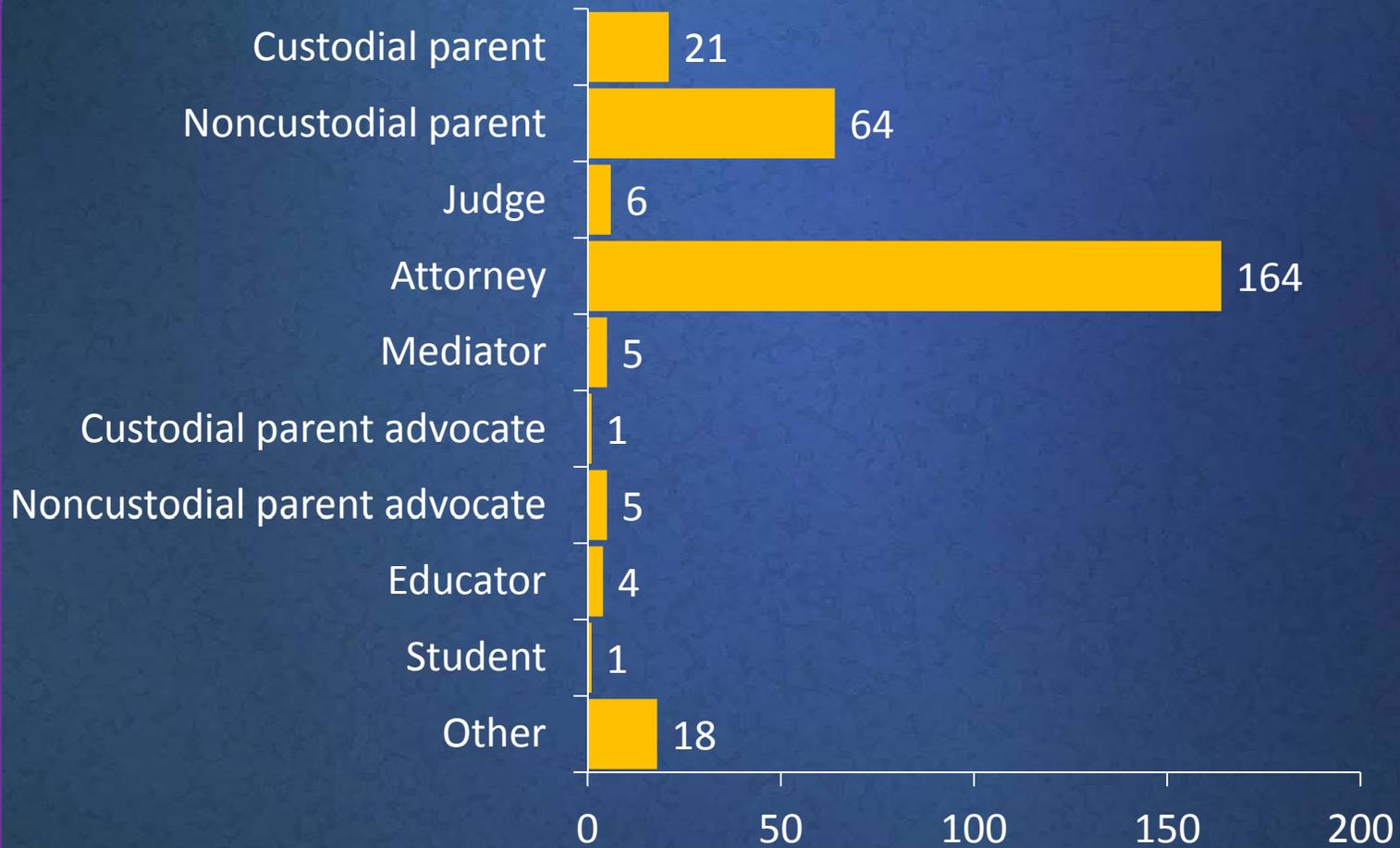


Child Support Guidelines Survey 2011



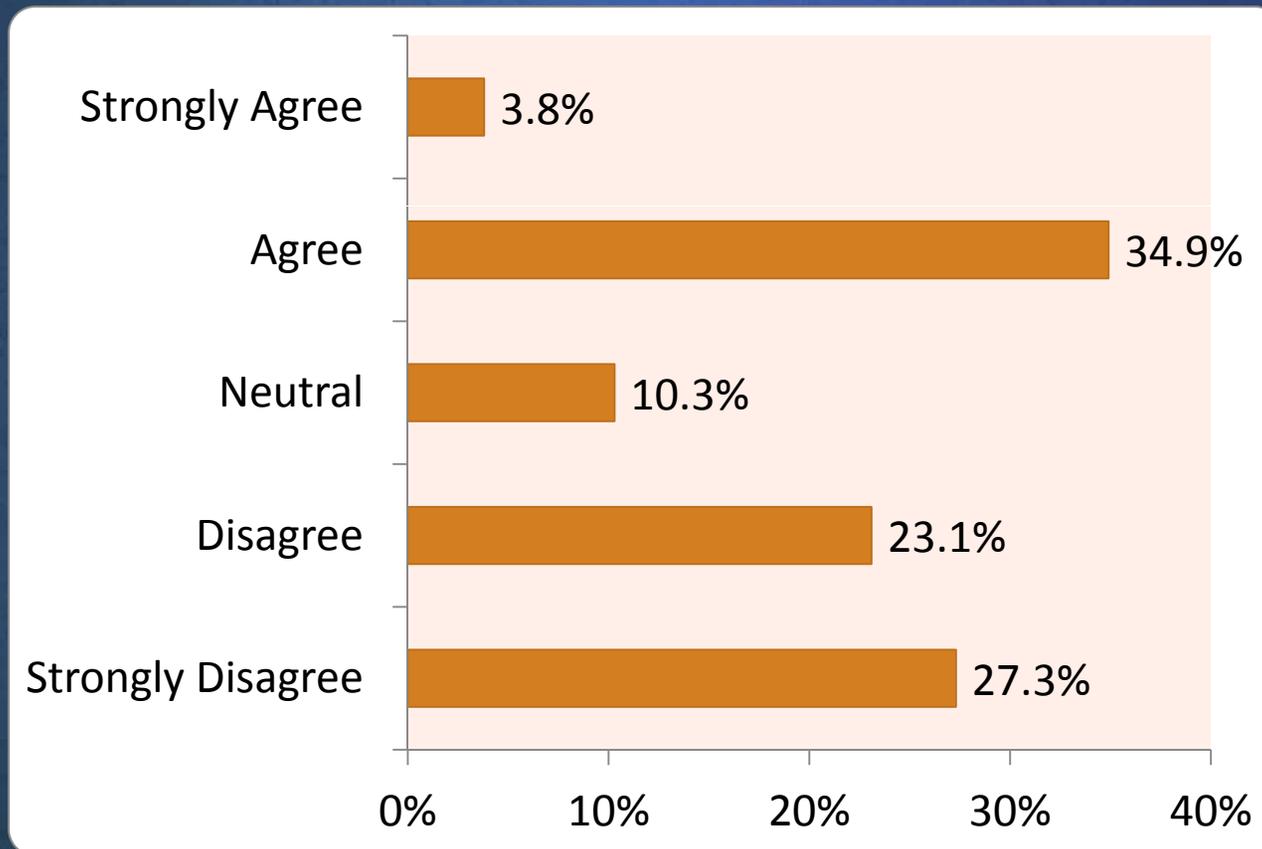
Child Support Guideline Panel Meeting
Richmond, Virginia
November 16, 2011

Which of the below best describes you:



Total Responses: 289

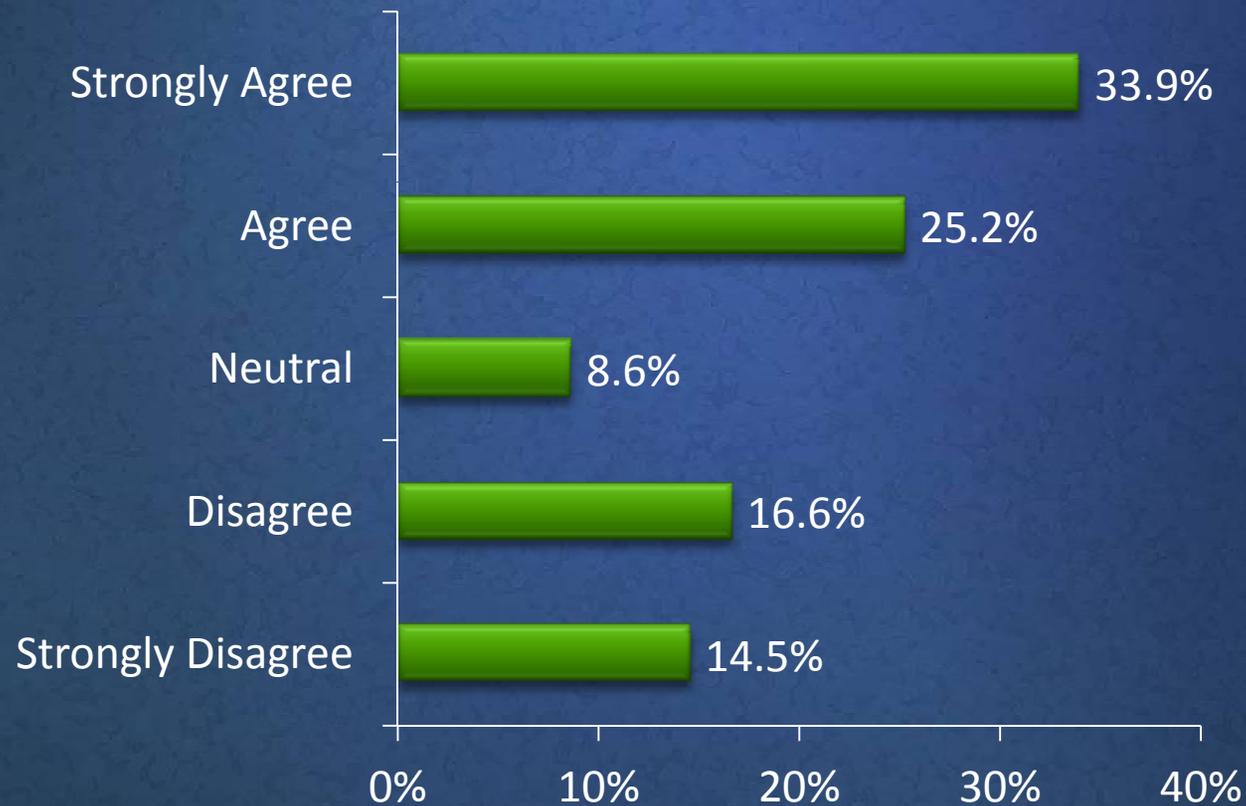
1. The existing guidelines produce appropriate child support obligations for most cases.



1 - Comments

- Numbers are too low
- Numbers are too high
- Data is outdated
- Low income obligors pay a greater proportion of their income than high income obligors
- Cost of living in different parts of state (i.e., Northern Virginia) should be considered
- Obligees should have to account for how support is spent
- There should be a built-in self-support reserve

2. Noncustodial parents should have an obligation to pay at least a minimum amount of child support regardless of their income.



2 - Comments

Yes:

- Both parents should have to pay something

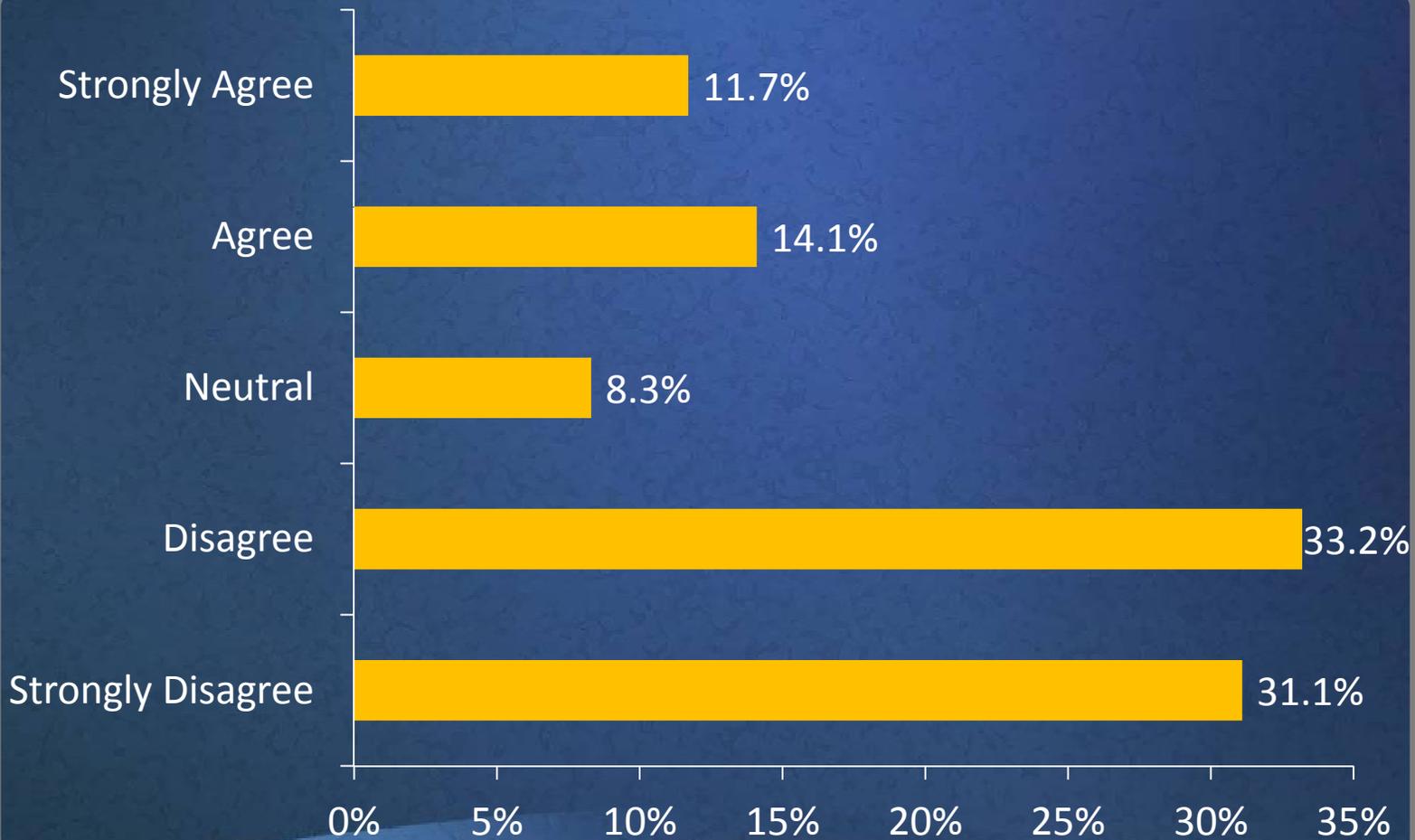
No:

