

CHILD SUPPORT IN VIRGINIA



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DIVISION OF CHILD SUPPORT ENFORCEMENT, DEPARTMENT OF SOCIAL SERVICES

Virginia Child Support Guidelines Review Panel Meeting
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Richmond, Virginia

CHILD SUPPORT PROGRAMS IN GENERAL

Federal law provides the framework and requirements for state and tribal child support programs:

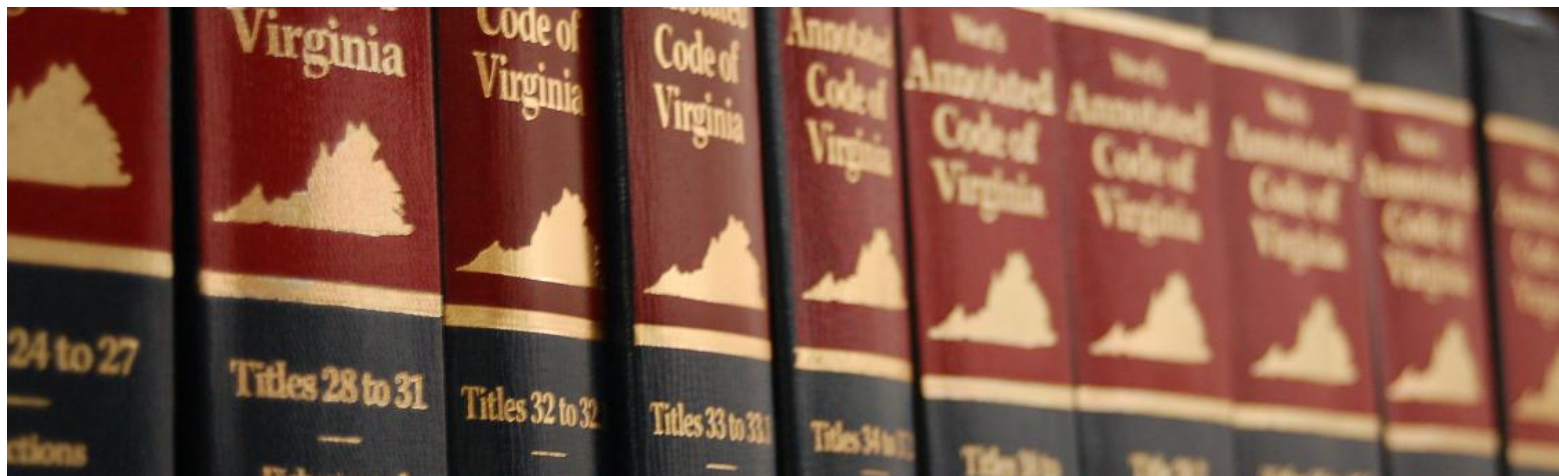
- ✎ 42 U.S.C. §§ 651 through 669b
- ✎ 45 C.F.R. §§ 301.0 through 310.40



DIVISION OF CHILD SUPPORT ENFORCEMENT

Statutory authority for the Division of Child Support Enforcement
(DCSE)

Va. Code §§ 63.2-1900 *et seq.*



ORGANIZATIONAL STRUCTURE

Deputy Commissioner for Child Support

○ 6 Directors

- 3 Home Office Directors:

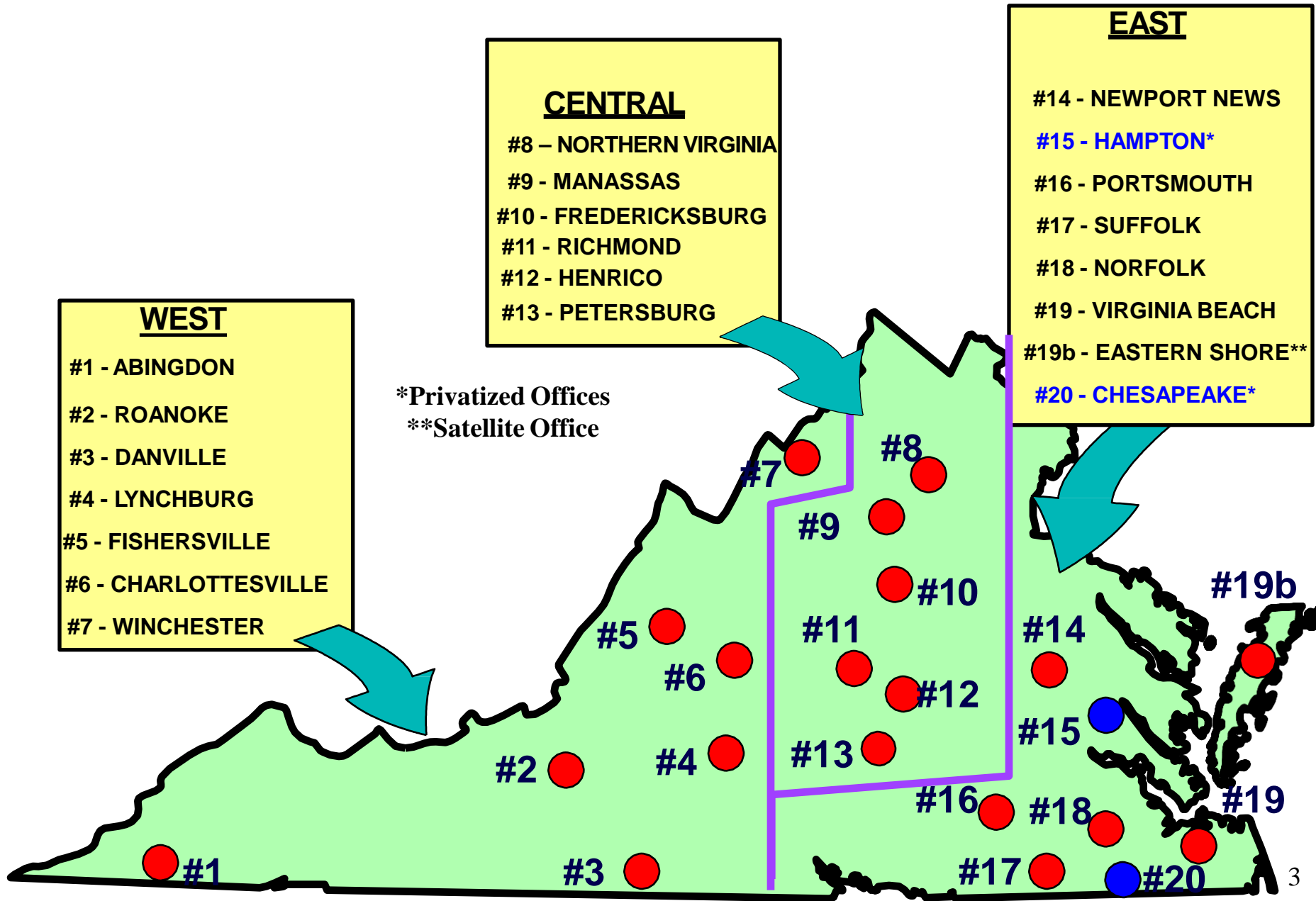
- Administration & Finance, Program Operations, and Information Technology & Audit

- 3 Field Operations Directors:

