

**Virginia Child Support Guidelines Review Panel**  
**September 19, 2019**  
**10:00 a.m. – 12:00 p.m.**  
**House Room 1, State Capitol**

**Meeting Minutes**

**Members Present:**

The Honorable Deborah V. Bryan  
Craig M. Burschem, Deputy Commissioner of State Programs  
Lawrence (Larry) D. Diehl, Esq.  
Shawn Edwards  
Dennis M. Hottell, Esq.  
Ryan Johnstone  
Delegate James A. (Jay) Leftwich, Jr.  
Valerie L’Herrou, Esq.  
Yvonne J. Nageotte, Esq.  
Kimberlee H. Ramsey, Esq.  
The Honorable Edward A. Robbins, Jr., Chair  
Senator Glen H. Sturtevant, Jr. (by phone)  
Delegate Vivian E. Watts

**Members Not Present:**

Kim-Marie A. Piggott-Brown  
Delegate David J. Toscano

**Panel Staff Members Present:**

Juliet Bates, Assistant Attorney General III  
Mitchell Broudy, Sr. Assistant Attorney General  
Alice Burlinson, Sr. Assistant Attorney General,  
DCSE Director of Legal Operations  
Melody McKinley, Panel Administrator

**Others Present:**

Victoria Dullaghan, Office of the Attorney  
General, Child Support Section Chief

**I. Welcome**

**All**

Alice Burlinson welcomed the Panel. Members introduced themselves, and Ms. Burlinson introduced the Panel staff.

**II. Overview of the Division of Child Support Enforcement**

**Juliet Bates**

Ms. Bates gave a presentation regarding the organizational structure, services, and functions of the Virginia Division of Child Support Enforcement (DCSE) and legal services provided to DCSE by the Office of the Attorney General’s Child Support Section.

**III. Panel Information**

**Alice Burlinson**

Ms. Burlinson gave a presentation on various child support guidelines models and economic methodologies, with a more in-depth look at the income shares model, which most states, including Virginia, use. She also provided information on the Panel itself, including the Panel’s charge and membership structure pursuant to Va. Code Ann. § 20-108.2(H). She highlighted legislation enacted as the result of recommendations made by the last two Panels.

The presentation also included information and direction on [\*Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs\*](#), the federal final rule published in 2016 that revised regulations governing child support programs nationwide. Ms. Burlinson discussed reasons the final rule was implemented, which primarily focus on establishing child support obligations based on a parent’s actual ability to pay. The final rule also limits use of imputation of income to determine obligations and requires more extensive fact-finding in cases involving imputation or contempt actions.

Based on the federal mandate that certain provisions be implemented by the end of 2022, this Panel will consider requirements regarding noncustodial parents' ability to pay and subsistence needs, income imputation, low-income adjustments, health care coverage, and prohibition on treating incarceration as voluntary unemployment when establishing or modifying obligations. This Panel's report to the Governor and General Assembly is due in December 2021.

Other final rule provisions must be implemented by the end of 2026. These provisions expand and specify the types of data each Panel must consider in reviewing the guidelines. This Panel may decide to address some of those issues or may defer them to the next Panel.

Discussion: Questions arose about whether the federal rule is binding on the General Assembly. If a state does not enact required provisions, it will lose federal funding (about 67% of DCSE's funding) and will be subject to a TANF sanction each year. The Panel may not agree with all provisions of the rule, but must enact them in order to keep funding; however, the Panel may comment in its report on its concurrence or disagreement with provisions.

The Panel also discussed the difficulty of obtaining required information that is currently inaccessible, not captured, or unavailable.

Panel staff will begin developing a road map to help the Panel:

- Determine requirements of the rule. Which requirements apply to DCSE, to courts, and to both?
- Determine Virginia's current status, including statutory scheme, regulations, and case law. Staff will research specifically where, under current Virginia statute or applicable case law, the current structure is out of compliance with the rule.
- Identify other areas for further research.
- Identify roadblocks to compliance and ways to address them.
- Identify technical issues.
- Decide on recommendations.

Although the Panel agreed the final rule must be its primary focus, Panel members will consider other issues they might like to pursue and advise the Panel administrator prior to the next meeting.

#### **IV. Nomination and Election of Panel Chairperson**

**Alice Burlinson**

Dennis Hottell nominated Judge Robbins as Panel chairperson. Delegate Leftwich seconded. All members voted in favor.

#### **V. Administrative Items**

**All**

- a. Panel emails: Panel members were provided with all emails sent to the Panel email address from May 1, 2019 through September 5, 2019, along with staff responses.
- b. Future meetings: Panel staff will coordinate possible dates after the General Assembly session with Judge Robbins and send a Doodle survey to Panel members.
- c. Travel vouchers: Mileage and parking costs will be reimbursed. Samples, forms, and postage-paid envelopes were provided.
- d. Questions: None.

## VI. Adjourn

The Panel adjourned at 11:56 a.m.

### **Action Items for Panel Members:**

- Read final rule, fact sheets, and road map outline when provided.
- Send any non-final rule issues for the Panel's consideration to Melody McKinley ([melody.mckinley@dss.virginia.gov](mailto:melody.mckinley@dss.virginia.gov)) so they can be added to the next agenda.

### **Action Items for Staff:**

- Provide federal fact sheets, the final rule, and DCSE's definition of "ability to pay" to Panel members.
- Research and draft road map as outlined in section III, including current statutes, regulations, and case law that do not comply with the final rule.
- Post the following items on the Panel's website:
  - Final rule and fact sheets
  - Minutes, upon approval of chairperson
  - PowerPoint presentations
  - Panel emails from May 1, 2019 through September 5, 2019
- Coordinate meeting dates with Judge Robbins and send Doodle survey to Panel members to select date.
- Develop short presentation on age of emancipation in other states.