- Obligors should not be forced into poverty
- Not if custodial parent has high enough income

Depends:

- Base on case-specific factors (illness, disability, attempts to find work)
- Consider other types of payments (i.e., mortgage payments)
- Judges should have discretion

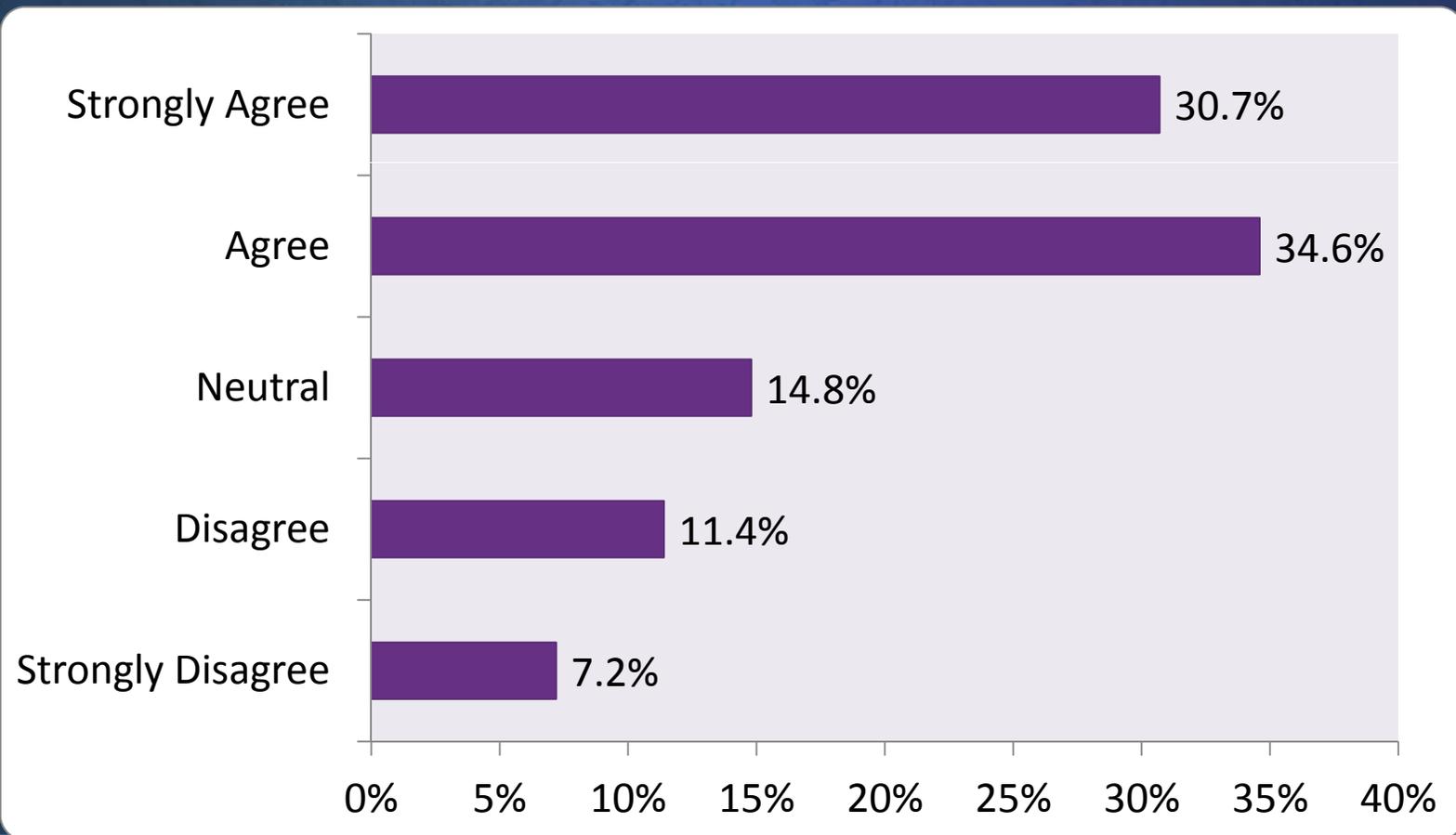
3. At a specifically determined level of income, a noncustodial parent should not be required to pay any child support.



3 - Comments

- Parents have responsibility to support their children
- Depends on income disparity – NCP should not necessarily have to pay if CP has high income
- Need safeguards to prevent people from dodging responsibility by getting paid under the table or hiding income
- Consider specific cases – is NCP homeless, ill, etc.

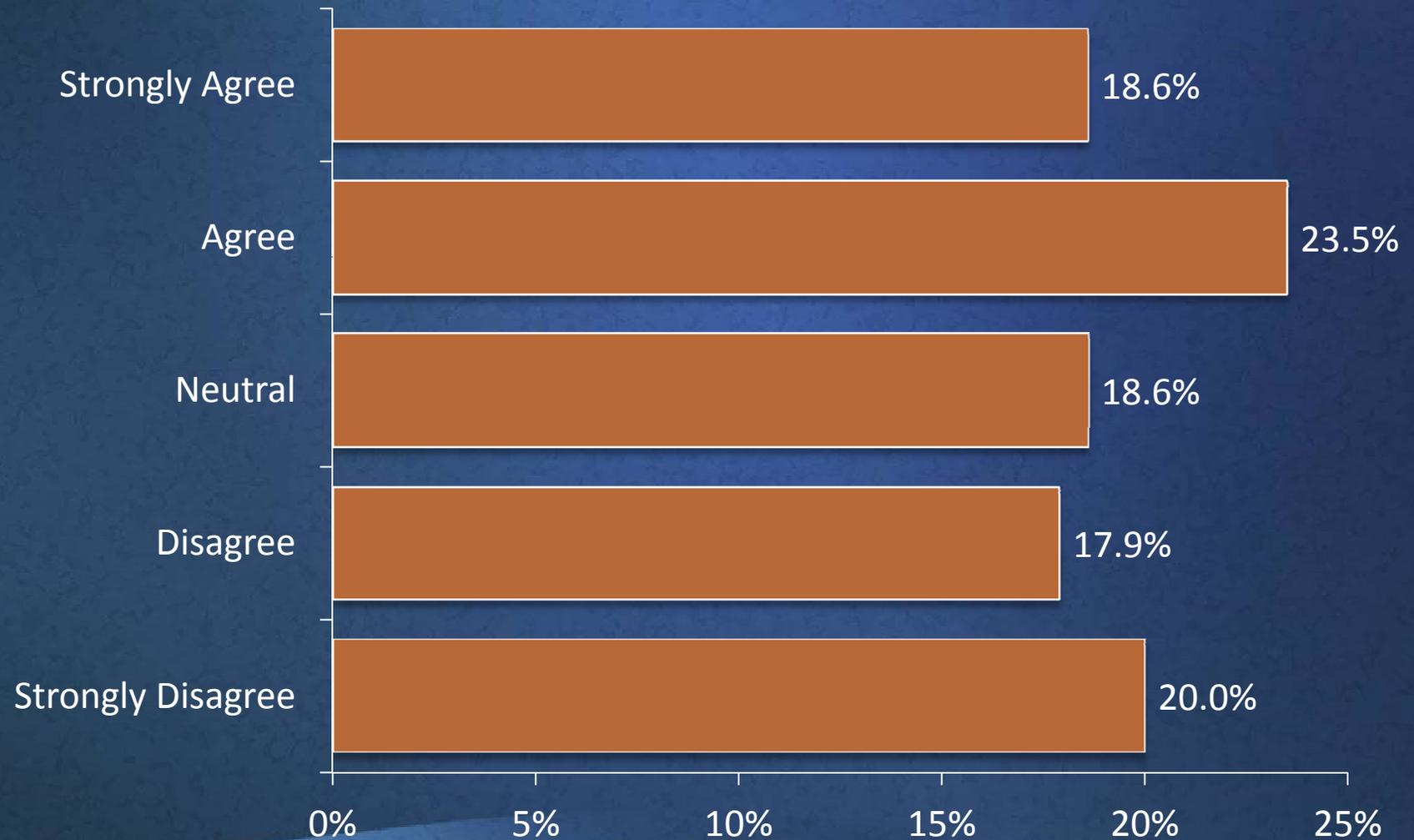
4. The guidelines amount should leave low-income noncustodial parents with a self-support reserve – that is, sufficient income after paying the guidelines amount such that they can live at a subsistence level.



4 - Comments

- NCPs who cannot provide for themselves give up trying to pay support
- Lack of reserve contributes to government's economic problems & drives NCPs into underground economy
- Children are hurt if NCP becomes homeless or destitute
- Disincentive to earn above threshold amount
- CP's income & child's well-being should also be considered
- No reserve if voluntarily un- or underemployed

5. There should be an increase in the \$65 per month minimum child support obligation.



5 - Comments

Yes:

- \$100, \$150 or \$200 per month
- Unless completely disabled, obligor should be able to earn minimum wage
- \$65/month is not even enough to feed a child

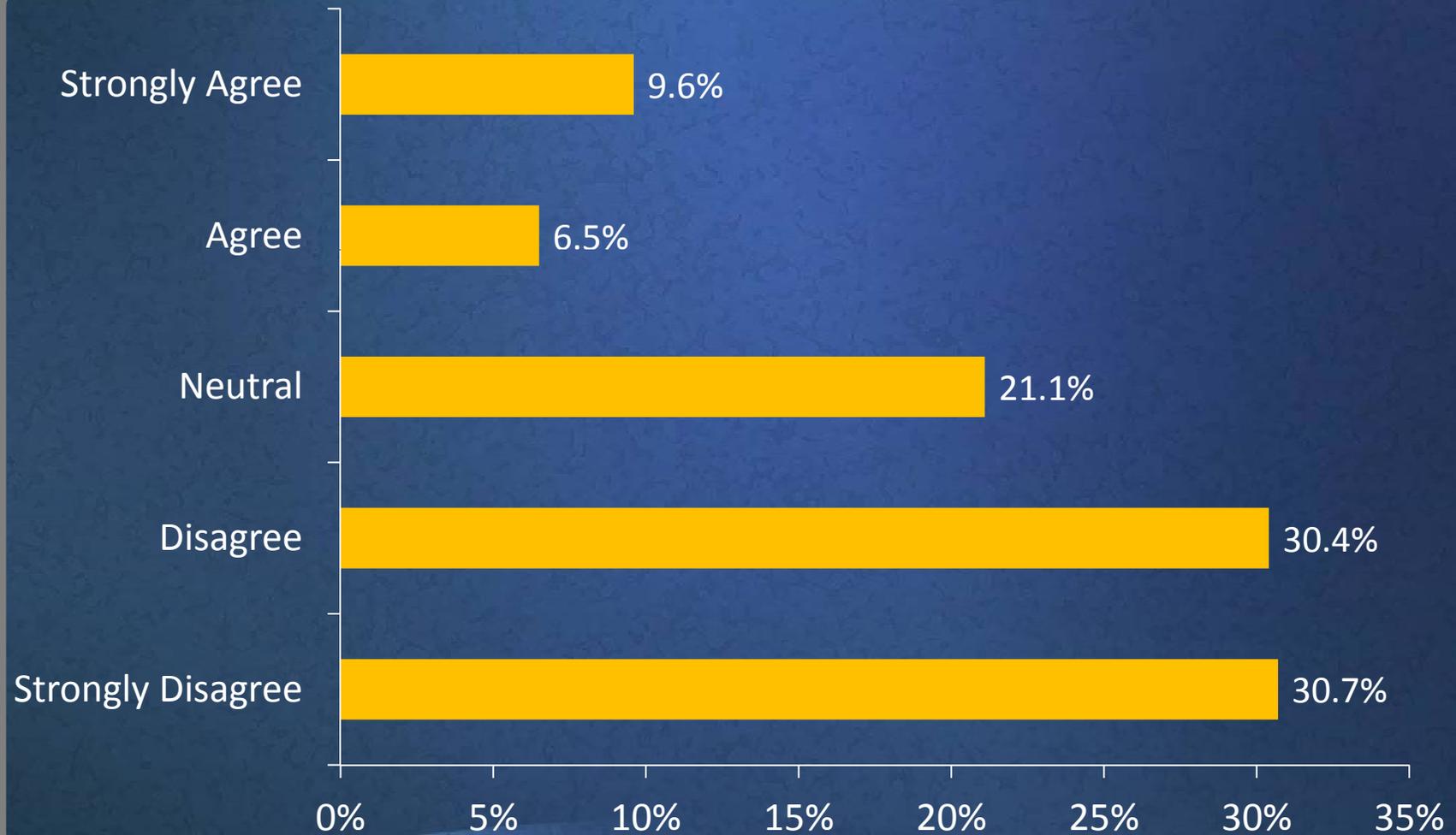
No:

- Creates arrearage that won't be paid
- Even \$65 can still be too burdensome

Depends:

- Case-by-case basis
- Non-involved obligors should have to pay more

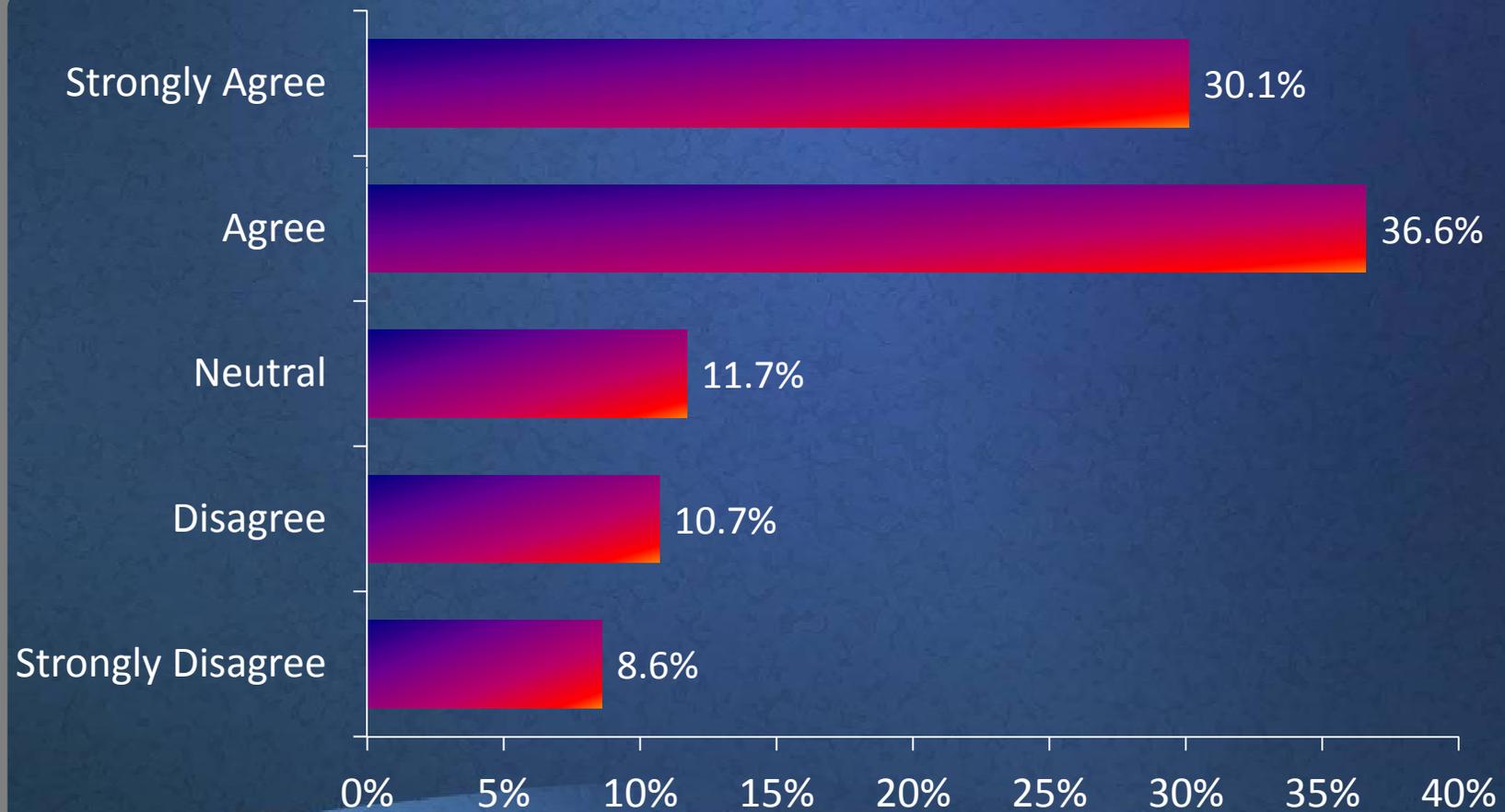
6. There should be a decrease in the \$65 per month minimum child support obligation.



6 - Comments

- Minimum should be \$0 in extreme cases
- There should be no minimum
- Case-by-case basis
- No need to change – court can deviate
- Should be based on parents' incomes
- NCPs with no income/resources through no fault of their own should not have situation made worse by obligation they cannot realistically pay

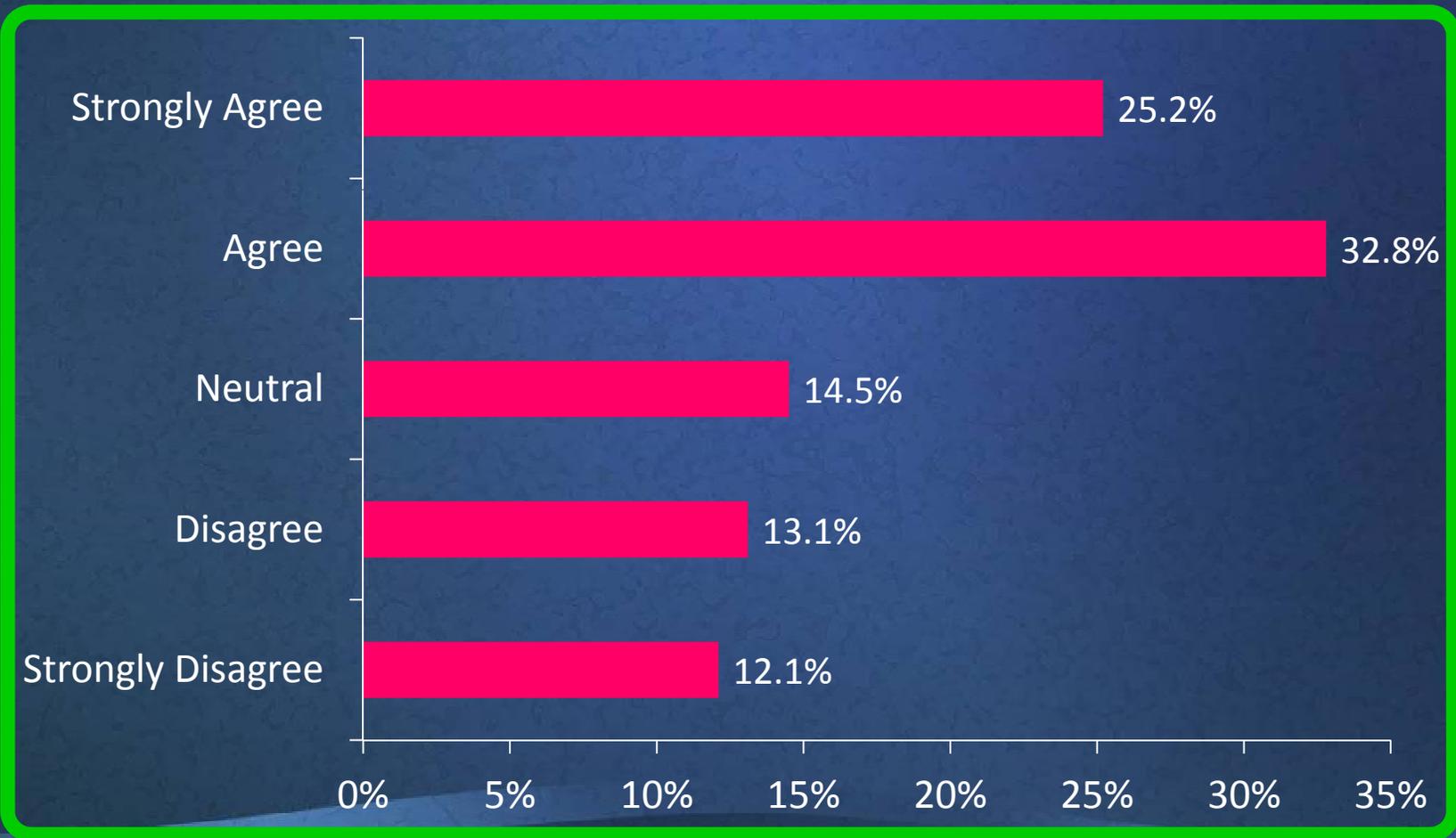
7. Currently, initial support obligations must be retroactive to the date the petition for support was filed. In cases where there is a change in custody, judges should have discretion to order a different effective date.



7 - Comments

- Yes, it can take months to get into court
- Yes, but only if moved in favor of the child
- An NCP who gets custody & becomes the CP is penalized by current system
- Date should be when custody actually changed
- Only if parent is delaying case in bad faith
- Should have consistent date for motions to amend & initial petitions
- Judges should have discretion
- Judges should not have discretion
- Creates instant arrears

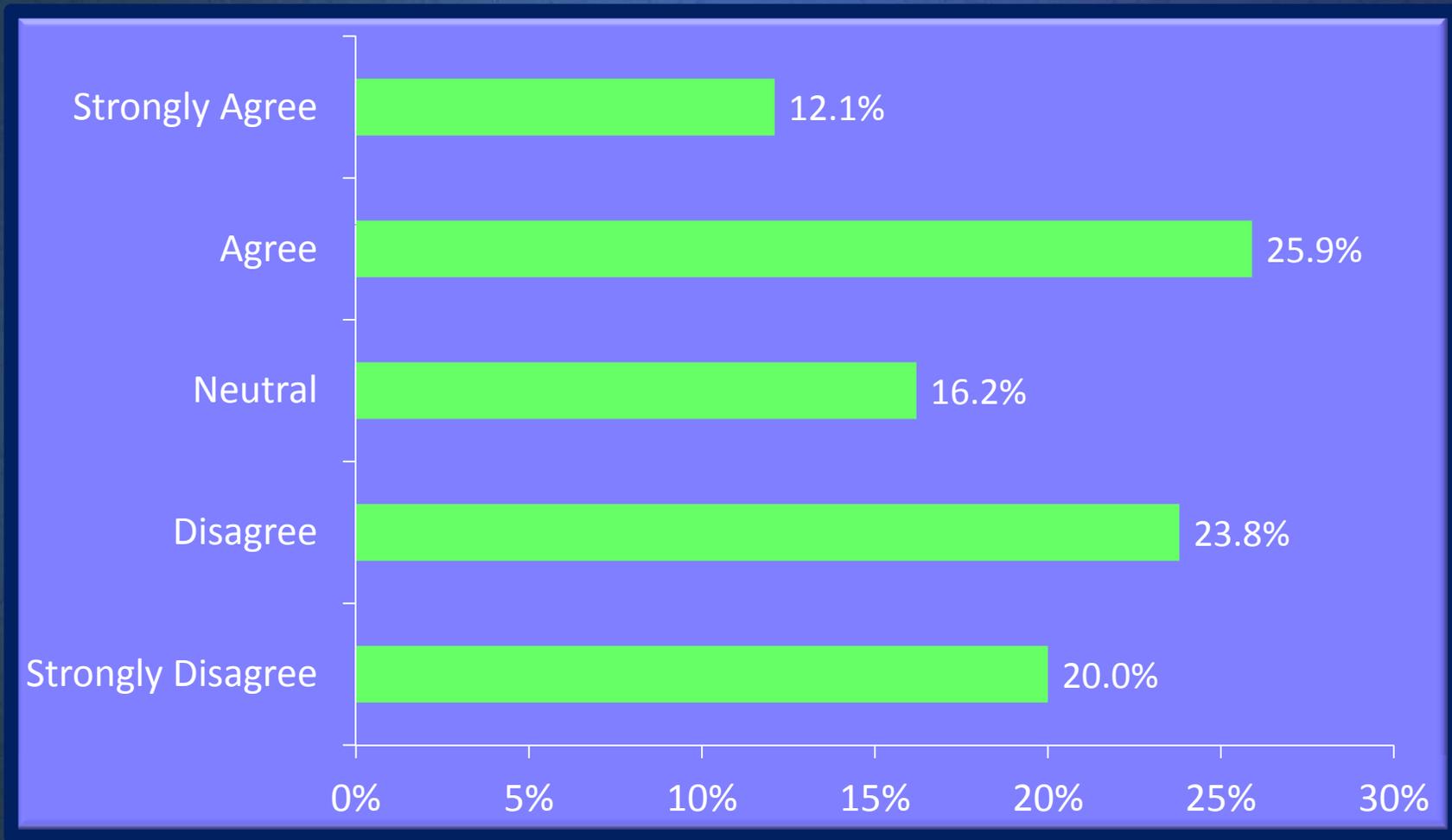
8. For child support modification proceedings, the judge should have the discretion to make modifications effective back to the date the motion was filed as opposed to the date of service on the non-moving party.



8 - Comments

- Yes, should be consistent for initial petitions & motions to amend
- No, instant arrears create hardship
- Use date order entered
- Federal law prohibits modification prior to notice on responding party - can't act contrary to federal law
- Only in limited circumstances (i.e., change in custody, respondent avoids service)
- Judges should have discretion
- Judges should not have discretion

9. A modification should be allowed based upon a minimum percentage of change in either parent's income without any other proof or additional change in circumstances.



9 - Comments

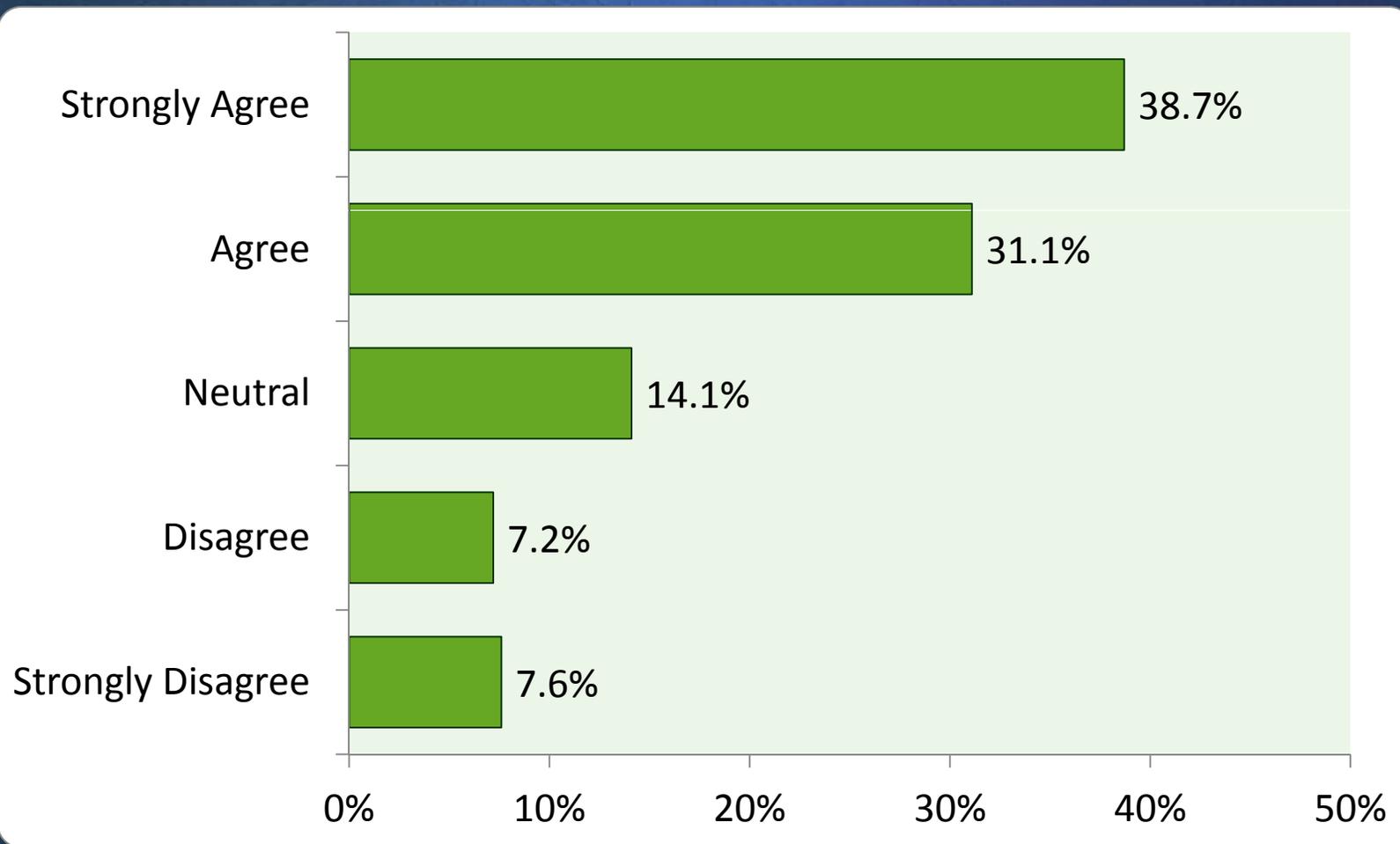
Yes:

- Bankrupting a parent is counterproductive
- Especially if obligor loses job & needs immediate reduction
- But must be a significant change in income

No:

- Need finality – this would keep disputes going
- Would eliminate obligor having to show decrease in income is not due to his/her own action
- Would increase litigation & clog court system
- Incentive to “doctor” income
- DCSE & courts are quick to address requests for increase but slow to address requests for decrease

10. There should be a notice in all child support orders which states that the order remains in effect until modified or terminated by another order.