- One for each region: Western, Central, and Eastern

➤ 20 district office managers

Regions and Offices



CASES

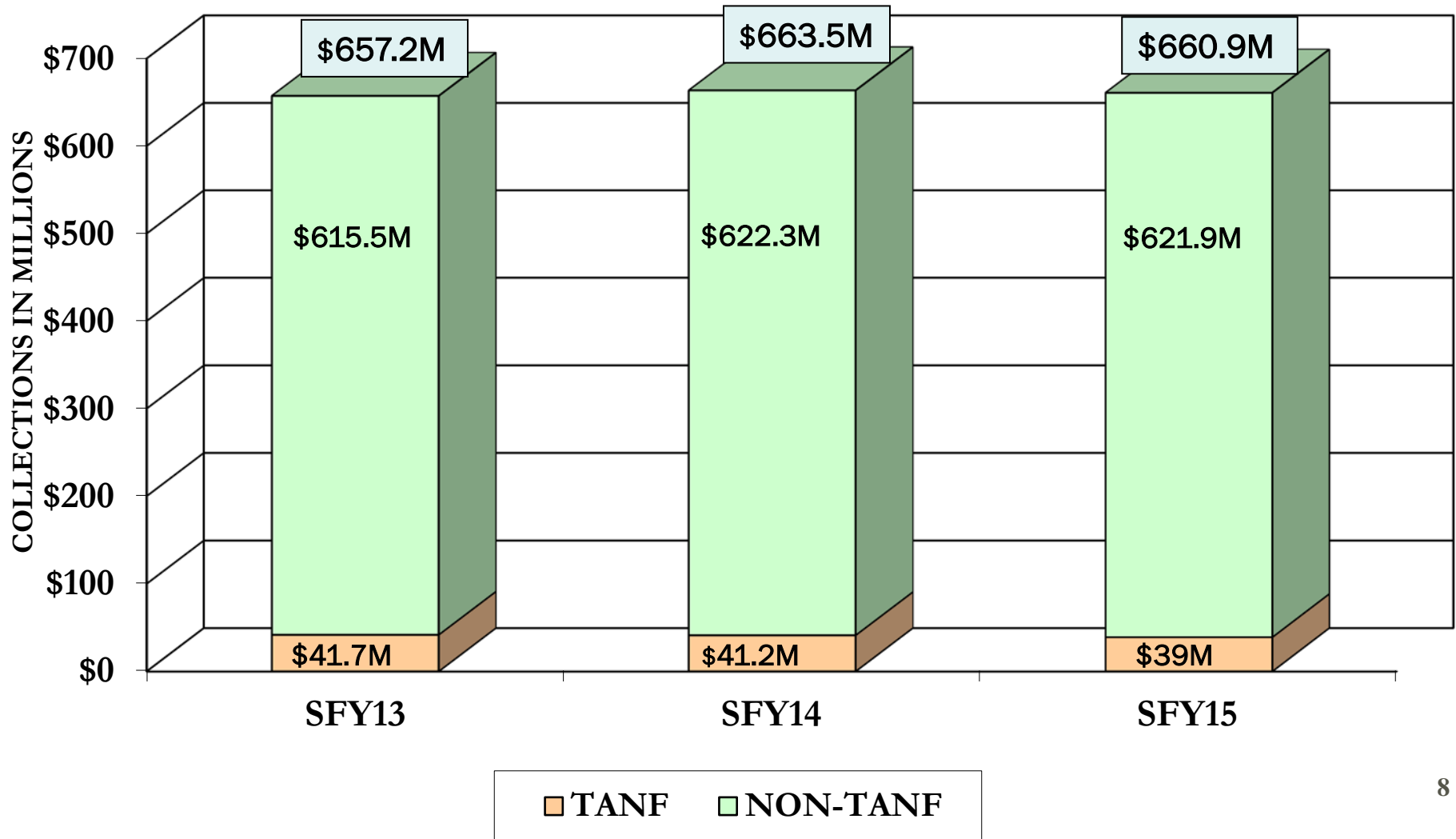
∞ TANF (Temporary Assistance for Needy Families)

