doesn't this substantially effects the her gross income when compared to mine and makes it look on paper as if I am making so much more money than she does.

15. From: RB

Sent: Monday, October 03, 2011 1:09 PM

Subject: RE: XXXXXXXX

My name is XXXXXXXX. I am the non-custodial parent of XXXXXXXX. My the last 4 of my SSN is XXXX. I am writing this email to get an explanation and clarification regarding my support order.

Back in June of this year from communications with XXXXXXXX and the ombudsman, an audit was conducted regarding my account. At that time the ombudsman stated I had an arrears of 2106 dollars due to an entry error made by one of your clerks in your office.

I received an email from XXXXXXXX in which she stated " I have instructed Virginia to cancel the support order and collect the arrears." My original order was issued in New York. My son turned 21 on June XX 20XX.

For two weeks now, I have been trying to get information regarding how I will receive notification that this collection of arrears at 563 dollars will stop and to ensure everything is in order. I contacted the DCSE office toll free number for Virginia and they have informed me that this case is closed and has been so since November 2009 at the state of KY's request. They stated they have nothing to do with the case.

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I contacted the toll free number for DCSE for the state of Kentucky (800) 248-1163. They informed me as of 1 August 2011, XXXXXXX county had me an arrears of 1786 dollars and that I currently have a balance of 660.95 as of today. Since June 2011, I have had payments involuntarily deducted from my retired pay for the month of July, August and September 2011 in the amount of 563 dollars. Just today I found that another 563 dollars was deducted from my October annuity, which you shall receive shortly. When you multiply the 563 dollars by 3 the product is 1698 dollars. Add to that the pending payment of 563 dollars, which you will receive shortly and it becomes \$2261. I have met my obligation legally regarding compliance with New York's order as you have continually reminded me this is a NY order.

I do not understand how these arrears continue to build when my support is paid involuntarily through payroll deduction and have been since 1990.

I would like a resolution to this once and for all. When is the last deduction? I would like notification in the form of an email or letter that I have met my obligation.

I am requesting an electronic copy (via the following email address: XXXXXXX) of your payment record as it relates to child support payments received from me. This includes all forms of payments (involuntary/ voluntary and electronically/ mail), amount and date it was received and from whom the payment was received.

I am requesting an electronic record (via the following email address: XXXXXXX) and copy of all payments made regarding child support payments from my days on active duty to present, to include when the payment was sent, the amount and the entity that received these payments.

16. From: CM(2)
Sent: Wednesday, October 05, 2011 11:49 AM
Subject: Child Support Review

I am writing to inquire about a Request for Review and Adjustment to my child support case. I have sent in all the necessary paperwork and just wanted to confirm that you have everything you need from me, and if there is any way you can tell me if/when there will be a hearing, that would be greatly appreciated. Thank you-

17. From: RV
Sent: Wednesday, October 05, 2011 2:14 PM
Subject: Child Support Guidelines Review Panel Constituent Question

A constituent of ours contacted Delegate XXXXXXX with the following question and I was hoping you could help me to respond. I did also email XXXXXXX, but I was hoping to email you too and see who would respond first. The question is:

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"Does the Child Support Guidelines and Review Panel only set the guidelines for amount owed by the noncustodial parent or do they also set the guidelines for enforcement. Additionally, is it a conflict of interest for an attorney to sit on the Panel if they represent a client(s) who is a noncustodial parent and does not pay child support regularly or has been reprimanded by the state of VA for failure to pay child support?"

18. From: CM(3)

Sent: Wednesday, October 19, 2011 4:52 PM

Subject:

My name is XXXXXXXX. I am a born & breed citizen of the Commonwealth of Virginia. I am the granddaughter of a former Chairman of the XXXXXXXX Democratic party , XXXXXXXX who was also involved in local politics, some of you may have known this wonderful man. However he was my inspiration & taught me to stand up for what I believe in & if laws aren't fair to the citizens that it was my duty as a citizen of the Commonwealth to voice my concern to the appropriate people who is in charge of establishing the laws so that hopefully something could be done to make the fair for all.

