CHILD SUPPORT IN VIRGINIA

CRAIG M. BURSHEM, DEPUTY COMMISSIONER FOR CHILD SUPPORT
DIVISION OF CHILD SUPPORT ENFORCEMENT, DEPARTMENT OF SOCIAL SERVICES

Virginia Child Support Guidelines Review Panel Meeting
September 9, 2015
Richmond, Virginia
Federal law provides the framework and requirements for state and tribal child support programs:

- 42 U.S.C. §§ 651 through 669b
- 45 C.F.R. §§ 301.0 through 310.40
Statutory authority for the Division of Child Support Enforcement (DCSE)

Va. Code §§ 63.2-1900 et seq.
Deputy Commissioner for Child Support

- 6 Directors
  - 3 Home Office Directors:
    - Administration & Finance, Program Operations, and Information Technology & Audit
  - 3 Field Operations Directors:
    - One for each region: Western, Central, and Eastern

- 20 district office managers
Regions and Offices

EAST
- #14 - NEWPORT NEWS
- #15 - HAMPTON*
- #16 - PORTSMOUTH
- #17 - SUFFOLK
- #18 - NORFOLK
- #19 - VIRGINIA BEACH
- #19b - EASTERN SHORE**
- #20 - CHESAPEAKE*

CENTRAL
- #8 - NORTHERN VIRGINIA
- #9 - MANASSAS
- #10 - FREDERICKSBURG
- #11 - RICHMOND
- #12 - HENRICO
- #13 - PETERSBURG

WEST
- #1 - ABINGDON
- #2 - ROANOKE
- #3 - DANVILLE
- #4 - LYNCHBURG
- #5 - FISHERSVILLE
- #6 - CHARLOTTESVILLE
- #7 - WINCHESTER

*Privatized Offices
**Satellite Office
**CASES**

- **TANF** (Temporary Assistance for Needy Families)
  - Automatic case referral

- **Non-TANF**
  - Custodial parent (CP) or noncustodial parent (NCP) applies for DCSE services
COLLECTIONS

<table>
<thead>
<tr>
<th>Year</th>
<th>TANF</th>
<th>NON-TANF</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFY13</td>
<td>$41.7M</td>
<td>$615.5M</td>
</tr>
<tr>
<td>SFY14</td>
<td>$41.2M</td>
<td>$622.3M</td>
</tr>
<tr>
<td>SFY15</td>
<td>$39M</td>
<td>$621.9M</td>
</tr>
</tbody>
</table>

COLLECTIONS IN MILLIONS
DEBT OWED – END OF SFY2015

TOTAL: $2.6 BILLION

- TANF arrears
- Non-TANF arrears

- $2.1 billion
- $496.4 million
As a tribunal, DCSE has many administrative options and remedies at its disposal, including:

♫ Issuing administrative support orders (ASOs)
♫ Initiating administrative reviews
♫ Initiating enforcement actions
• Locate noncustodial parents
• Establish paternity
• Establish and modify child support orders
• Enforce child support orders
• Collect and disburse money to families and for reimbursement of state and federal funds (TANF and foster care)
• Assist other states
DCSE uses a variety of tools to locate parents, including the Federal Parent Locator Service (FPLS), which:

- Performs automatic locate functions
- Includes
  - National Directory of New Hires
  - Federal Case Registry
  - Federal Offset Program
  - Passport Denial Program
  - Multistate Financial Institution Data Match
Paternity can be established

- Voluntarily (Acknowledgment of Paternity)
- By genetic testing
Child support obligation amounts are established:

- Administratively by DCSE (if not already set by a court)
  - DCSE’s ASOs have the same force and effect as court orders (but a court order supersedes an ASO).
- Judicially
Statutory guideline schedule: Va. Code § 20-108.2

Income shares method: Considers income of both parents; each responsible for pro rata share of the total obligation

Guidelines updated for the first time in 2014 based on the most current economic data on the cost of raising a child

Deviating from guidelines: Va. Code § 20-108.1
## Calculating Support Obligations

<table>
<thead>
<tr>
<th>Combined Monthly Gross Income</th>
<th>One Child</th>
<th>Two Children</th>
<th>Three Children</th>
<th>Four Children</th>
<th>Five Children</th>
<th>Six Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-350</td>
<td>68</td>
<td>104</td>
<td>126</td>
<td>141</td>
<td>155</td>
<td>169</td>
</tr>
<tr>
<td>400</td>
<td>78</td>
<td>119</td>
<td>144</td>
<td>161</td>
<td>177</td>
<td>192</td>
</tr>
<tr>
<td>450</td>
<td>88</td>
<td>133</td>
<td>162</td>
<td>181</td>
<td>199</td>
<td>216</td>
</tr>
<tr>
<td>500</td>
<td>97</td>
<td>148</td>
<td>179</td>
<td>200</td>
<td>220</td>
<td>239</td>
</tr>
<tr>
<td>550</td>
<td>107</td>
<td>162</td>
<td>197</td>
<td>220</td>
<td>242</td>
<td>263</td>
</tr>
<tr>
<td>600</td>
<td>116</td>
<td>177</td>
<td>215</td>
<td>240</td>
<td>264</td>
<td>287</td>
</tr>
<tr>
<td>650</td>
<td>126</td>
<td>191</td>
<td>232</td>
<td>259</td>
<td>285</td>
<td>310</td>
</tr>
<tr>
<td>700</td>
<td>135</td>
<td>206</td>
<td>250</td>
<td>279</td>
<td>307</td>
<td>333</td>
</tr>
<tr>
<td>750</td>
<td>145</td>
<td>220</td>
<td>267</td>
<td>298</td>
<td>328</td>
<td>357</td>
</tr>
<tr>
<td>800</td>
<td>154</td>
<td>234</td>
<td>284</td>
<td>317</td>
<td>349</td>
<td>379</td>
</tr>
<tr>
<td>850</td>
<td>163</td>
<td>248</td>
<td>300</td>
<td>336</td>
<td>369</td>
<td>401</td>
</tr>
<tr>
<td>900</td>
<td>171</td>
<td>260</td>
<td>316</td>
<td>353</td>
<td>388</td>
<td>422</td>
</tr>
<tr>
<td>950</td>
<td>179</td>
<td>273</td>
<td>331</td>
<td>369</td>
<td>406</td>
<td>442</td>
</tr>
<tr>
<td>1000</td>
<td>187</td>
<td>285</td>
<td>346</td>
<td>386</td>
<td>425</td>
<td>462</td>
</tr>
</tbody>
</table>
Ability to pay is critical to compliance