- Automatic case referral

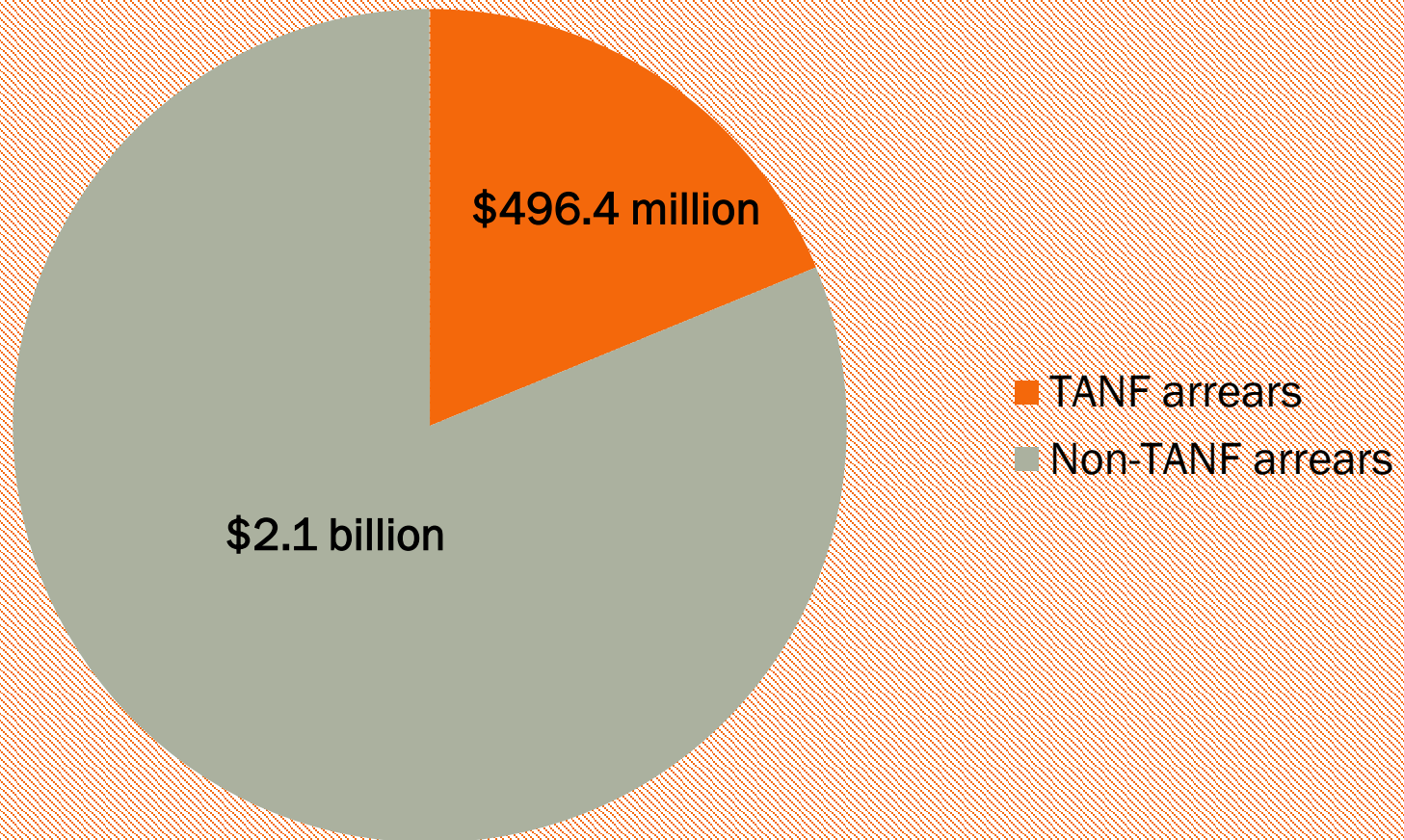
∞ Non-TANF

- Custodial parent (CP) or noncustodial parent (NCP) applies for DCSE services

COLLECTIONS



DEBT OWED – END OF SFY2015



TOTAL: \$2.6 BILLION

ADMINISTRATIVE AUTHORITY

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

DCSE SERVICES

- 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

LOCATING PARENTS

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



ESTABLISHING PATERNITY



Paternity can be established

- ✎ Voluntarily (Acknowledgment of Paternity)
- ✎ By genetic testing

ESTABLISHING SUPPORT

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



CALCULATING SUPPORT OBLIGATIONS

- ⌘ 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

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

RIGHT-SIZED ORDERS

- 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



RIGHT-SIZED ORDERS

- ☞ 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



MODIFYING SUPPORT



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.

MODIFYING SUPPORT

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.



MODIFYING SUPPORT

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



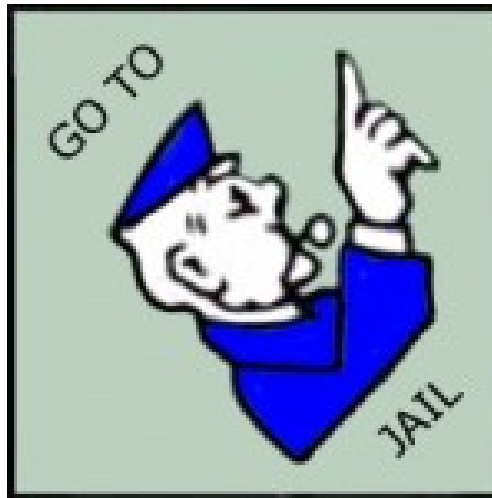
DCSE COURT ACTION

DCSE initiates court action to establish, modify or enforce child support orders when administrative remedies are unavailable or have been exhausted.