I have a few very important topics that I would like to discuss with you in regards to the shared custody child support worksheet and the 20-108.2 section B of the Code of Virginia. Currently under this section code it states that if a child is receiving a social security disability insurance benefit on behalf of the parent, that amount of the benefit received for the child is added to the gross income of the parent who is disabled. Then in the II adjustments to the shared custody child support guideline worksheet the parent who receives this credit gets a "credit" for this money.

I have recently address this concern with a few local legislators back in June & we were put in touch with DCSE director & the lawyer did present this case to the court yesterday, however the judge stated that the law was written the way it was written & he would not deviate from it. Which is why I'm turning to you today for your assistance in this matter.

In my husband's case (DCSE case # XXXXXXXX & there is authorization for me to speak in regards to his case on file with DCSE), his ex-wife has a monthly gross income of \$3310.00. My husband's gross income is \$2773.33, making the difference \$537 more a month that she grosses. Then my husband receives an adjustment for our 2 other children whom are not part of this case, bringing his available monthly income to \$2122.33, making the difference \$1187.67 less a month for my husband than his ex-wife. At the end of the worksheet his ex-wife is allowed a credit of \$681.00 for the money that she receives monthly for the children. Prior to her being allowed to take this deduction she would be court ordered to pay my husband \$281.29, however after the credit is deducted, my husband is court ordered to pay her \$399.71. The custody is shared, week by week, however his ex-wife actually receives more money in SSI than what she did prior to their divorce. So to sum it up, the ex-wife actually is

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grossing \$537 more in gross pay, \$399.71 in child support & receives \$681 in a benefit for children that she has less than ½ of the time she is suppose to by the custody agreement. So because of this law she receives \$1080.71 (child support & benefit for the kids) more a month than my husband and we have them more than she does and to make up the difference for my family survive we are left with no other alternative than for me to work a 2nd job to subsidized the income, basically I work the job to pay her, want to talk about not fair to my family. To us this doesn't make any sense. I worked up the worksheet & if the \$681 came out of her gross income (which in my opinion if you are going to subtract it in the end, then why wouldn't you take it out of her gross & not even calculate it to begin with) IF the \$681 never came into play & we were only looking at the true actual income of both parents then the mother's obligation would be \$150.00 per month.

So our concerns that we would like addressed are:

- Isn't income considered income or are the working citizens not given the same rights as disabled citizens? Isn't that penalizing the ones who are working hard & paying taxes?
- How is it fair to the working citizen who isn't on social security & works hard every day of his/her life to put food on the table & take care of their family to be penalized for someone who is receiving the check every month guaranteed? In this case the mother has been on social security since XXXXXXXX & has been receiving this benefit for the children since then & there's no sign of her ever returning to the workforce, making this a permanent benefit until the children are emancipated or turn 18.
- The money she receives as a benefit is income coming into her house regardless, please explain to me why the law is written as so she can receive a credit for but still gets the payment each month. I can guarantee you that if any other working citizen wouldn't get a credit for a "bonus" they received at the end of the worksheet. It would be considered as income, so shouldn't this be looked at the same way? It's technically double dipping if you will, because the money is coming into her household & she basically doesn't have to "claim" it on the worksheet. Wouldn't it be more FAIR to both parties to remove this amount from the get go? Or the other option would be that the parent receiving it split it with the other parent. After all is sharing custody of children fair then why shouldn't the child support be fair?
- Could the law be written that the amount of credit she receives on behalf of the children not be calculated at all, OR if it 's shared custody (the 182/183 day split) if the parents gross within \$1000 of each other than there is no child support ordered established? Of course as well as the credit not coming into play.
- As a result of her disability we have the children more than she does for extra circular activities. However because she would not agree to the actual dates we provided the court because of possibility of "make up time" we were not able to receive the credit for days, which means that she is receiving credit for days that she

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doesn't have the children, which in the end means we are paying for child support for times that she doesn't have the children at all. We had a spreadsheet of every date that we had them, she had nothing to back up her "possible make up days". So she receives her benefit for the kids, we pay her child support for 68 more days a year than what she actually has them, again NOT FAIR.