Research shows that a parent is more likely to pay support if the obligation is 19% or less of his/her gross income

Reliable payments: It is better to have a lower order with regular payments than a higher order with no or irregular payment

Trend toward not imputing income

Child support is based on economics, not punishment

Obligation should be based on a parent’s actual ability to pay - critical in light of *Turner v. Rogers*

- Imputed income often results in high arrearages which are unlikely to be paid and may force parents into underground economy

Administrative Reviews

Either party may request that DCSE review a child support obligation created by a court or administrative order once every 3 years or sooner if there is a material change in circumstances.

See Va. Code §§ 20-60.3(15), 63.2-1903(E) and 63.2-1921.
Administrative Reviews

- DCSE initiates adjustments of ASOs and court orders when the results of the review indicate a change of at least 10% in the existing order but not less than $25 per month.

- DCSE modifies an ASO by issuing another ASO.

- For court orders, DCSE follows statutory procedure to submit proposed revised order to court.

See Va. Code § 63.2-1921 and 22VAC40-880-250(B).
Court Orders

- Motion to Amend Support
  - Requires a change in circumstances
  - Retroactive modification is prohibited—orders can be modified only from the date notice of the motion for modification was served on the non-moving party.

ENFORCING OBLIGATIONS

DCSE Enforcement Mechanisms

- Income Withholding
- State and federal tax intercepts
- Driver’s license suspension
- Passport denial
- Asset seizure
- Incarceration
DCSE initiates court action to establish, modify or enforce child support orders when administrative remedies are unavailable or have been exhausted.
Asking for a judicial finding of civil contempt and requesting jail time for failure to pay support is a last resort.
Office of the Attorney General, Child Support Section

- OAG Section Chief
- 4 Managing Attorneys
  - Headquarters and Central, Eastern and Western regions
- 42 Field Attorneys
- 1 Bankruptcy Expert
- 19 Contract Attorneys
Assistant attorneys general appear for juvenile and circuit court proceedings in all jurisdictions of the Commonwealth.

Most hearings are in juvenile court.
In 2014, AAGs

- Represented DCSE in almost 131,000 hearings
- Handled about 4,800 JDR dockets
Results:

- Initial support hearings
  - Establishment of support orders totaling over $1.4 million

- Civil contempt hearings
  - 549,871 days in jail
  - Lump sum payments of over $13 million
Focus on Family Engagement
Use innovative, family-centered, collaborative strategies to:

- Promote children’s well-being
- Develop family self-sufficiency
- Establish realistic child support orders
- Increase payment reliability
- Reduce or prevent arrears build-up
Develop, implement, and apply:

- Proactive, early intervention strategies
- Services to and engagement with entire family unit
- Innovative programs to provide tools for payment
- Collaboration with other agencies and organizations
Goals:

- Obtain right-sized orders
- Assist with workforce reentry
- Enhance parenting skills
- Address barriers
- Encourage relationships and visitation with children when possible
Only about 1% of NCPs in DCSE’s total caseload are incarcerated for failure to pay support

Jail sentence is 12 months or less

Purge amount – parent holds keys to his/her own cell

Many parents purge and spend little, if any, time in jail
Intensive Case Monitoring Program (ICMP)

- Collaborative program with JDR courts

- Courts order participation as an alternative to incarceration for NCPs found in civil contempt for failure to pay support

- NCPs are closely monitored by a DCSE case manager who, with community partners, helps NCPs secure employment, housing, training, and other services to overcome barriers that make them less able to pay support
Parents Striving for Success (PASS)

- For NCPs who are:
  - Newly obligated
  - Facing enforcement action
  - Un- or underemployed and need assistance with overcoming barriers which prevent them from paying support
Family Strong Re-Entry Program (FSRP)

- For NCPs facing obstacles related to current incarceration or prior convictions
- Focus on obtaining right-sized orders and connecting NCPs with community partners to:
  - Assist with workforce re-entry
  - Address barriers
  - Improve parenting skills
  - Re-integrate with family and society
Craig Burshem  
Deputy Commissioner for Child Support  
Craig.Burshem@dss.virginia.gov  
Phone: 804.726.7405