DCSE COURT ACTION

Asking for a judicial finding of civil contempt and requesting jail time for failure to pay support is a last resort.



DCSE'S LEGAL SERVICES UNIT

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

DCSE'S LEGAL SERVICES UNIT

- ☞ Assistant attorneys general appear for juvenile and circuit court proceedings in all jurisdictions of the Commonwealth
- ☞ Most hearings are in juvenile court



DCSE'S LEGAL SERVICES UNIT

In 2014, AAGs

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



DCSE'S LEGAL SERVICES UNIT

Results:

∞ Initial support hearings

- Establishment of support orders totaling over \$1.4 million

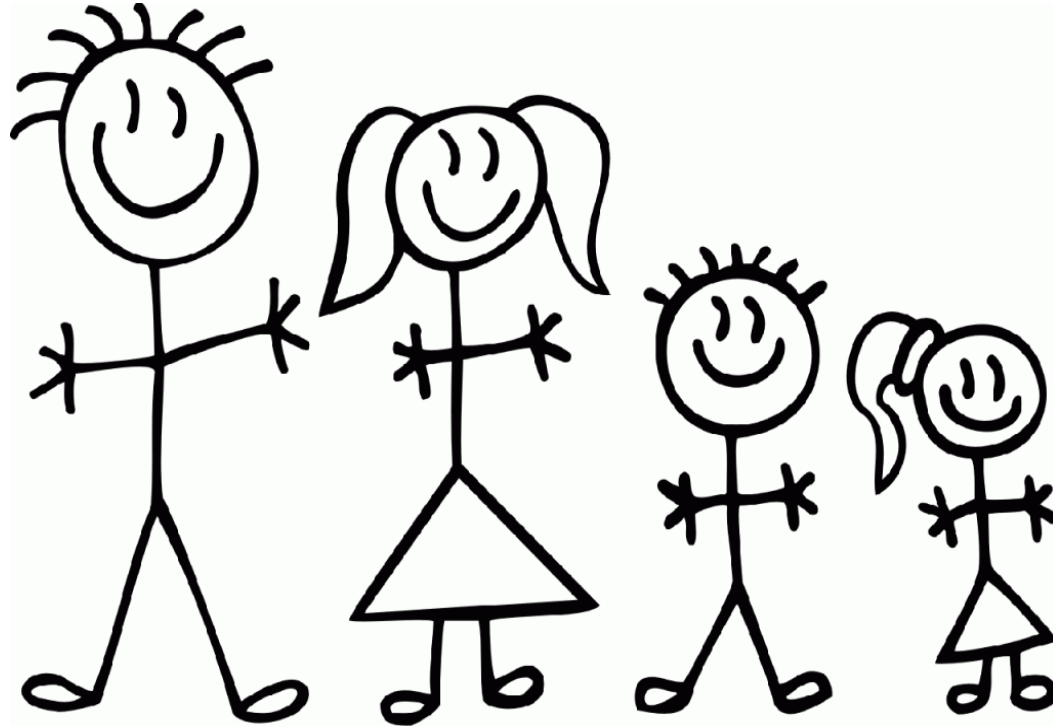
∞ Civil contempt hearings

- 549,871 days in jail
- Lump sum payments of over \$13 million



HELPING FAMILIES SUCCEED

Focus on Family Engagement



CHILD SUPPORT APPROACH

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



CHILD SUPPORT APPROACH

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

CHILD SUPPORT APPROACH



Goals:

- ∞ Obtain right-sized orders
- ∞ Assist with workforce reentry
- ∞ Enhance parenting skills
- ∞ Address barriers
- ∞ Encourage relationships and visitation with children when possible

INCARCERATION AND CHILD SUPPORT



INCARCERATED PARENTS

- ✂ 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

HELPING PARENTS AVOID INCARCERATION

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 paying support

HELPING PARENTS AVOID INCARCERATION

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

HELPING RECENTLY-RELEASED PARENTS

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



Q&A

CONTACT INFORMATION

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