- Also my husband is court ordered in their divorce decree to carry the medical insurance on the children, however yesterday in court we were not afforded that credit for the amount we pay. So this makes it where she is now receiving the SSI payment for the kids, child support & no responsibility for insurance premiums, once again not making this fair, how many times does someone have to take a hit?
- Also child support is deducted from the payer's check AFTER taxes & the parent receiving child support never has to report that as income or get taxed on it. Why isn't this a pretax deduction or why isn't it if the money is paid through DCSE where there is a trace of it isn't the parent receiving child support not reporting this as income for their taxes at the end of the year?

As a citizen who had utilized the child support system previously, I'm flabbergasted at the way the laws are & how they aren't clear across the board & aren't fair. It seems that if you are a parent who is working & paying the child support ordered regardless of how fair or unfair it is you are penalized. However if you are a non-custodial parent who does everything in their power to avoid paying child support, shows a pattern of when getting a job only before court & then quit after court time and time again, can owe over \$100,000 between 2 cases, you just get a slap on the hand & sent out on your way, I know firsthand that this has happened as it happened with my child support case before I closed. If you are the working parent & do everything in your power to provide for your family then you are the one who the courts will not do anything to help make the situations less stressful & fair to all parties involved. It seems that the more of a law abiding citizen you are the justice isn't & will never be served for you, but if you are a habitual law breaker then you will receive all kinds of breaks (you can even commit murder & get food stamps when you get out of jail, & if I were to apply as a working citizen that may just need a little help, my answer is no, I gross too much or my car is valued too much ,etc). My husband & I have been appalled at the way our justice system works. I used to have faith that the laws were written to protect the innocent, however the more experience I've had with the courts I'm beginning to realize that the laws aren't here to protect the innocent they are there to help protect the guilty. Which doesn't give someone a lot of faith in our system.

I will be more than willing to provide any documentation you may need to review, to set up meeting/phone calls. I am more than willing to do whatever it may take to get this looked at & possibly the law changed on this. Please feel free to contact me via email, phone XXXXXXX Home, XXXXXXX cell or via USPS mail XXXXXXX, VA XXXXXXX. I look forward to hearing from you soon in this matter.

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19. From: KA

Sent: Monday, October 24, 2011 12:21 PM

Subject: Child Support Enforcement.

My name is XXXXXXXX, and I'm writing in hopes to get some understanding, and some help regarding Child Support enforcement tools. Specifically the suspension of a drivers license.

Though this may seem like a valid tool, in my case it hinders me from obtaining a job to better provide the obligated amount. I've spoke with 7 Child Support Enforcement personnel, ranging from case worker to regional managers. They have been unhelpful in regards to helping me re-instate my drivers license so that I may have the opportunity to be employed. I've explained my circumstances. In recap, my daughter is 15 years old. I've paid child support until she was 13 (20XX). During the time frame of Oct 2009 until June of 2010, I was unemployed and unable to work do to conditional circumstances. During the time period of June 2010 until present, I have been actively seeking employment. On October 21 2011, I finally received a call about an opportunity for employment. Unfortunately, they required a valid drivers license, as to my surprise, they explained was suspended.

Since that time, I have been trying to get this resolved so that I may obtain this job opportunity (before the job opportunity is invalid) and in turn be able to help my daughter. Not only my daughter but all of my children. This was explained to each employee at the agency. Their response is for me to pay a lump sum of cash in order for this to be reversed (per policy). Obviously this is not something that I am able to do, otherwise I would have been making my original payments. Since this is their demand, this is obviously an unfair judgement, as they are also assuming that, I withheld support willingly and have money somewhere to pay this.

