

**Emails to the Virginia Child Support Guidelines Review Panel
October 1, 2016 through April 15, 2017**

From October 1, 2016 through April 15, 2017, seven emails were sent to the Child Support Guidelines Review Panel. All inquiries received a response. Names have been reduced to initials, other identifying information has been redacted, and salutations and closings have been deleted. Text of emails has not been altered.

**1. From: AW
Sent: Friday, October 14, 2016 at 3:58 p.m.
Subject: Interview request for Fairfax Times article**

Text:

I'm a reporter for the *Fairfax County Times*, and I'm considering writing a story about the Child Support Guidelines Review Panel, since that seems like a topic that might interest Fairfax County readers. I've already spoken to a panel member about his work both for and separate from the panel, but I was wondering if there's someone else I could talk to about the panel's purpose and the way that Virginia's child services and family court system works. Please let me know who might be the best person for me to talk to about this.

Panel Response: Wednesday, October 19, 2016 at 9:39 a.m.

Thank you for your email and your interest in the Virginia Child Support Guidelines Review Panel. Craig Burshem, Deputy Commissioner and Director of the Division of Child Support Enforcement, will be glad to speak with you. Mr. Burshem has also been a member of the Guidelines Review Panel for several years. He is attending a conference out of state this week, but can speak with you next Monday, October 24th, anytime from 3:00 to 5:00 pm or Friday, October 28th, anytime from 1:00 to 5:00 pm.

If you would please let me know what time works for you, I will put the meeting on Mr. Burshem's calendar and provide you with his contact information.

[The Panel administrator forwarded this request to the Panel's chair, Judge Robbins, and he asked that Craig Burshem respond. The reporter provided the best time and phone number; Mr. Burshem spoke with her by phone on Monday, October 24, 2016.]

**2. From: JW
Sent: Friday, October 21, 2016 at 6:26 p.m.
Subject: Child support**

Text:

I would like to be updated on any changes in laws regarding child support.

I would also like for the below issues to be discussed as I know these impact many single parents. There are many other aspects that I know others deal with, but below are my specific concerns that affect me personally.

It is completely unjust for a deduction to be made off of the income of the non-custodial parent for the purpose of caring for a new child from a subsequent relationship/marriage. Currently it's taken right off the top! I do understand that all children need to be cared for. I am not disagreeing with that at all. However, the first born children are not consulted when that non-custodial parent begins to reproduce and start a new family, nor do their needs decrease. If that parent wants to start a new life and have additional children...then that same parent needs to get a second job to assist with those new expenses he chose to create, period! The original children should not suffer in any way. By granting the

deduction for the “other” child, the current laws are forcing more responsibility on the custodial parent, the parent that is trying to do the right thing, when it should be the opposite. My kids and I didn’t decide for him to have another child, he did, therefore it should only affect him. One of two things really must happen as soon as possible: Either stop taking that money off the top for the “other” child, and determine monthly support based on percentage OR if you can state that (in specifically my case) Emma needs \$817/mo, well then so do the first two children, that would be a total of \$1,634.00/mo. It is absolute discrimination otherwise!

Also, if I were to work a second job to help off-set the decrease in child support just handed to me that would only benefit him, the non-custodial parent. I would be exhausted physically and mentally and not benefit my household in any way. A second job as it stands now would raise my monthly income, therefore decreasing support from him which is totally defeating the purpose. I strongly feel and believe it would be fair that if I, the 24/7 parent with sole custody, gets a second job to better my household, it should not be included in that calculation of support.

Every guideline, every law, every number that gets decided should be looked at with a child in mind as this is whom it affects. Aren’t we all supposed to be treated as equals? Please see the attached, which is my personal worksheet.

The bottom line of this worksheet clearly states the original kids, (my kids/his first kids) are less important than the “new” child, another words NOT treated equal! The kids have no decision making ability on their non-custodial parent reproducing but yet they suffer. This is not right! Emma, the “other” child is almost 100% more important than either of my children, based on the attached. It’s bad enough these kids are pushed aside as a result of this new child at the hands of their father; but to provide less in financial support just makes it even worse.