10 - Comments

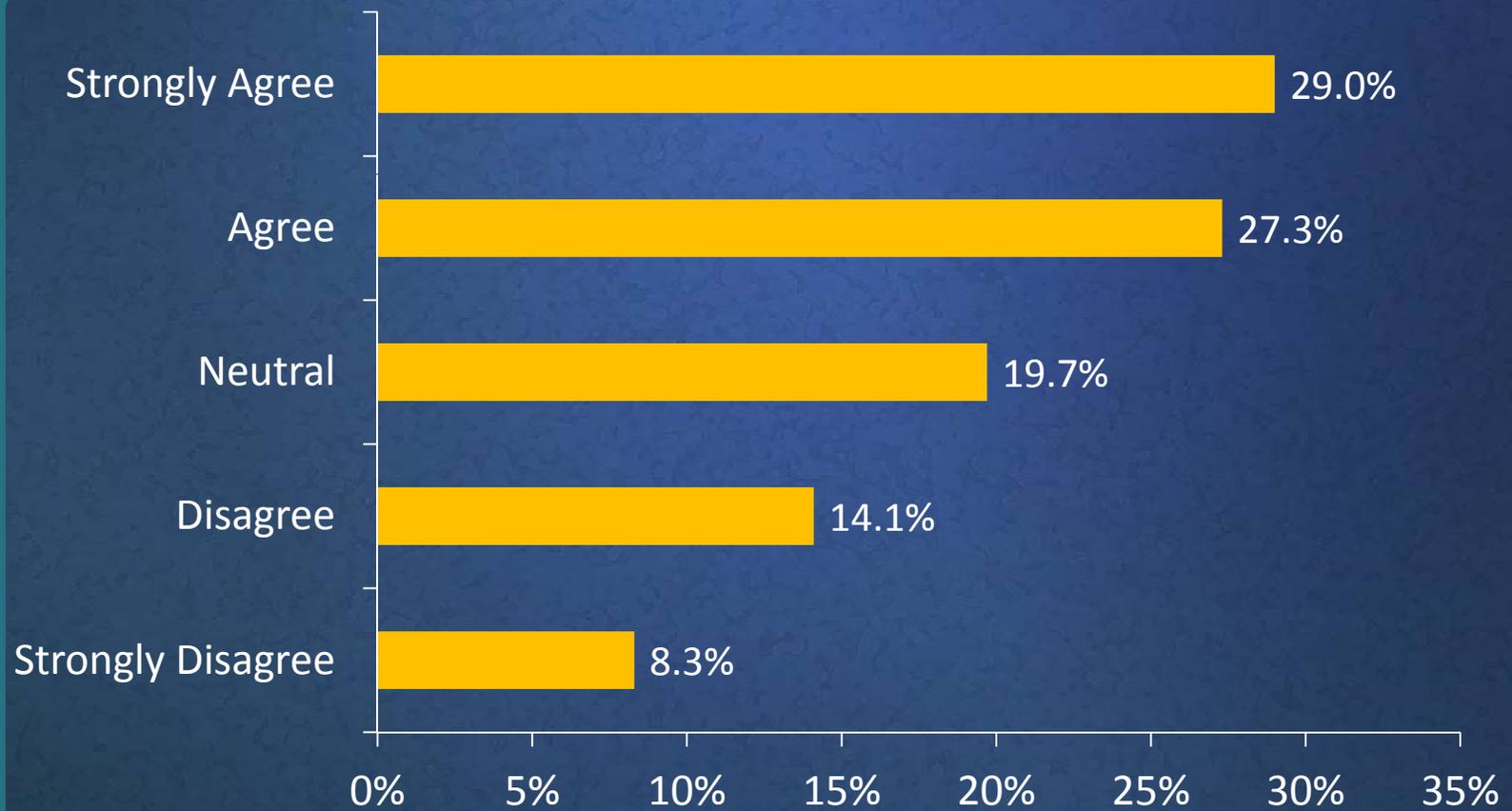
Yes:

- Needs to be in bold print
- Yes, but needs to be easier to get another order
- Many parents think agreement is binding despite order
- Include automatic termination for emancipation & change of custody; exception for agreements
- Also state either party can file for modification any time
- Many think closing DCSE case automatically ends order

No:

- Too many notice provisions already
- Orders should be flexible

11. There should be a statutory requirement that the guideline worksheet be attached to all child support orders whether derived from litigation or agreement.



11 - Comments

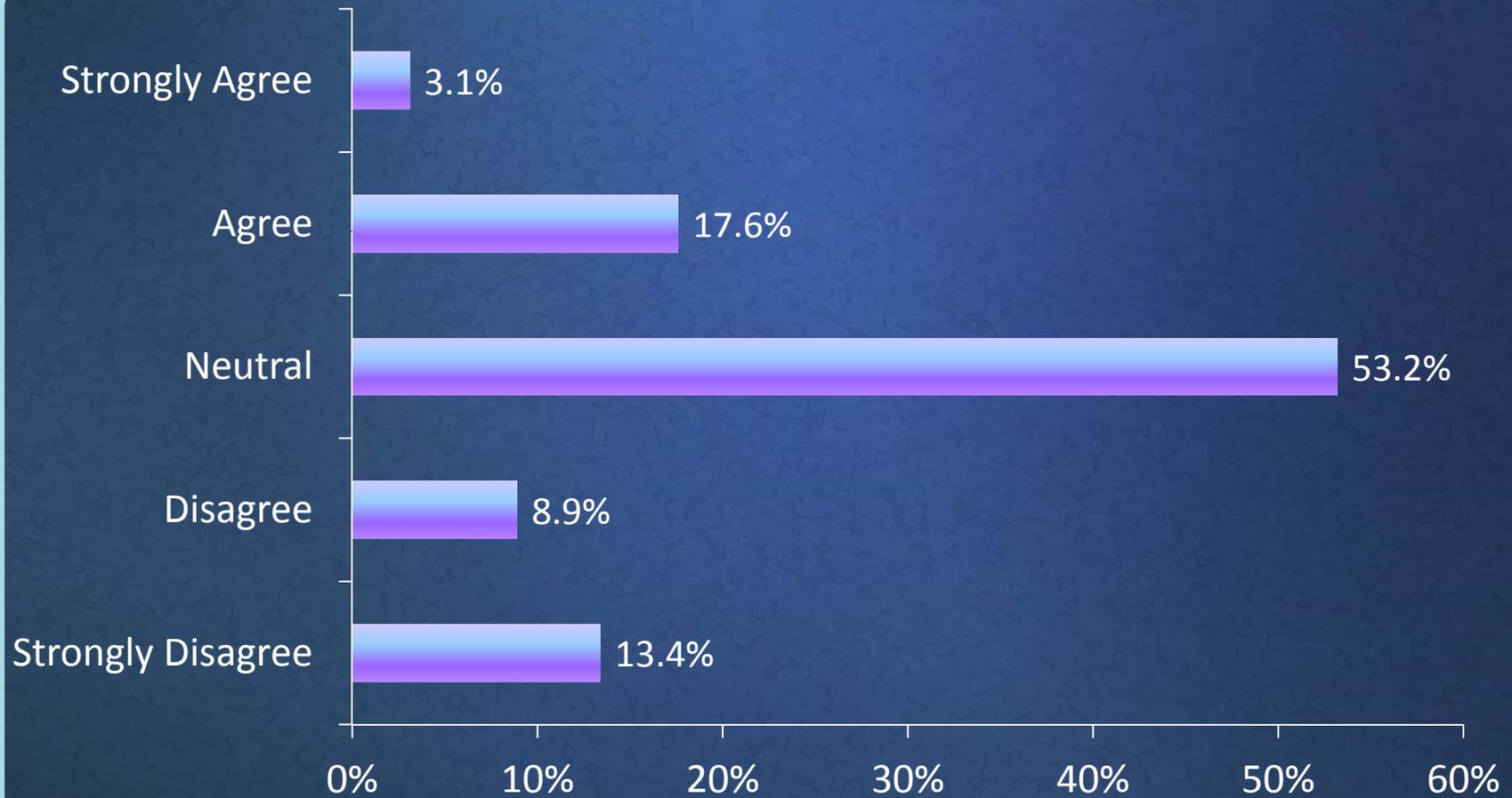
Yes:

- Proof of calculation should always be included
- Gives background for future modifications
- § 8.01-581.25 [mediation] already requires this; should be added to § 20-60.3 also
- Attach both presumptive & deviated worksheets
- But should be part of privacy addendum
- Attach worksheet or include income in order

No:

- Not necessary where parties have agreement
- Too much paperwork already in court files

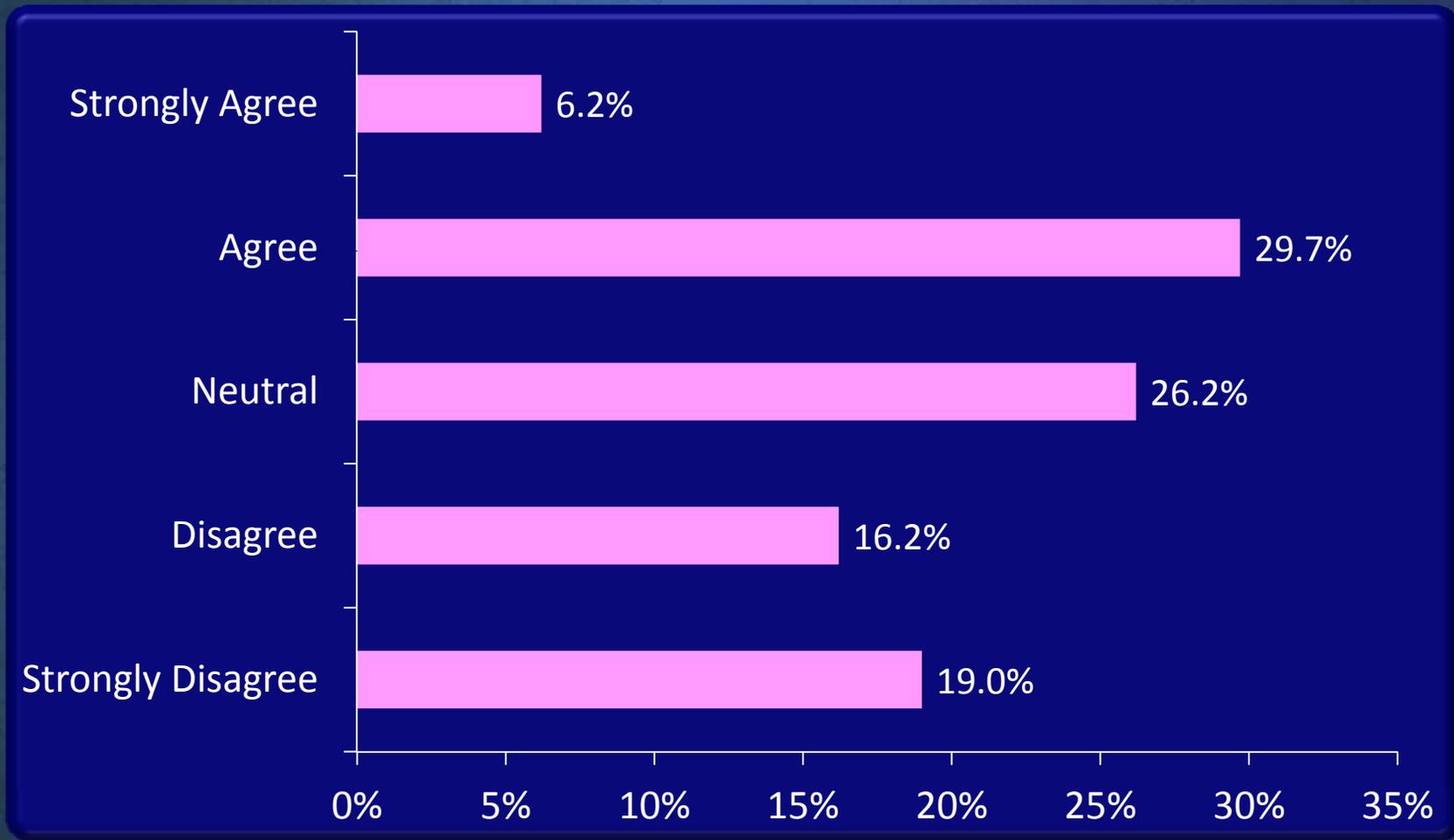
12. The multiplier (1.4) for shared custody cases should remain the same.