Its disturbing to know that the Child Support Enforcement agency would be "the obstacle" in obtaining employment, as their entire function as an agency is to ensure the collection money. I've been working with the Child Support Enforcement agency for the past 15 years. I've seen many changes. The main changes that I've seen is that the agency went from, (through tone and verbiage) helping the mother, to helping the child, to a thriving business. Thus leaving one important factor that remained constant. "We don't care about the Obligatory party (father)" attitude.

Unfortunately this attitude, and this logic in the Child Enforcement Arena makes matters worse for all parties involved, especially the children. Perhaps this change can be implemented or enforced by this panel, perhaps not, but It would certainly benefit everyone if the agency was taking the time to help all parties involved, rather than taking an accusatory or judgmental approach to the supporter or payer.

In conclusion, I have missed the opportunity to secure this employment due to a suspended drivers license. Thus delaying any income for all of my children for an additional undetermined amount of time. While the enforcement by means of suspending a drivers licenses may work for extreme circumstances, I believe my letter

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should provide you with enough basic information, concluding that, not all of us are criminals, not all of us are wrong, just average citizens with different circumstances.

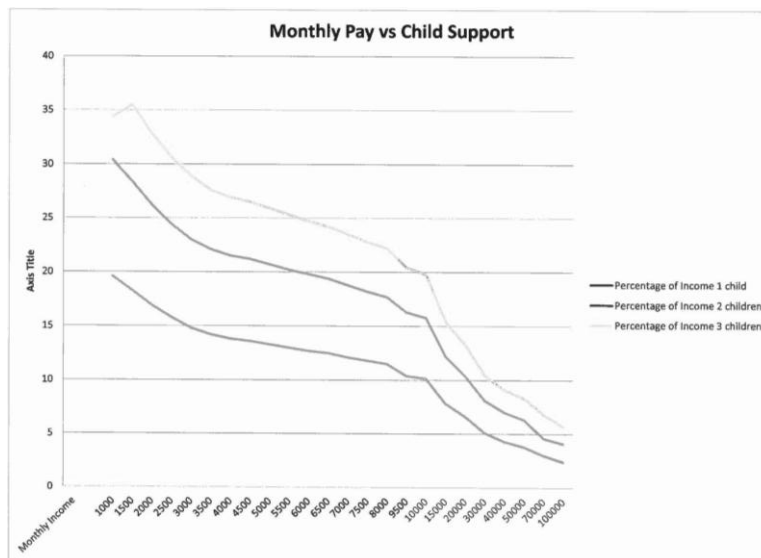
With that said, I would like to propose the implementation of suspending a drivers license be removed as an "enforcement tool". As this may delay, restrict or have an adverse affect on obtaining employment for payers. In addition, the Child Support Enforcement Agency has the ability to "intercept" paychecks, again providing valuable information that, we "want" Supporters to have a job. If this is not possible, then an amendment allowing that the Child Support Enforcement Agency to reverse the suspension without a lump sum payment, and or raise the minimum arrears before the child support enforcement agency may utilize this "enforcement tool". This would closely follows the concept of helping all parties involved, rather than making the situation worse and or the arrears dangerously high. Lastly, I would like my drivers license returned to active status. This is a fair request for poorly treated supporter.

20. From: DPM

Sent: Wednesday, October 26, 2011 2:35 PM

Subject: Child Support Guidelines Skewed

I have attached a chart which I put together which shows the percentage of gross income paid to child support for 1, 2, and 3 kids on the y-axis and the gross monthly income on the x-axis. What it shows is breathtaking. Essentially, the people who donate money to the General Assembly (those on the high income end of the scale) pay painfully little as a percentage of gross income while the poor slob making only \$1,000 a month pays over 30%. That is obscene. Has anyone taken this up with the nitwits in Richmond to fix this? Just wondering.