More questions need to be asked before a judge makes a decision that affects PEOPLE! At no point at this last hearing was he asked about “cash jobs”/non-reported income. At no point does the judge have knowledge of how much he does NOT do with these kids. So to sum up, currently he has side jobs, he can afford to take vacations, he has money for attorneys, he has enough money to be intoxicated every night, meanwhile I lose work hours caring for my kids on a day to day basis, his annual salary is double mine, I struggle week to week, I cannot afford attorney fees let alone a vacation, but he’s awarded a decrease in child support!?!?!?

Thank you for your time and I truly hope you all look at each law and examine how our kids are really affected.

Panel Response: Monday, October 24, 2016 at 10:29 a.m.

Thank you for your email to the Child Support Guidelines Review Panel and your comments about child support in Virginia. Your comments will be shared with and taken into consideration by the Panel.

To find out about changes in Virginia law based on the last Panel’s recommendations, you may wish to visit http://dls.virginia.gov/interim_studies_child_support.html and look under Panel Activities 2010-2013. This section contains a wealth of research and economic data, along with the last Panel’s 2013 Report to the Governor and General Assembly.

In addition, the website contains information about the current Panel’s work. The Panel met on October 5, 2016, and the minutes and meeting materials are posted on the website. Some of the issues you raise were discussed at that meeting.

Although the next Panel meeting has not yet been scheduled, you are welcome to attend any meeting. The next meeting date should be posted on the website within a few weeks. Public comment is not taken at all meetings, but there may be a public hearing at some point in the future. If so, the meeting

will be indicated as a public hearing on the website.

I hope this information is helpful. Please let me know if you have further questions.

3. From: VB
Sent: Thursday, October 27, 2017 at 11:07 a.m.
Subject: Child Support ...items to review

Text:

I wanted to send an email to hopefully draw attention to issues that need attention in regards to child support. I know my situation may be a little different than some, but it still applies to several child support cases.

I have full custody of my 2 children. My ex husband lost his rights after some horrific emotional abuse he put the children through.

I have them every weekend. I have my children 365 days a year. With that being said, I feed them 365 days a year, I cloth them on my own, etc. I believe his obligation should increase on the basis that I'm not sharing any expenses with him throughout the year, (he doesn't feed them every other weekend etc.) He provides NOTHING!

I also believe there should be a minimum amount set per child per month for the non custodial parent. This would pertain to everyone, That would be their base amount and then look at their income on top of that when calculating child support.

Ex... I make \$2000/mo and he makes \$500/mo

according to the schedule of child support obligation.....our combined income would be \$2500\$642 would be obligation for the children to be split by he and I. then figure I make 4 times what he makes....so my percentage would be higher. So by him not working and not being made to work, his obligations are slim to none.

If there was a minimum of \$250-\$300/month PER CHILD obligation mandatory for the non custodial parent, then that makes more sense. In the example above with those numbers ...he would pay the minimum per child per month. Just because a parent chooses not to work OR work a very low paying job, doesn't mean their child support obligation should be dropped to close to nothing a month. Its not fair to the children. The children's needs haven't gone away. Shall I quit my job....make my income \$0?

Self Employed parents.

In my case, my ex is a self employed carpenter. He technically works for his father, but his father **1099's** him at end of year. So DCSE can not touch his check to garnish his earnings. He gets a weekly check.....from his father, you should be able to garnish it.

And if you look at my case and see....he is about \$41,000 in arrears.....That should be a big clue there, that he isn't doing what he is obligated to do. and he wont do what he needs to until DCSE just takes it from his check.

On the subject of Arrears.....maybe some changes in the laws will help custodial parents get what is due to them.

Driving privileges are just that....they are privileges.....owing \$41,000 in back child support should take away those rights. If there is never any consequences, then there will never be any effort to improve the situation.

Suggestions:

If someone is behind "x" amount of child support, no drivers license until they get that number taking care of. The way it is now....they can make a payment or 2 and get their license.

Work release.....when case gets to "x" amount of arrears....lock them up....make them do work release.

In my case....nothing is ever gonna change. My arrears balance will flip \$100,000 in a few years and meanwhile he will be living it up ignoring his responsibilities.

How will I ever get the Arrears owed to my children. The other parent owes the IRS, so he will NEVER get a refund.(so I will never get his refund)...how else will my children ever see what he owes in Arrears?

Another issue is claiming to have an enormous drop in income. Because you "claim" to have gone from making \$40,000/year to making \$10,000/year, doesn't make your childrens needs go away. You should be able to go get a part time job.