12 - Comments

- There should be no child support obligation in shared custody cases
- Should be determined on case-by-case basis
- Use different multipliers based on number of days
- Multiplier should be reduced
- Multiplier violates income shares approach – increases expenditures to more than when parents were together
- 1.4 multiplier was carefully studied to eliminate “cliff effect.” No multiplier is perfect – this is a good compromise

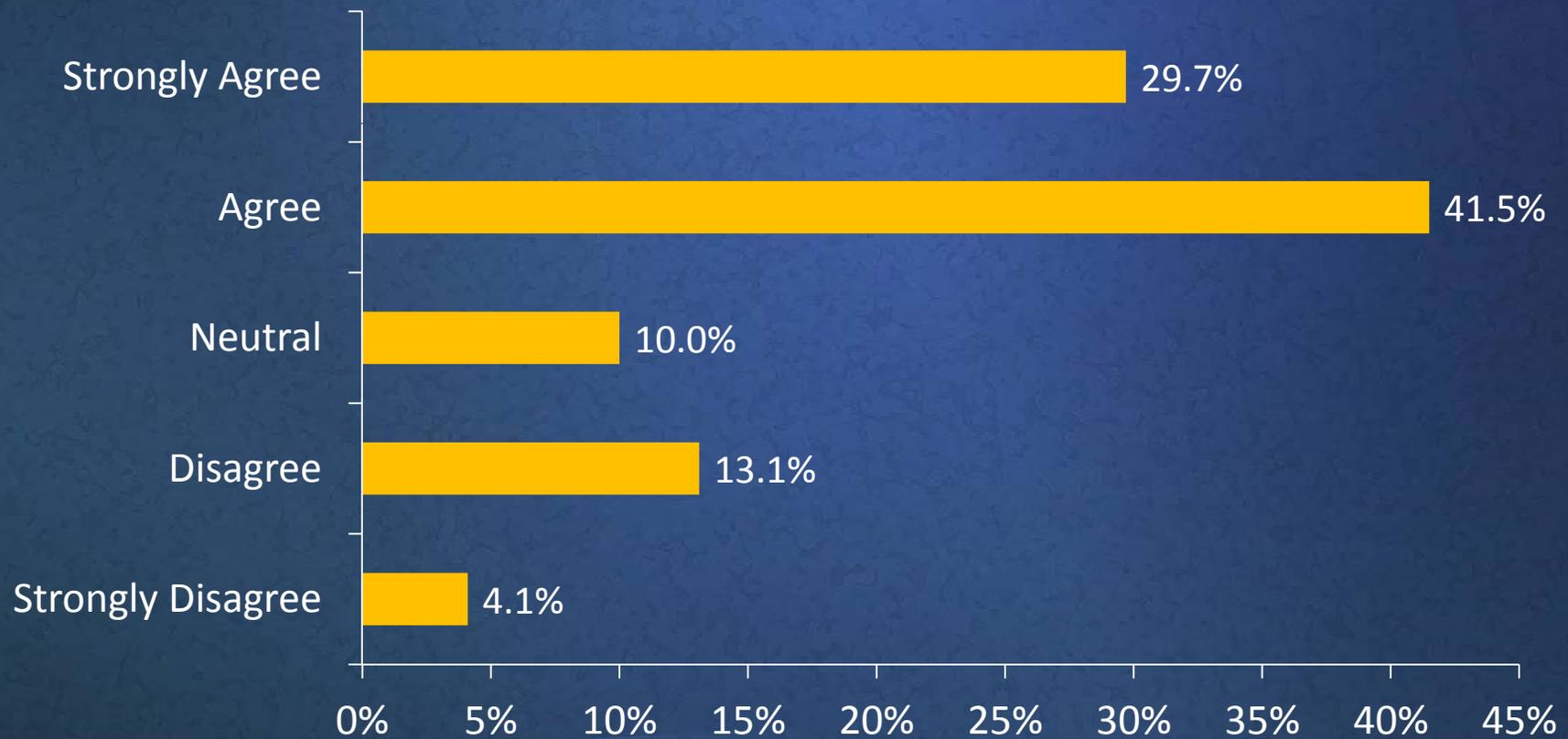
13. The number of days (more than 90) for shared custody cases should remain the same.



13 - Comments

- Threshold should be increased
- Threshold should be decreased
- Shared custody should be 50/50
- Should be determined on case-by-case basis
- People frequently “play with the calendar” to reach the 90-day threshold so they will have a lower support obligation
- Shared custody guidelines are only appropriate when custody is truly shared, not just on a weekend basis

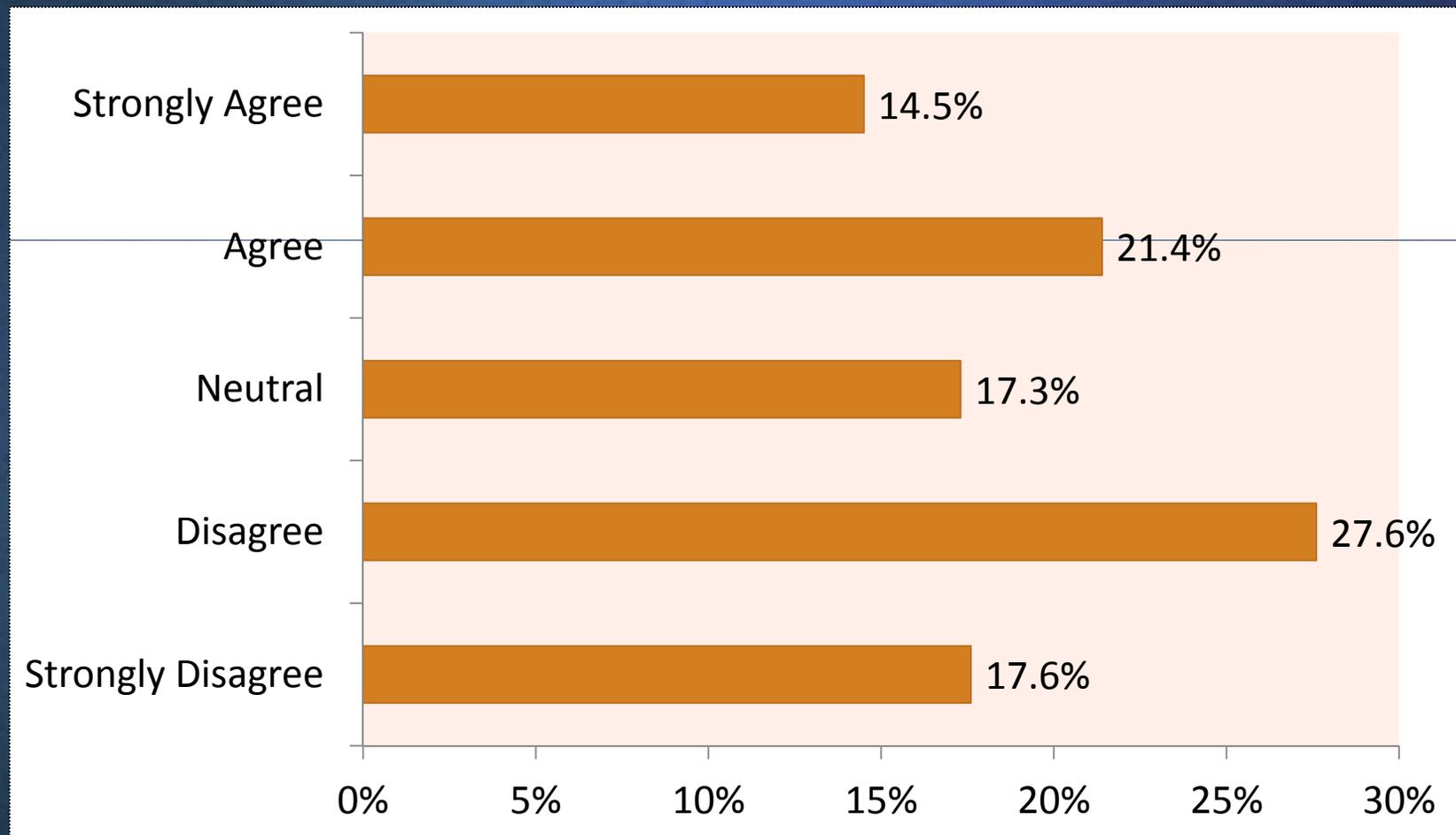
14. The guidelines should contain guidance for calculating support in complicated cases, such as where either parent has multiple families, one parent is the noncustodial parent in one case and the custodial parent in another case, or other situations involving blended and complex family structures.



14 - Comments

- Guidelines should allow more flexibility in these cases
- Would promote consistency in complicated cases
- These situations come up frequently; judges & attorneys are unsure how to handle
- Guidelines cannot cover every contingency but some guidance would be helpful
- Judges should use their discretion
- Law already contains guidance – do not add “what ifs”

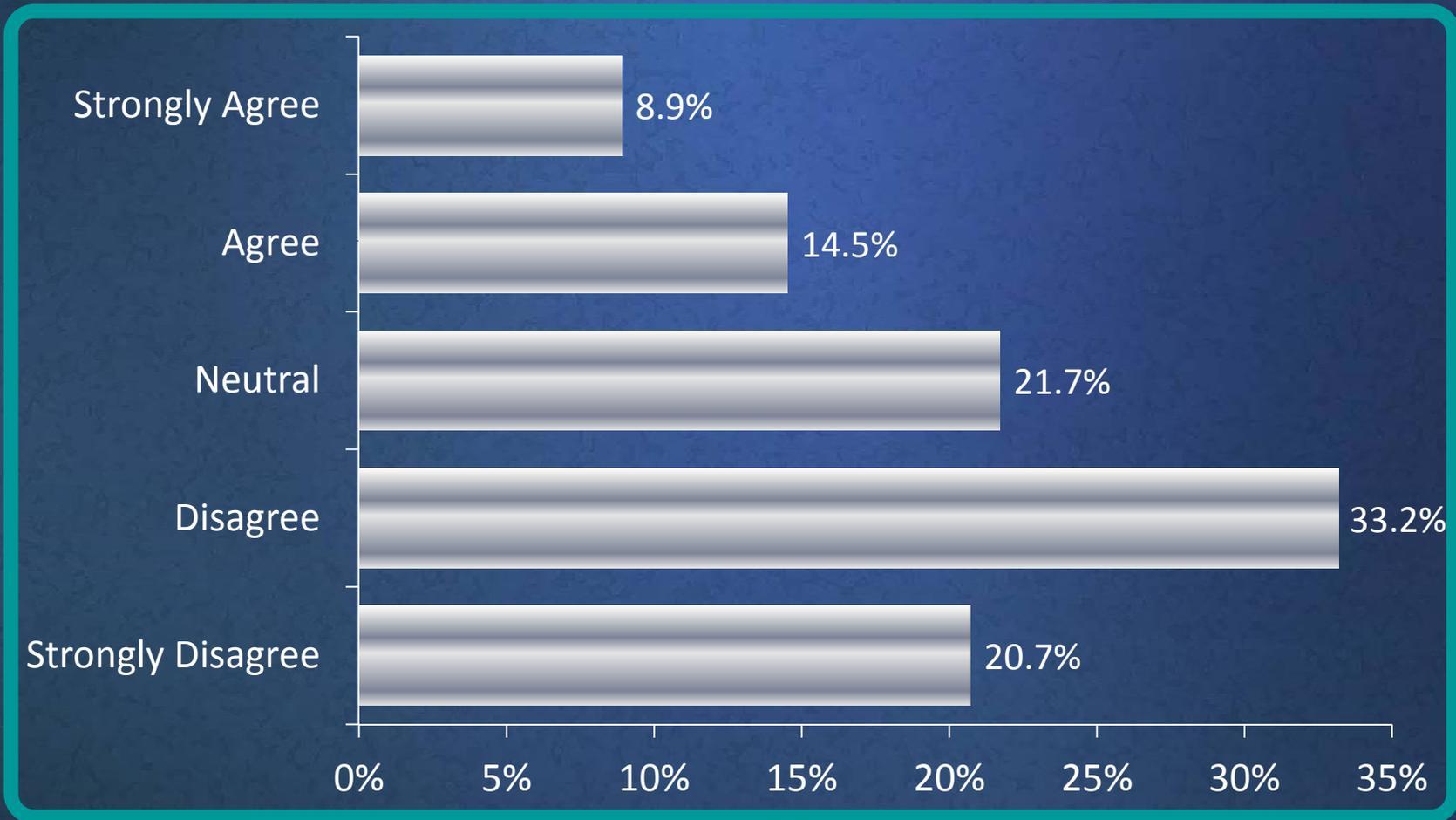
15. There should be a stand-alone order for child care expenses since they are more variable than other factors.



15 - Comments

- Need verification of child care expenses
- Parental child care is preferable over non-parental child care
- Do not include child care expenses in the guidelines – they are too variable
- Keep guidelines as they are now

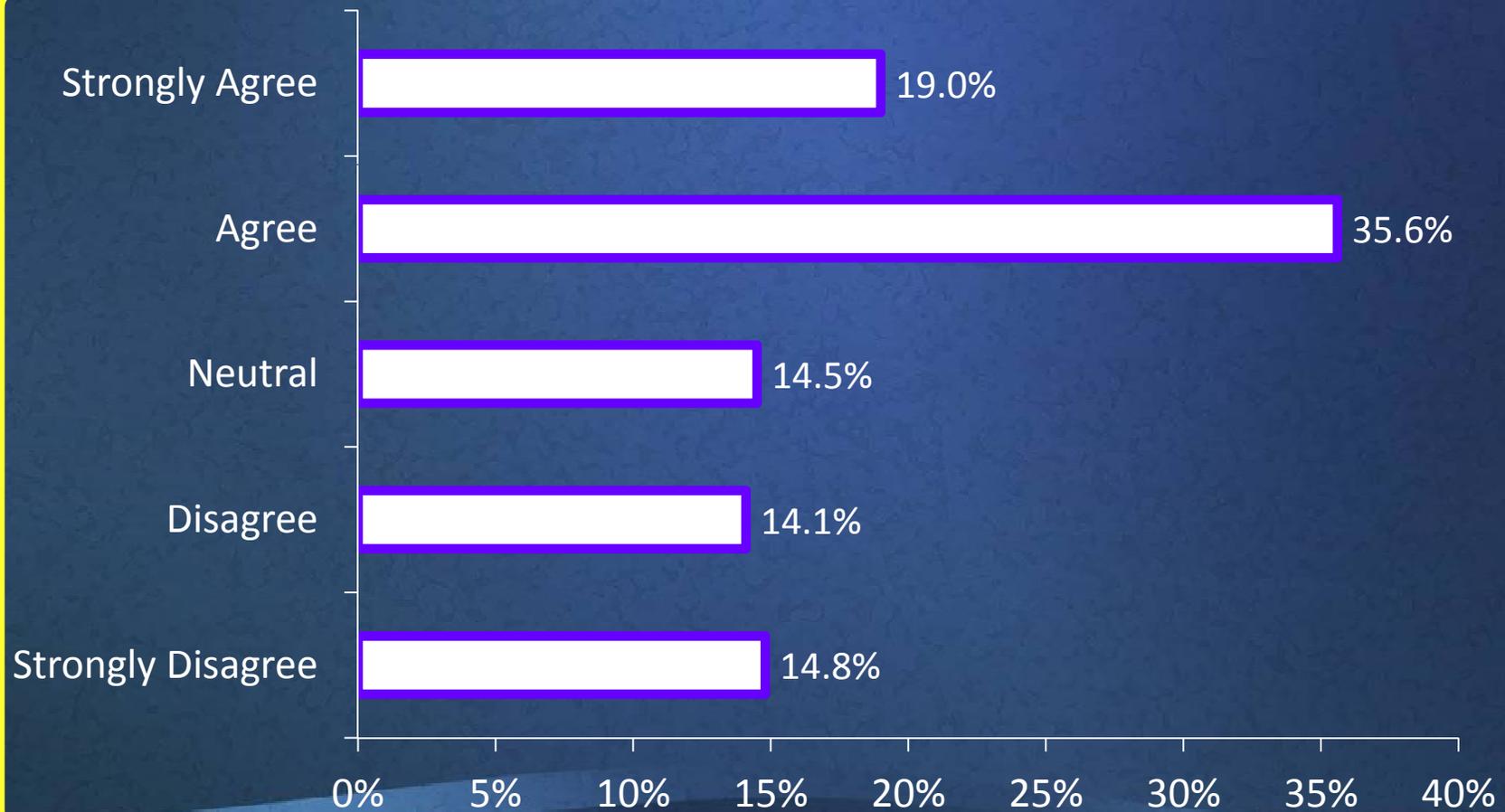
16. There should be a stand-alone order for health insurance costs.