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21. From: JC(2)

Sent: Tuesday, November 01, 2011 9:51 AM

Subject: Topic for Review for the 16 Nov meeting.....Excerpt from the Survey

When asked what would I change regarding the statutory calculations, establishing or modifying child support obligations

Response: If you have 50/50 custody, 182.5 days each a year, then neither party should have to pay child support. Make expenses at that time "relative to income" and you will have a MUCH MUCH fairer system in place...because when you make the financially stronger parent pay child support, and then pay child care, and activities relative to their income, they end up getting gauged while the other parent is using the money the financially strong parent gave them to pay their "child related expenses"..EXAMPLE: My wife and I have each have our 3 kids 182.5 days a year (50/50 shared custody) as written in a court order...Our income disparity is 70-30. I pay her \$800 a month in Child Support - she doesn't have to pay me, I pay 70% of daycare (\$1000) to her 30% (\$420) and past \$250 in medical expenses I must pay again at a 70-30% ratio...then she wants to split after school activities and clothing 50/50. She can pay her obligations out of the money I provide her without ever even touching her paycheck....its ridiculous!!!

When asked are there any factors that should be considered when calculating child support obligations

Response: 50/50 custody is an agreement between the parents...no judge decides that for you. As such you should be responsible for your portion of time as the other one is....nobody should pay anybody child support under this type of agreement...payments "relative to income" are the only way this would be fair...but not both child support and on top of it use the "relative to income"...because in essence, the amount of money calculated to come up with the percentages is scewed as soon as you have to pay a certain amount for child support.

22. From: REH

Sent: Tuesday, November 01, 2011 4:06 PM

Subject: Modification Request

I am incarcerated in the XXXXXXXX City Jail. I have been locked up since September 9th, XXXX.

I am facing 4 Felony Counts. I still have 5 years over my head from previous charges that I must do once I am finished with my new charges. I would like to try and have my Child Support payments Modified due to the fact that I have no income and will not have any income for years, if I ever get out that is. Can you please tell me what forms I need to apply for a modification or what I must do.

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23. From: KR-H

Sent: Wednesday, November 02, 2011 1:29 PM

Subject: Child support case number XXXXXXXX

My child support case in the XXXXXXXX, Virginia office is still pending. I recently was sent a letter in the mail indicating that the office wasn't able to use my Power of Attorney. The non-custodial parent and I are still legally married. However, my situation is that he is in Iraq, and is non-military. He won't return to the states until March 2012. I used the POA to obtain his pay check stubs, and W-2 statement for 2010, this information was needed to determine an amount. The letter that I received last week from my case worker XXXXXXXX indicated that they were unable to use my POA. The letter indicated that they can't use the POA due to legal issues. The non-custodial parent is not cooperating with Division of Child Support as far as submitting his financial information. This is not fair to my four month old son, that he has to go without. I want to know is there another way around this? This case can go on and on with him being overseas and not due to come home until March 2012. Every time, I email my case worker, or the division of child support I get no answers. I have already emailed the congressman XXXXXXXX of XXXXXXXX, Virginia to help me with this. If I can't get any answers I will go ahead and get a lawyer. The case number is XXXXXXXX, the non-custodial parent's name is XXXXXXXX. Please help!

24. From: MM

Sent: Wednesday, November 02, 2011 9:26 PM

Subject: Would it help if I mailed you my Book used in my video citing each DSS Official Policy that violates Va or Fed Code?

<http://bit.ly/un4vKh>

I reviewed the Official Policy and Procedure Manual and compared it to both Virginia Code and US Federal Codes/ UCC's/ and the SSA's specific code sections dealing with Parental Financial support obligations Each Parent should be tasked with providing their own children; unless those children are wards (legally defined as : "Dependant") of the state. AKA : child support enforcement.

Each child belongs to Both Parents, therefore, common sense dictates that irregardless of the primary physical Custody of any child, that child's Food, Shelter, Clothing costs (basic necessities) MUST be shared by both parents 50/50. Once EACH Parent is presented with the reality and consequences of what being a "Parent" means, that person is far more likely to use public resources ONLY when Necessitous - as this particular program was created to do. The use of Guardian Ad Litem, as well as Parental Courses are improvements, however, poorly utilized unless mandated.