If I go get a part time job, that just adds to my income, which in turn reduces other parents obligation....how fair is that? If I have to take my time away from my family to go work more , just so that he has less monthly to pay? Ridiculous thought!!

Other children....The other parent and I have 2 children together. Those are my only 2 children, and he has since had another child through another relationship. My children's child support should not be reduced because the other parent chose to have another child. Whose to say he wont have 10 more children. Not my children's fault...they didn't ask for that.

Back to issue of the self employed.....in my case, he works cash jobs constantly. How do I prove that? Hire a private investigator? I don't have the money. I don't know how to solve this issue....but its a big issue for many. Guarenteed other parent makes double what I make a year just in case jobs....unreported income. FRUSTRATING

and finally.....children's expenses and child support calculator.....the numbers on my case alone are comical. Every dime I make goes to my family and providing for them. We don't take vacations, we don't get new clothes, we wear our shoes until they are falling apart. I am on a super tight budget and I do what I have to for my children. I wouldn't have it any other way. They are safe and happy and that's what matters. To think that other parents monthly obligation is hardly nothing is frustrating. He is a healthy 40 year old male that just chooses to hide his income and drink and use drugs. You look at that little dollar figure a month and then figure all that little amount should go to (The cost of raising a child is far higher than what that calculator says for our combined income)

food/shelter/clothing

kids lunch accounts at school

prom/homecoming attire

car insurance when they start driving (enormous expense that I will pay on my own)

vehicles

field trips

cell phones

medicines

time off work for dr appts/dentist

orthodontist

eye appts

eyeglasses

I will be headed to court soon for an income review, and I'm quite confident the other parents obligation will drop from \$680/month to probably around \$300.....\$300 for 2 children is a JOKE.

Thank you for your time, and I look forward to reading some new laws and changes in the near future.

Panel Response: Friday, October 28, 2016 at 2:31 p.m.

Thank you for your email to the Child Support Guidelines Review Panel and your comments regarding child support in Virginia. Your email will be shared with and taken into consideration by the Panel.

If you would like to find out more about the economic basis of the child support guidelines, you may wish to visit http://dls.virginia.gov/interim_studies_child_support.html and look under Panel Activities 2010-2013. This section contains a wealth of research and data, along with the last Panel's 2013 Report to the Governor and General Assembly. The website also contains information about the current Panel's work. The Panel met on October 5, 2016, and the minutes and meeting materials are posted on the website.

You are welcome to attend any Panel meeting. The next meeting date should be posted on the website within a few weeks. Public comment is not taken at all meetings, but there may be a public hearing at some point in the future. If so, the meeting will be indicated as a public hearing on the website.

I hope this information is helpful. Please let me know if you have further questions.

**4. From: BK
Sent: Wednesday, January 18, 2017 at 4:03 p.m.
Subject: Concerns**

Text:

I wanted to express my concerns regarding some highlights from the meeting minutes in October 2016. Specifically, I want to express concern about the mention in the minutes of possibly including the spouse of a remarried parent's income when calculating obligations. I want to first, make sure I understand this correctly. Is this to say that the panel is considering the idea of calculating a remarried parent's new spouse's income into the child support obligation?

Assuming my understanding is correct, I want to express my strong disapproval. To be honest, I do have a personal interest in this as I am the spouse of a parent who pays child support. In our case, we have shared custody of my seven year old stepson with his mother.

His mother does not work full time, but does attend a full time nursing program locally. This income disparity leaves us responsible for a larger child support obligation, although we have equal parenting time. My husband and I also have a child together. Had we been aware that my income also would be calculated in determining my husband's child support obligation, we may not have planned another child as the cost would be great.

I would argue that a new spouse's income does indirectly help support the child from the prior union. I buy my stepson clothing for our home, school lunch, food here, half of his extra curriculars, I carry health insurance through my job, we have a three bedroom home instead of a two bedroom which means more mortgage and higher utility payments, etc. I don't have a legal right to my stepson though. I don't see the sense in adding my income for consideration.

Can I have some more information on the panel's reasoning behind this suggestion?

Panel Response: Tuesday, January 24, 2017 at 9:19 a.m.

Thank you for your letter to the Child Support Guidelines Review Panel. Your input is important to the Panel and will be shared with all Panel members.