16 - Comments

- Health insurance costs do not fluctuate as much as child care costs
- It would be too confusing to have a separate order
- No one should be forced to provide coverage
- Include everything in one order – keep it simple

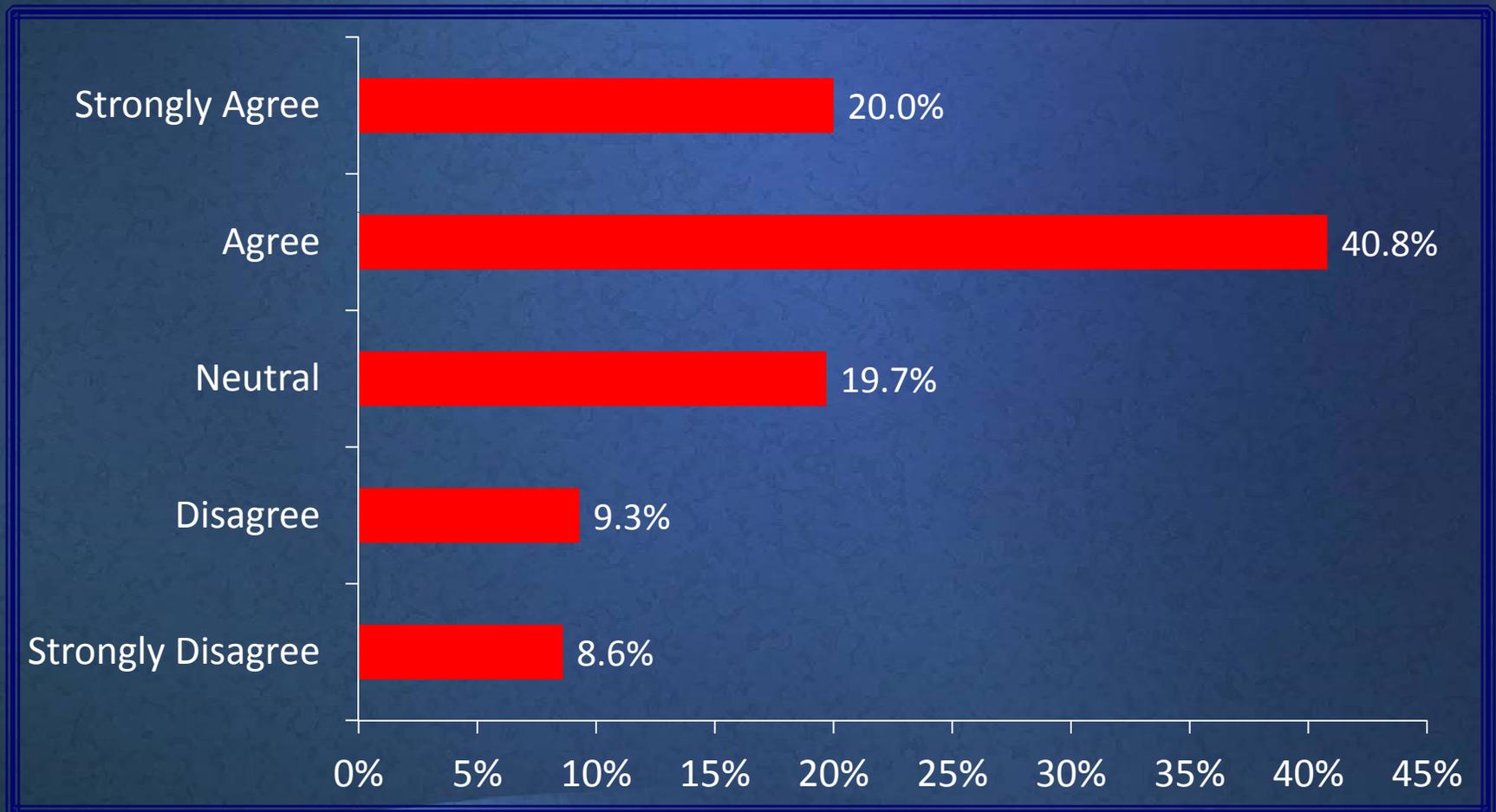
17. If the noncustodial parent receives credit for paying health insurance costs but does not actually pay those costs, that amount should be added back into his/her child support obligation.



17 - Comments

- There should be no credit if not actually paying
- Both parents should be ordered to provide health care coverage
- Not sure how this would be implemented
- If insurance is being provided by NCP's employer (or new spouse), he/she should still get credit
- This would be grounds for contempt
- Courts should have discretion

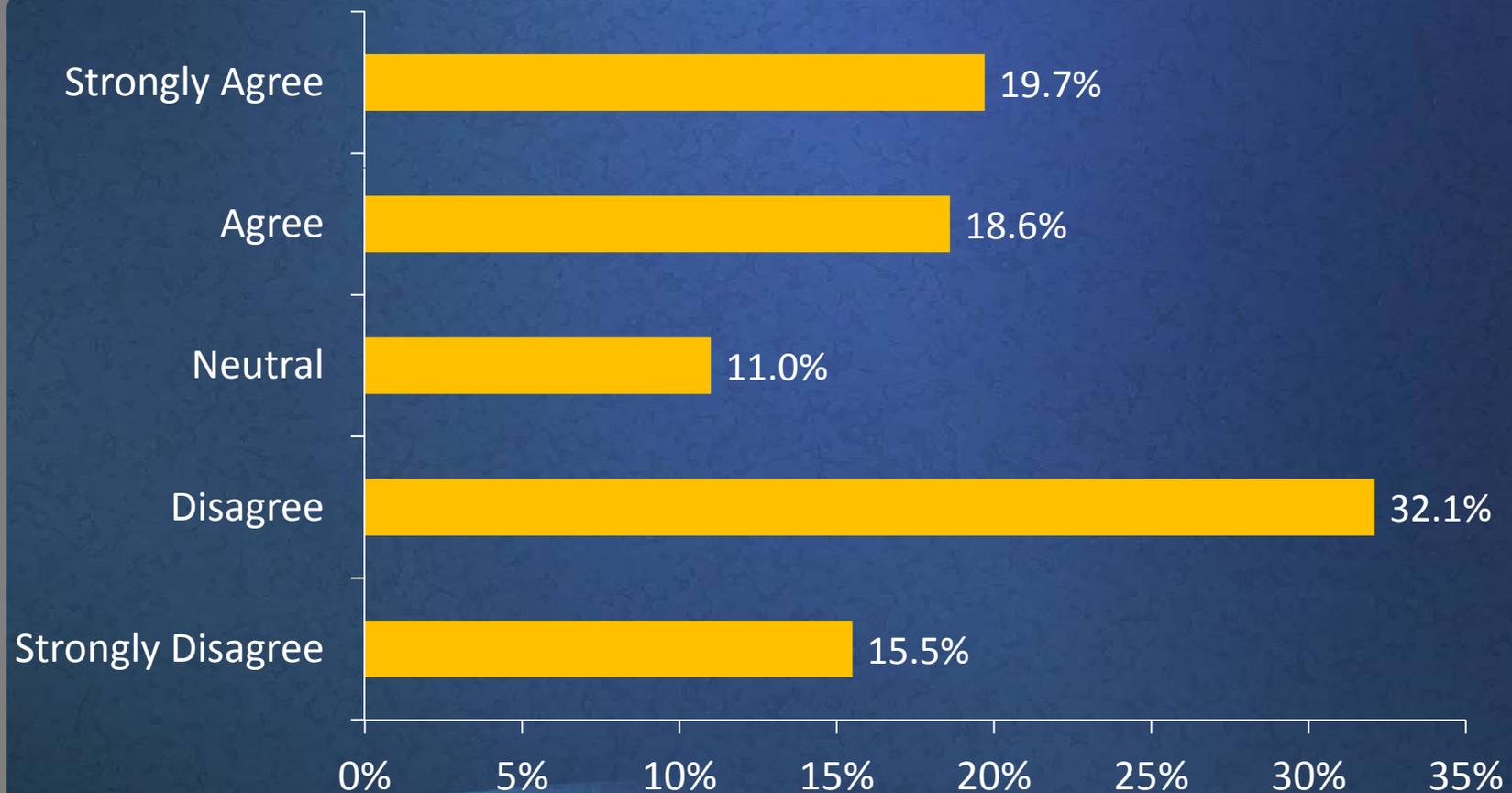
18. The guidelines should provide guidance regarding payment of the first \$250 in unreimbursed medical expenses, particularly in shared custody cases.



18 - Comments

- Parents should share all unreimbursed expenses on pro-rata basis
- This provision should be removed or revised in shared custody cases

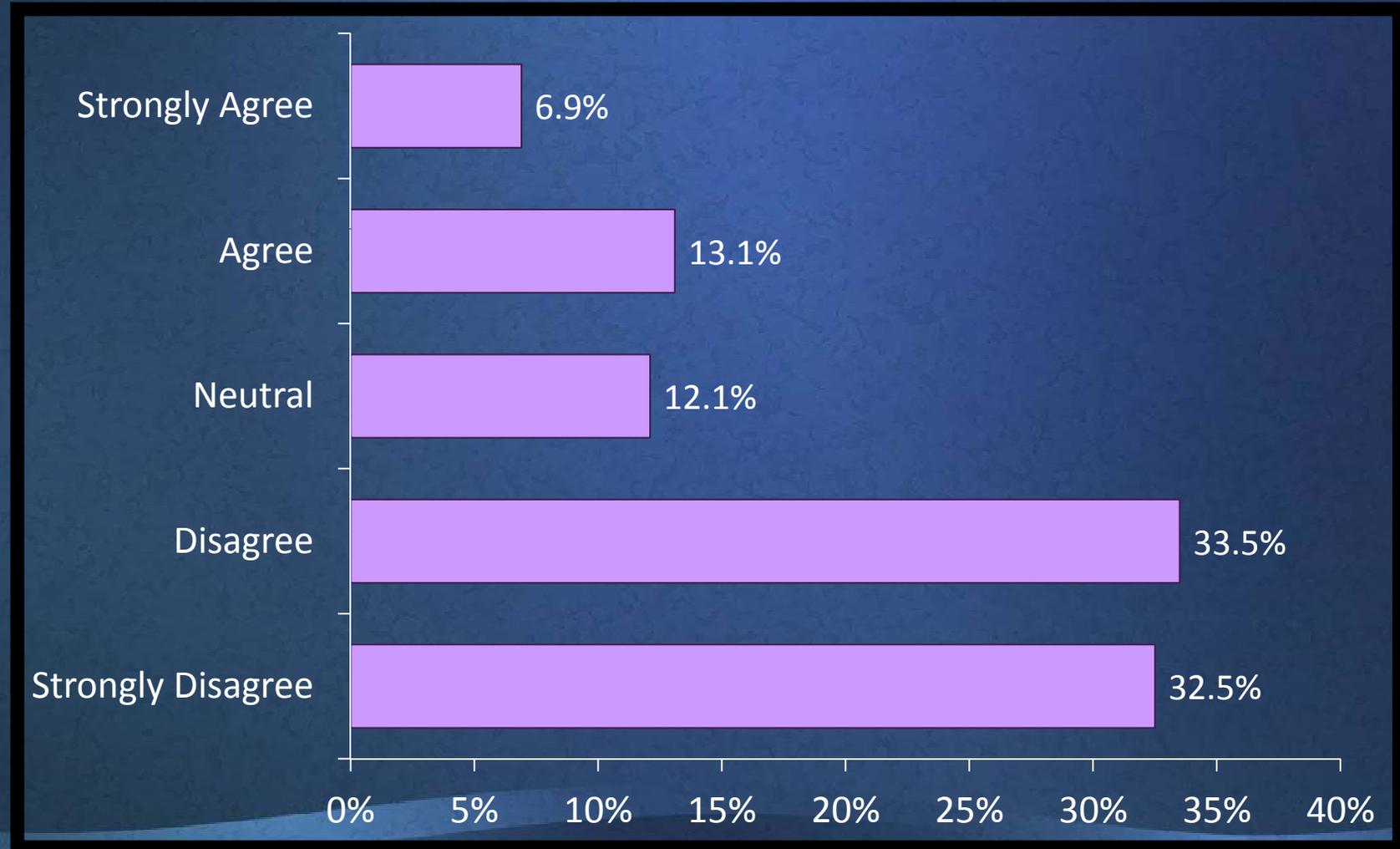
19. As with child care and health insurance costs, the guidelines should factor visitation expenses, such as travel costs, as opposed to addressing those expenses as a deviation factor.



