

**Emails to the Virginia Child Support Guidelines Review Panel
May 1, 2019 through September 5, 2019**

From May 1, 2019 through September 5, 2019, two emails were sent to the Child Support Guidelines Review Panel. Panel staff responded to both inquiries. One inquiry was in regard to a specific child support case; the other inquiry addressed calculating child support when a custodial parent has additional children. 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: JP
Sent: Thursday, May 30, 2019 at 7:12 p.m.
Subject: Case #XXXXXXXXXX

Text:

I JP request a review of my child support agreement. I request a review based on changes of living arrangements and employment.

Panel Response: Tuesday, July 2, 2019 at 3:39 p.m.

Thank you for your email to the Child Support Guidelines Review Panel. I am sorry for the delay in responding to your message. The previous Guidelines Panel ended its work some time ago, and a new Panel has just been appointed.

Your request appears to be about your specific child support case with the Virginia Division of Child Support Enforcement. The Child Support Guidelines Review Panel is authorized by Virginia law only to review the child support guidelines; the Panel does not handle specific child support cases or address issues related to specific cases.

If your issue has not yet been addressed, please let me know and I will refer your question to the appropriate person.

Thank you for your communication. I apologize again for the delayed response.

2. From: MW
Sent: Wednesday, August 28, 2019 at 11:57 a.m.
Subject: Child support calculation issues

Text:

There are couple of issues that sometimes unfairly increase the support amount of the NCP.

1. Where a party to the proceeding has a natural or adopted child or children in the party's household or primary physical custody, and the child or children are not the subject of the present proceeding, there is a presumption that there shall be deducted from the gross income of that party the amount as shown on the Schedule of Monthly Basic Child Support Obligations.

A NCP's obligation should be due to that child only. Many CP's have children later with another party. Those subsequent children should not increase a payment amount for the NCP. What happens at times it that the NCP remains single and pays for their child, while the CP remarries and has additional children. Their financial situation is increased by having another income earner in the house and by the receipt of more money from the NCP. In the end, the NCP ends up losing more household income. The CP parent and a new spouse also receives greater tax benefits, while the NCP receive none on top of an increase for their child having simply having a brother or sister by another party. It does cost more

money for that former spouse to raise more children, but the full economic responsibility for that new child should be on the former spouse and the new spouse, not the NCP that is paying for that first child. For example, it is unfair that a calculation for additional children negatively affects the former spouse and positively affects the new spouse without taking into account their income and that the new children belong to them, and not the former spouse.

2. If the gross income of either party is equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of Health and Human Services from time to time, then the shared custody support calculated pursuant to this subsection shall not be the presumptively correct support and the court may consider whether the sole custody support or the shared custody support is more just and appropriate.

This should not be an automatic presumption. Again, a CP may have additional children and not work because the new spouse is financially well off, but the NCP is on the hook for that persons new children.

A couple ways to fix that if you didn't want to do away with it completely is to make "party" mean household. Household and not individual income is used for many other social welfare programs. The NCP may be just above this threshold while the CP becomes part of a newer and far well off family unit when just the fact that the CP has 3 additional children and a financially well-off spouse whose income doesn't count against them, but does count against the NCP. Again, the problem is that the single NCP is tasked with supporting themself and their child, and additional children that are not theirs later.

Or again, if using the federal poverty level as a guideline, the NCP should not be penalized for children that do not belong to them. In one case, one additional child raised a child support amount by \$350 a month just on the fact that the CP's income went a few dollars below the federal poverty level when they had a child with someone else because the judge decided on the letter of the law and chose the sole custody amount over the shared amount they had been using. That is a significant financial penalty for NCP just because their former spouse had a baby by someone else.

A way to fix both issues is to make the calculations based solely on the child for whom support is being sought, and not additional children. Calculations based on additional children outside of the order unfairly raise the obligations of the NCP.

Panel Response: Friday, August 30, 2019 at 9:54 a.m.

Thank you for your email to the [Virginia Child Support Guidelines Review Panel](#). The current Panel's first meeting is scheduled for September 19, 2019. Your comments will be shared with the Panel members for their consideration at that time.

Again, thank you for your input. Please feel free to communicate anything further at any time.