The issue of considering a subsequent spouse's income in the guidelines calculation was mentioned briefly at the Panel's October meeting. This issue arose during a larger discussion about calculating guidelines in complex family situations. The Panel noted that the guidelines provide an income

deduction for parents that pay support for children from another relationship or have other natural or adopted children living in their home, but also noted that this provision does not provide adequate guidance for more complicated situations. The Panel is exploring ways to provide such guidance in a variety of complex family arrangements; however, the Panel does not plan to recommend considering a subsequent spouse's income in the guidelines calculation.

5. From: BF
Sent: Wednesday, January 25, 2017 at 1:41 p.m.
Subject: Re: Concerns [reply to Panel's response above]

Text:

Thank you for clarifying; the meeting minutes confused me. I understood it seemed to have just been mentioned briefly, but I am hopeful that whatever research is conducted will not lead to a recommendation for this.

Panel Response: Wednesday, January 25, 2017 at 2:13 p.m.

I have to confess I was the one who drafted the minute and, after re-reading them because of your question, I agree that part is a little confusing! I apologize.

If you'd like to keep up with the Panel's work, the next meeting is April 27th and the minutes and meeting materials will be posted on the website (http://dls.virginia.gov/interim_studies_child_support.html).

Please let me know if you have any further questions.

6. From: BK
Sent: Wednesday, January 25, 2017 at 9:15 p.m.
Subject: Re: Concerns

Text:

Thank you so much!

Panel Response: None

7. From: RH
Sent: Wednesday, March 8, 2017 at 8:57 a.m.
Subject: Child Support Guidelines Review Panel Inquiry

Text:

My name is [name redacted] and I am interested to know of the process to become a member on the child support guidelines review panel for Virginia.

A little bit about me, I enlisted in the Air Force in November 2010 and met my husband two years later. Two years after wed, my son Colton was born and one day before our scheduled permanent change of station from Montana to Virginia my husband decided unannounced to me that he had no intentions on moving with our son to Virginia with me. It has been 10 months and we still do not have child custody orders. I am fighting to be a mother to my son and share 50/50 of his time. I have spent upwards of \$35,000 in 10 months, which is half of my pay this year. I do not have a savings account because my husband emptied it before he left. I have seen my son for 23 days in 309 days. My husband emailed me once and said he would never agree to equal time and I could save money and settle by giving him \$500

more of child support per month and agree to 8 days of 'visitation'. My husband has been unemployed for 10 months. Lives in his mother's basement with our son while I serve our country with no option to move myself to Ohio or my son to Virginia with me. Since he is unemployed I have been ordered on temporary orders to pay for 6 plane tickets per month for both of our parenting time on top of child support and I visit with my son on the majority of my work days. Not even my days off.

I am moving into a low income neighborhood in Suitland now because it is all I can afford; and I earn \$70,000 per year. This current system has made me feel like it is easier for me to give up. Please accept my request to be on the panel because even though I cannot do anything to help my current situation, I would be very interested to hear the other side of the story and make sense of something that just makes no sense to me at all and has taken me, as a honorable military member serving, to a place where I can hardly support myself.

Panel Response: Wednesday, March 8, 2017 at 9:13 a.m.

Thank you for your interest in the Virginia Child Support Guidelines Review Panel. According to Va. Code § 20-108.2(H), the Panel must be comprised of 15 members as follows:

Legislative Members:

3 members of the House of Delegates appointed by the Speaker of the House
1 member of the Senate appointed by the Senate Committee on Rules

Non-Legislative Members:

1 juvenile and domestic relations district court judge
1 circuit court judge
1 representative of the Division of Child Support Enforcement
3 members of the Virginia State Bar
2 noncustodial parents
2 custodial parents
1 child advocate

Legislative members serve on the Panel coincident with their terms in office. Non-legislative members are appointed by and serve at the pleasure of the Governor upon the recommendation of the Secretary of Health and Human Resources. The Panel meets for a four-year cycle at the end of which it presents its report to the Governor and General Assembly.

The current Panel will present its report to the Governor and General Assembly in December 2017. If you would like to be considered for recommendation to the Governor after that time, please let me know and I will keep your information on file.

In the meantime, if you have comments or suggestions for the Panel, please feel free to share them. All emails are reviewed and considered by the Panel. In addition, you can find materials from Panel meetings at http://dls.virginia.gov/interim_studies_child_support.html.