19 - Comments

- Costs are too variable & too easily manipulated to factor into guidelines
- Leave as a deviation factor
- Court should have discretion
- The parent who moves should bear visitation costs

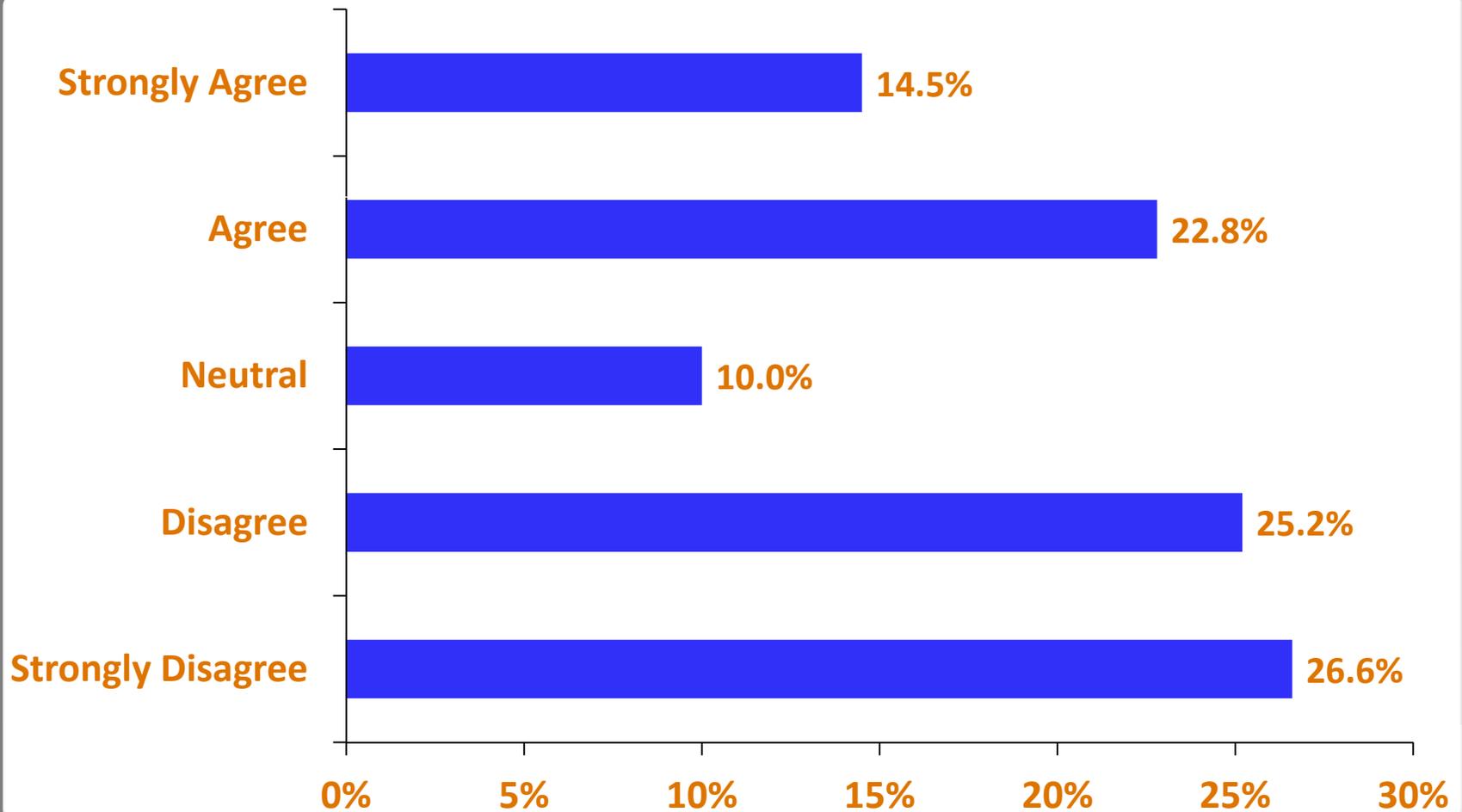
20. As with child care and health insurance costs, the guidelines should factor private school costs as opposed to addressing those costs as a deviation factor.



20 - Comments

- Only if both parents agree to private school
- Parent who wants private school should not be able to force other parent to pay
- Private school costs should remain a deviation factor
- Yes, if child was in private school prior to separation & tuition will not cause financial hardship

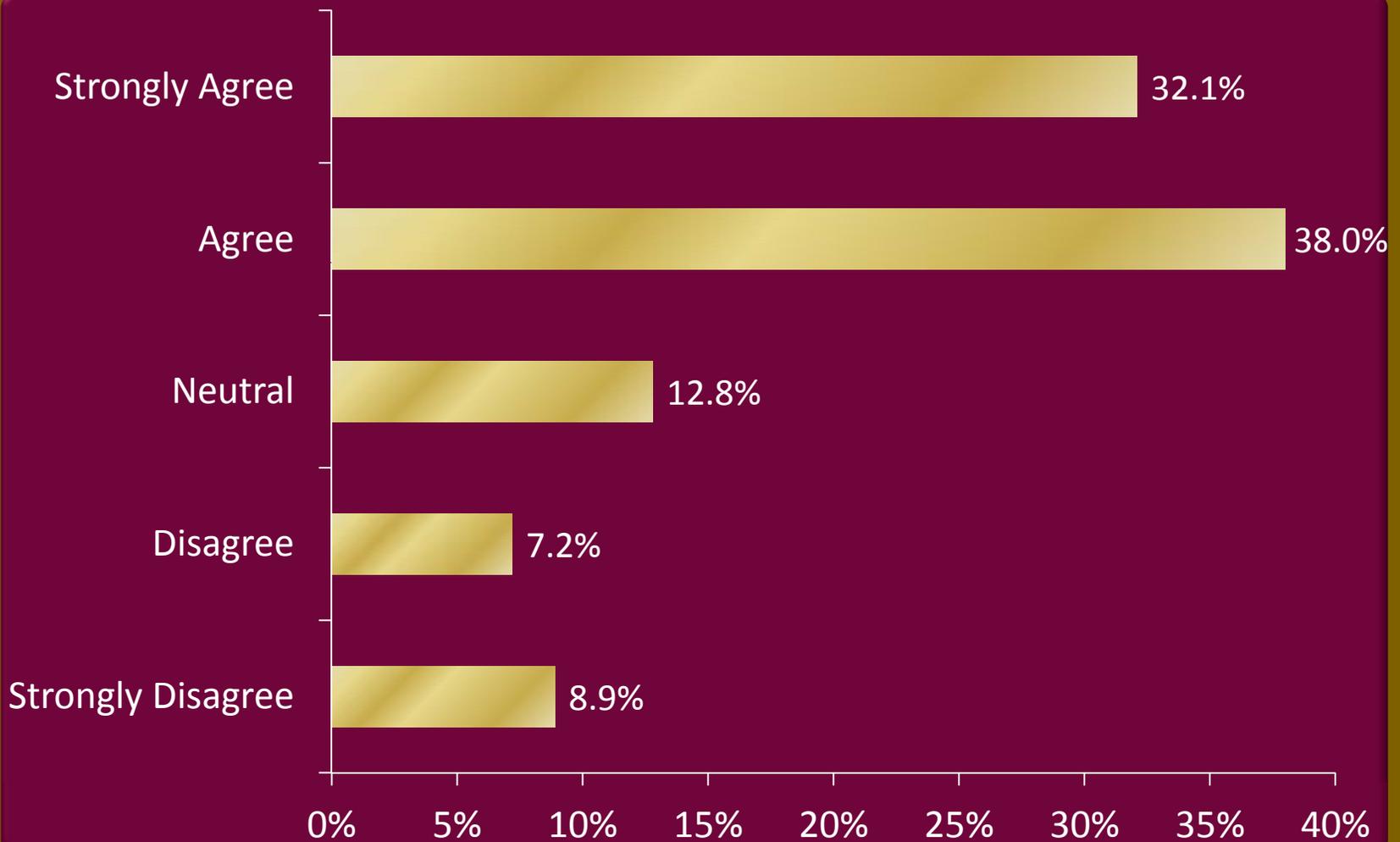
21. The parties should share in the child's extraordinary extracurricular expenses, such as horseback riding lessons or music camps, relative to their incomes.



21 - Comments

- These are discretionary, voluntary costs which should be left up to the parents
- Purpose of child support is to provide basic support, not extracurricular expenses
- Should be kept out of guidelines calculation
- Let court decide these issues
- Parents should share these expenses
- Parents could use this to artificially inflate the other parent's obligation or cut into visitation

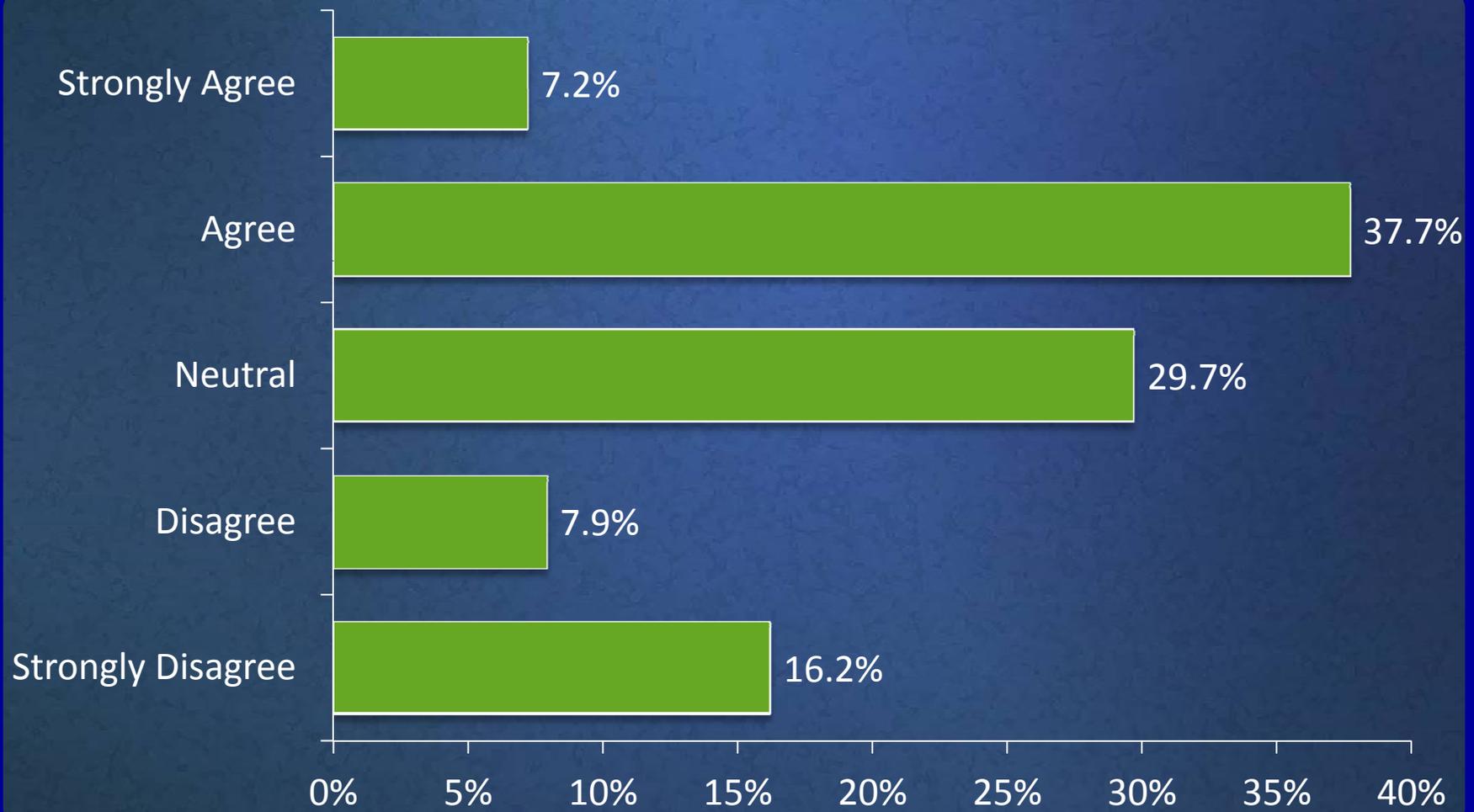
22. In the majority of cases, orders are based on the guidelines without deviation.



22 - Comments

- Courts rarely deviate
- Judges have too much discretion
- Deviations need to be explained

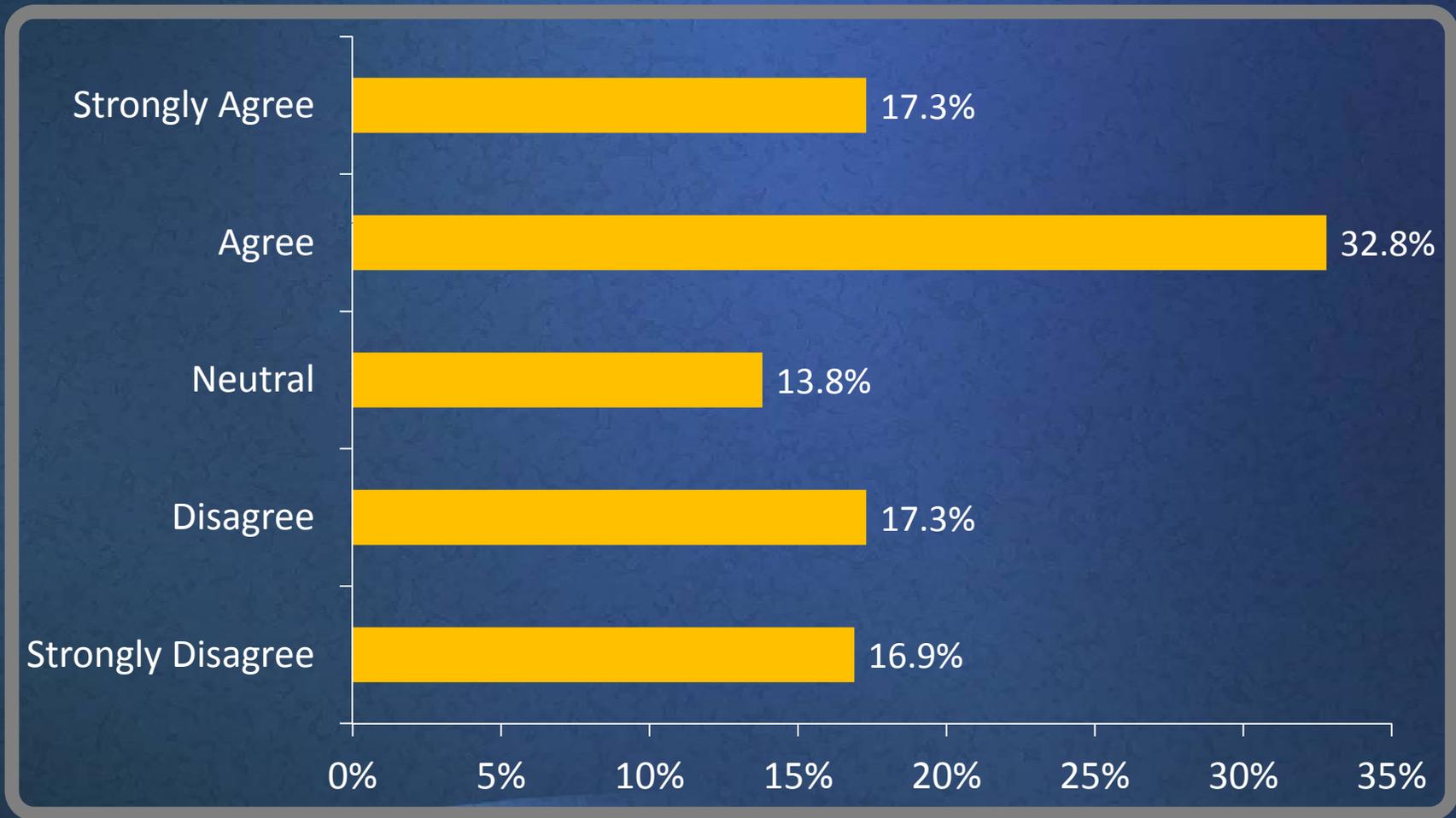
23. Most deviations from the guideline amount are appropriate.



