

CHILD SUPPORT IN VIRGINIA



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CHILD SUPPORT SECTION

Child Support Guidelines Review Panel
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Child Support Programs

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



Division of Child Support Enforcement (DCSE)



EVERY CHILD NEEDS SUPPORT



VIRGINIA DEPARTMENT OF
SOCIAL SERVICES

DIVISION OF CHILD
SUPPORT ENFORCEMENT

Statutory Authority: Va. Code § 63.2-1900 *et seq.*

Administrative Authority

As a tribunal, DCSE can:

- Issue administrative support orders (ASOs)
- Initiate administrative reviews
- Initiate enforcement actions

Organizational Structure

- Deputy Commissioner for Child Support
 - 2 Home Office Directors
 - Administration & Finance
 - Program Operations
 - 3 Field Operations Directors
 - Central, Eastern, and Western Regions
 - 16 district offices

Case Types

- **TANF**

- Automatic case referral

- **Non-TANF**

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



DCSE by the Numbers

In State Fiscal Year (SFY) 2019, DCSE:

- Managed more than **297,000 cases**
- Served nearly **360,000 children** – nearly 1 in 5 children in Virginia
- Collected over **\$643M**

DCSE Services



- Locate noncustodial parents
- Establish paternity
- Establish, modify, and enforce child support orders
- Collect and disburse payments
- Provide family engagement programs
- Assist other states

Locating Parents

Several locate tools, including automated Federal Parent Locator Service (FPLS), which 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
- By genetic testing

Establishing Support

Child support obligations are established:

- Administratively by DCSE
- Judicially



Calculating Obligations



- Guidelines schedule: Va. Code § 20-108.2(B)
- Income shares method:
Considers income of both parents; each responsible for *pro rata* share of total obligation
- Deviating from guidelines: Va. Code § 20-108.1

Calculating 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-Sizing Orders

- Ability to pay is critical to compliance
- Parents are more likely to pay if obligation is 19% or less of gross income
- Better to have lower order with reliable payments than higher order with no or irregular payment



Right-Sizing Orders

- Child support is based on economics, not punishment
- Obligation should be based on actual ability to pay
- Trend toward not imputing income
- Imputed income can lead to high arrearages



Modifying Obligations



Court Orders

Motion to Amend Support

- Change in circumstances
- No retroactive modification

Administrative Reviews

Either party can ask DCSE to review court order or ASO every 3 years or sooner if there is a material change in circumstances.

Enforcing Obligations

DCSE Enforcement Mechanisms

- Income withholding
- Tax intercepts
- Driver's license suspension
- Passport denial
- Asset seizure
- Show cause actions



DCSE Court Action

- 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 is a last resort.



DCSE's Legal Services Unit

Office of the Attorney General, Child Support Section

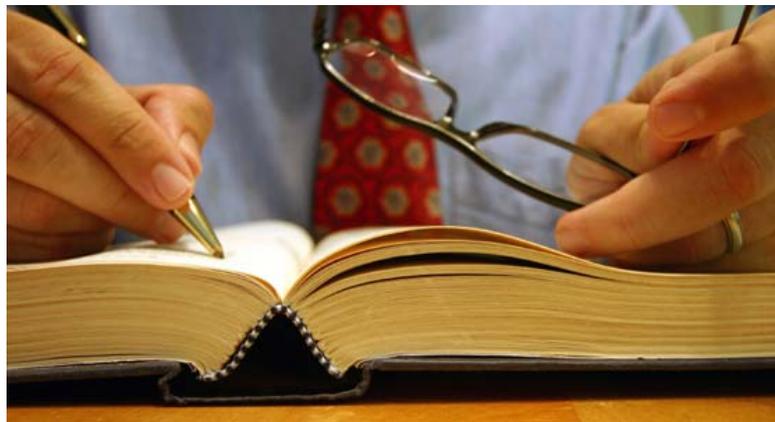


- OAG Section Chief
- 4 Directors of Legal Operations
- 39 Assistant Attorneys General
- 1 Bankruptcy Expert
- 16 Contract Attorneys

DCSE's Legal Services Unit

In 2018, AAGs

- Represented DCSE in almost 98,000 hearings
- Handled nearly 3,800 JDR dockets



Family Engagement Services

DCSE believes education and employment opportunities:

- Create pathways out of poverty
- Give parents a chance to:
 - Move toward self-sufficiency
 - Pay off child support arrears
 - Pay current support consistently



Family Engagement Services

- Use holistic, family-centered approach
- Help parents overcome obstacles that hinder ability to provide support
- Collaborate with community partners and other government agencies
- Assist with agency actions



Family Engagement Services

DCSE Programs:

- Court-Ordered Intensive Case Monitoring Program (ICMP)
- Administrative Intensive Case Monitoring Program (AICMP)
- Virginia TANF Employment & Training Program (VTET)



Q&A

CONTACT INFORMATION

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