Potentially, the migration to digital or "e-filing" of court petitions and it's case loads will simplify the administration and improve the accuracy rates of enforcement actions while lowering agency expenditures, exponentially. Virginia's child support

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enforcement program needs to be completely shut down for 90 days while a full and thorough Audit is completed. If not, the migration to digital docs could only further damage families, children, and the reputations of many involved in the fiasco known out in the real world as the "Title IV-D RICO".

By Increasing the Public's access to courts (not hindering it, as the Va State Bar is seeking to do right now) and Increasing the Public's Right to Choose "how" to manage their Family matters will only Enhance the Quality of services that a safety net social service benefit program exists to do. Educating the Public via a public terminal at each court house as well as access to all the proper Court forms utilized by the system, would greatly improve the court's caseloads, the Parties In Interest's Rights to their courts, and ultimately - the children involved. Florida has an Excellent site along with all the pdf's any person may utilize, either to pursue their family matters via the courts Pro Se, or to obtain counsel - OR seek Administrative assistance.

Seperate the "needy" from the "lazy/complacent" and then the Administrative services are not Wasted. The sheer amount of money wasted by this agency on Administrative Actions that violate law, basic human and parental Rights, un-necessary or useless "case management" is simply mind boggling.

If the Agency STARTS with proper Personal AND Subject Matter Jurisdiction, then all parties involved can benefit. But it can only be achieved with Team Work - by those who seek to implement constructive changes and intelligent management, while working with those victimized by the lack of it, over the past two decades. There are many ideas ...there are few Opportunities to implement. Thank you for creating the opportunity for Parents across Virginia to be Heard by our public servant Agencies we fund. Your work is highly appreciated.

25. From: TW

Sent: Sunday, November 06, 2011 7:28 PM

Subject: Child support guidelines review panel

I am the mother of 2 boys and recieve 503 dollars a month for these beautiful children..my ex husband refuses to buy any clothing or school supplies...or sports equipment or any thing extra..they may need..We as parents both love them..but because of the 110 days a year he has them...he only has to pay shared custody..the children live a complete lifestyle they weren't use to..Both parents make a good living..I as a RN and him as mechnical engineer..When we were together the children lived a very good life.but when the marriage was finished..the children suffer..There aren't any laws to get my ex to pay for clothing and backpacks..acne cream,,and simple everyday things the children need only one parent paying for..he has a retirement plan ,I can not....these shoes and clothes..coats..add up ..I know it is assumed that these fathers and in some cases mothers..will buy supplies and clothing for their children..but in most cases they don't ..like in my case..when my kids ask for things ...he says your mother will buy it..I want my children to be with their father..but

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these laws and shared custody guideline calculations..need to change.Thanks for listening..

26. From: AB

Sent: Monday, November 07, 2011 9:56 PM

Subject: Comments for VIRGINIA CHILD SUPPORT GUIDELINES REVIEW

I writing to you to suggest (1) a way to replace the guessing of the appropriate child support amount guidelines with documents which could be used in a study and (2) a way of funding obtaining such documents.

Please consider an amendment to the Statue stating that the party paying the support may, at its discretion, voluntarily permanently increase the monthly amount due by a preset amount, say 10%, to cover the expense of the record keeping of the party receiving the payments. Such increase shall automatically place statutory burden on the party receiving the payments to provide receipts for goods and services on which the base amount was spent. Failure to provide receipts of clearly reasonable child related expenses amounting to certain percentage of the base monthly payment, say 70%, would entitle the paying party to refund of the difference between that 70% and amount documented by receipts.

I propose that many parties paying support would opt for such voluntary increase in exchange for fair accountability. Such situation would eliminate what I propose is prime complaint about child support – that it is used mostly for reasonable and legitimate needs of the child. At the same time, it would provide legislature with details of amounts being actually spent on various needs of the child which could be used in a study.

27. From: GH

Sent: Wednesday, November 09, 2011 9:30 PM

Subject: Public Comment November 2001

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

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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 XXXXXXX 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

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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.

Than 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.