23 - Comments

- Courts do not like to deviate & rarely do so
- Parties often agree to deviate
- Deviations should be explained
- Most deviations are appropriate

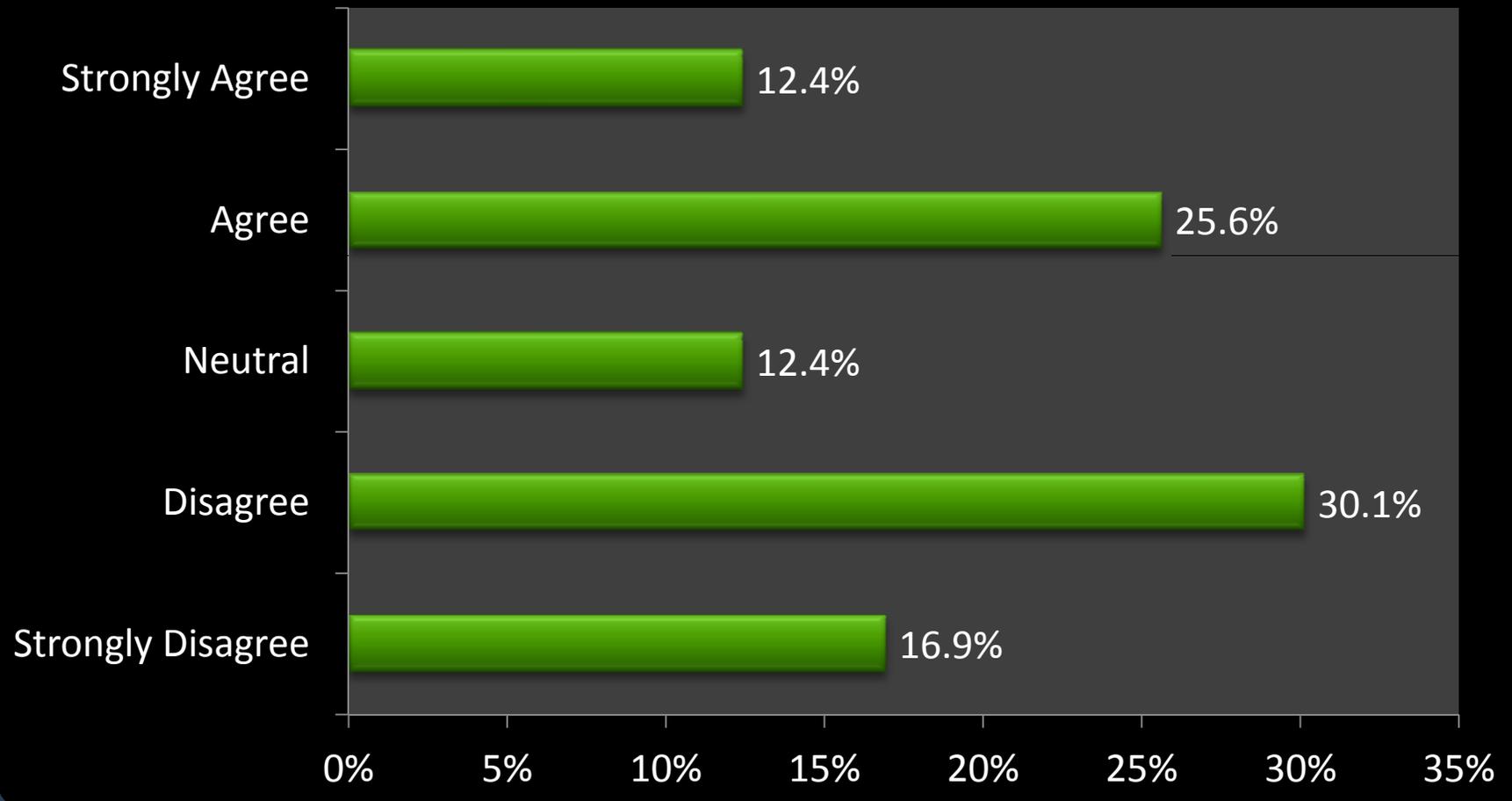
24. The higher cost of living in different parts of the state should be considered either as an adjustment to the guideline amount or as a deviation factor.



24 - Comments

- Guidelines already account for higher cost of living in different parts of state since incomes tend to be higher there as well
- Should be included as a deviation factor
- Would be difficult to determine or administer
- Would eliminate consistency in orders throughout the state

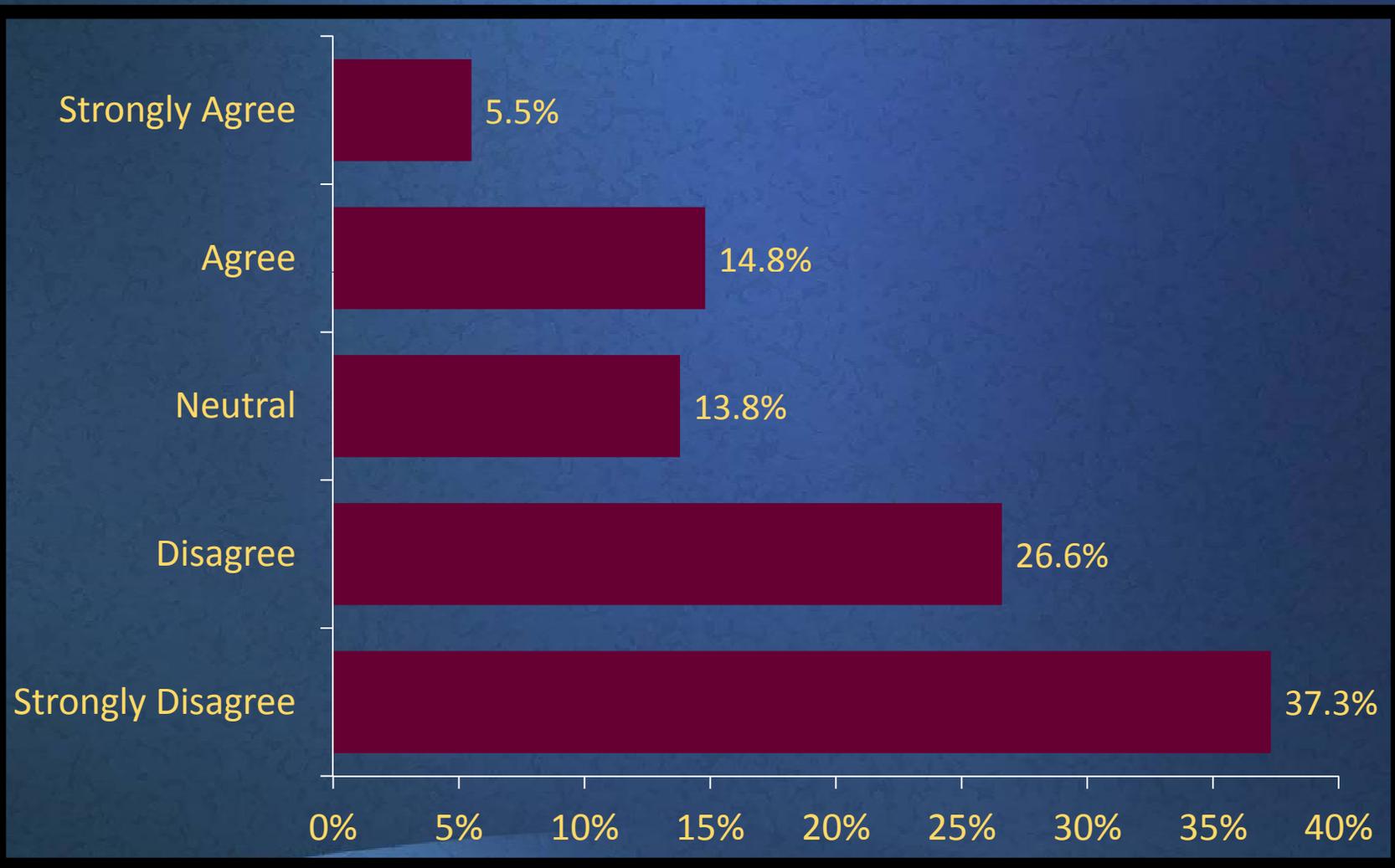
25. The guidelines should take into consideration the disparity in the cost of raising children of different ages.



25 - Comments

- Economic data on cost of raising children already includes this factor
- Too complex to calculate & impossible to quantify
- A good idea, but how would it be done, especially in cases where there are children of varying ages?
- Would increase litigation

26. It would be appropriate to incorporate an automatic annual cost of living increase into child support orders.



26 - Comments

- Not in these economic times when most people are not getting cost-of-living income increases
- Incorporating automatic increase would be too complicated & would increase litigation
- Nothing should be “automatic”

What do you most like about the Virginia Child Support Guidelines?

- Uniformity, predictability, certainty, accessibility
- They provide a guide when parents cannot agree
- The basic concept is correct – both parents should provide support
- They generally produce a fair obligation
- They are easy to understand, explain & calculate
- They promote settlement & decrease litigation
- Nothing

What do you least like about the Virginia Child Support Guidelines?

- Shared custody guidelines are not fair & encourage gamesmanship
- High income obligors pay smaller percentage than low or middle income obligors
- Gender-bias
- \$65 minimum
- Do not promote equal parenting
- CPs not accountable for how they spend money
- \$250 unreimbursed medical expense
- Should be based on net income
- Based on outdated data; obligations are too low

What specific statutory changes would you recommend for calculating, establishing or modifying child support obligations in Virginia?

- Add a self-support reserve
- Require CPs to account for how money is spent
- Shared custody cases: eliminate child support; change 90-day threshold; provide guidance on unreimbursed medical expenses
- Add presumption of joint custody
- Make modifications easier & quicker to obtain
- Consider in-kind payments
- Increase \$65/month minimum obligation
- Update numbers to reflect current economic data

Are there any other factors that should be considered in calculating child support obligations?

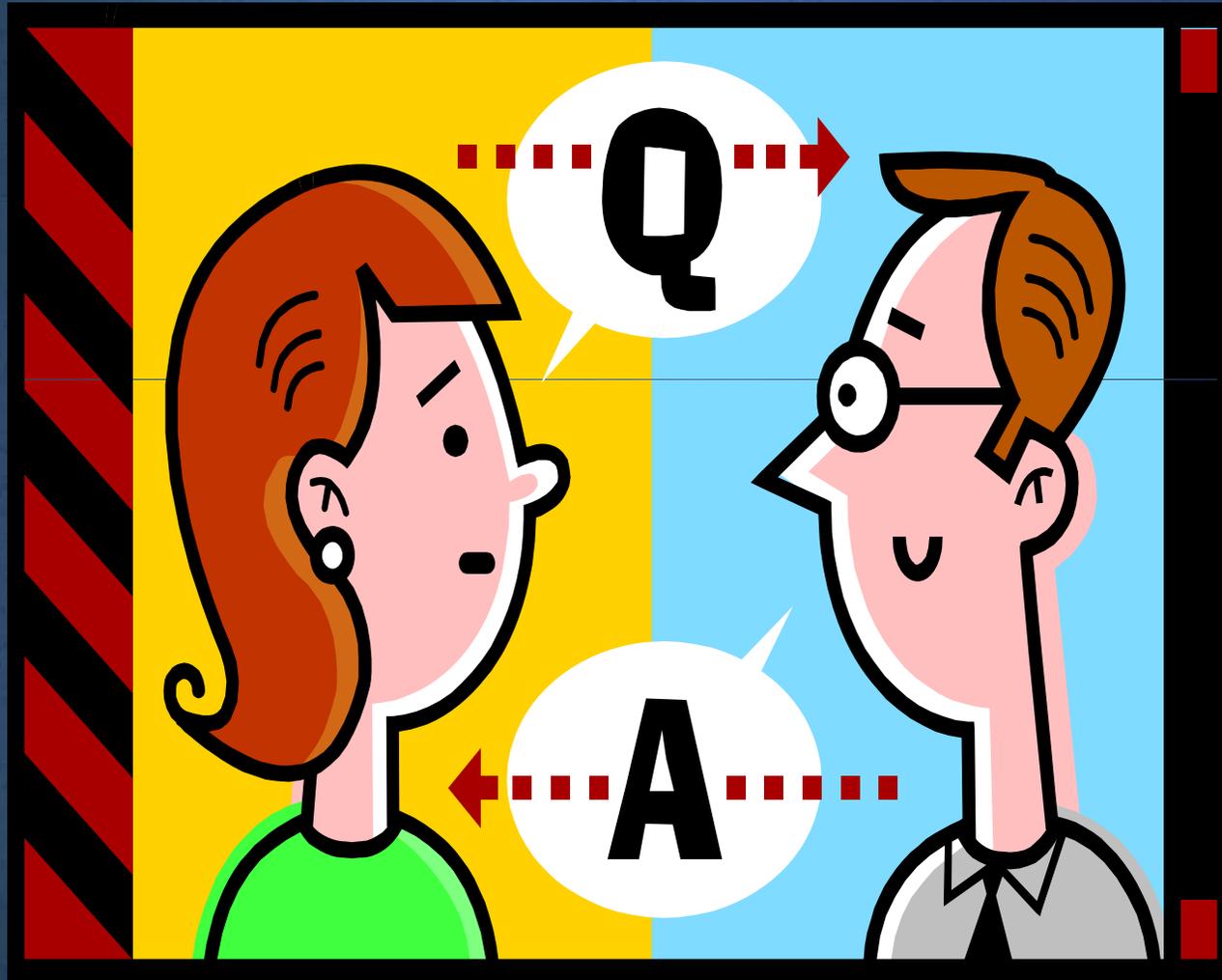
- Accountability as to how CPs spend money
- No imputed income
- Presumption of joint custody
- Hidden or sheltered income/assets
- Allowance or alternative guideline for disabled children
- More guidance in determining self-employed income
- Incentives to work
- Complexity of blended families

Survey results will be available in their entirety on the Guideline Panel website at

<http://dls.state.va.us/childsupport.htm>

on the “Research” page

Questions



THE END

