

**Emails to the Virginia Child Support Guidelines Review Panel
April 16, 2017 through December 1, 2017**

From April 16, 2017 through December 1, 2017, eight emails were sent to the Child Support Guidelines Review Panel. All inquiries received a response. 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: GP
Sent: Friday, August 4, 2017 at 2:25 pm
Subject: Definition of Child support**

Text:

Please respond:

After I overheard a judge state, in open court, that “child support” is only the fixed monthly payments in Virginia. I looked at those Virginia sections 20-108.1 & 20-108.2 again and those sections of the code do not define the term “child support” at all at all much less as “the monthly amount paid under the Virginia Child Support Guidelines.”

Black’s defines child support as:

1. A parent's legal obligation to contribute to the economic maintenance /and education of a child until the age of majority, the child's emancipation before reaching majority, or the child's completion of secondary education. The obligation is enforceable both civilly and criminally. 2. In a custody or divorce action, the money legally owed by one parent to the other for the expenses incurred for children of the marriage. The right to child support is the child's right and cannot be waived, and any divorce-decree provision waiving child support, is void. Cf. alimony.

We also have MORRIS v. COMMONWEALTH of Virginia, DEPARTMENT OF SOCIAL SERVICES, DIVISION OF SUPPORT ENFORCEMENT SERVICES, 408 S.E.2d 58813 Va. App. 77, which defines “child support” in the same way as the definition in Black’s and not at simply the monthly payment. We also have Sullivan V. Stroop 496 U.S. 478 where the definition of the term “child support” was examined in great detail and throughout Title IV as a term of art referring exclusively to payments from absent parents.

Again the term “child support” is not confined to fixed monthly payment by one parent.

So where does this definition come from? It is not in the state code; it is not in the VA case law; it is not in the Title IV federal law. There is no requirement that payments monthly to be “child support, nor is there any requirement that to be “child support” it must be a fixed amount.

Even stranger, this apparent restriction of the definition of “child support” to only the fixed monthly payment does not conform to the SCOTUS definition in Sullivan: Would not the Virginia Court need to use the Sullivan definition to be in compliance with Federal Law?

Again – where does your definition come from? I am totally stumped.

Panel Response: Friday, August 4, 2017 at 3:07 pm

Thank you for your email to the Child Support Guidelines Review Panel. I will look into your question and get back to you early next week.

Panel Response: Friday, August 4, 2017 at 3:27 pm

So that I can be sure I understand your question, would you please provide a little clarification as to what you are asking? For example, are you asking whether the definition of child support is broader than just the fixed monthly payments? Whether payments, services, and/or goods outside the child support order count as child support? Are you asking whether child support is something other than the court- or administratively-ordered child support obligation?

Thank you very much for providing additional information.

2. From: GP
Sent: Friday, August 4, 2017 at 8:20 pm
Subject: Re: [1] Definition of Child support

Text:

So that I can be sure I understand your question, would you please provide a little clarification as to what you are asking? For example, are you asking whether the definition of child support is broader than just the fixed monthly payments?

[name redacted]

Correct – don't see any support in the code or case law for restricting the definition of "child support" to fixed monthly payments, nor do I see that definition in line with Federal law.

Moreover, should the Courts and state services be using the definition used in Sullivan v. Stroop (see attachment)? There are states that have a definition section in their child support statutes that define what they deem to be "child support" and they are for the most part in line with Sullivan, but Virginia has no definition and the Virginia case law is almost nonexistent.

Whether payments, services, and/or goods outside the child support order count as child support?

[name redacted]

No—don't want to open that can of worms. I know the case law on this. People are always free to argue before a judge that an unanticipated expense or unanticipated expenses should be offsets to monthly child support payments.

Are you asking whether child support is something other than the court- or administratively-ordered child support obligation?

[name redacted]

No—I am a lawyer not a philosopher. We all know that it is, but we would be looking at "child support" from an ethics rather than a legal standpoint. That is above my paygrade.

Panel Response: Monday, August 7, 2017 at 8:27 am

Thank you for the clarification. I will get back with you as soon as possible.

3. From: GP
Sent: Monday, August 7, 2017 at 10:31 am
Subject: Re: [2] Definition of Child support

Text:

Thank you for your help and for the panel's help.

One would assume that a formal definition of "child support" is critical to make the whole child support system work in Virginia.

Panel Response: Wednesday, August 9, 2017 at 12:21 pm

Thank you again for your email to the Virginia Child Support Guidelines Review Panel. Your email will be shared with Panel members.

The Panel's statutory charge is to consider research, data, and other resources regarding the costs and expenditures of raising children in order to ascertain the guidelines' adequacy for determining appropriate child support obligations. As the Panel is limited to its statutory role, your question is outside the Panel's purview.

If you would like to learn more about the Panel's work and the background of the current guidelines schedule, please visit the Panel's website at http://dls.virginia.gov/interim_studies_child_support.html.

4. From: GP
Sent: Wednesday, August 9, 2017 at 8:31 pm
Subject: Re: [3] Definition of Child support

Text:

Would not the panel require a definition of child support "to consider research, data, and other resources regarding the costs and expenditures of raising children in order to ascertain the guidelines' adequacy for determining appropriate child support obligations"?

The panel has to differentiate between what is "child support" and what is not to come up with those numbers because once an obligation is designated as "child support" there are statutory mechanisms that come into effect, whereas there are obligations that are purely contractual. The panel must have guidelines to differentiate between the two and that must be based on the definition of "child support." If the panel does not have a definition is there someone in the commonwealth, who does? Who would?

Panel Response: Friday, August 11, 2017 at 10:31 am

Thank you for your follow-up email. As I mentioned, the Panel's sole charge is to "determine the adequacy of the guideline for the determination of appropriate awards for the support of children by considering current research and data on the cost of and expenditures necessary for rearing children, and any other resources it deems relevant to such review." Providing a legal opinion on your question is outside the scope of the Panel's authority.

You can learn more about the background and economic basis of the current guidelines schedule by visiting the Panel's website at http://dls.virginia.gov/interim_studies_child_support.html.

5. From: SJ
Sent: Wednesday, August 23, 2017 at 4:56 pm
Subject: Re: Assistance

Text:

Hi Ms. Watson.

Could you please tell me the outstanding amount that Derrick still owes on his arrears balance in unpaid child support? I know he has made a few payments. It l'm sure there is still monies owed and want to get a sense of what that amount is at this point.

Thanks.

Panel Response: Monday, August 28, 2017 at 12:10 pm

Ms. Watson is no longer with the agency, so by copy of this email I am referring your question about your case #4498316 to Alana Tucker, Program Services Manager.

**6. From: VB
Sent: Wednesday, August 23, 2017 at 2:37 pm
Subject: Child support issues**

Text:

Just would like to put in my 2 cents about a few things.

As the custodial parent, with well over \$40,000 child support owed to my children, I find it very frustrating to even deal with DCSE.

I can call the call center and be told that my case worker will call me back in 3-5 business days. I can then recall the call center to say that I have not received a call back and they can send my message to supervisor who then has 3-5 days to call me back. then I can call again, to say that a supervisor has not even returned my call.

its frustrating!

I called on August 10, and today is August 23rd, and I just finally spoke with someone, after I had to miss 30 minutes of work trying to leave yet another message.

My issues/thoughts.....I understand there are probably thousands upon thousands of child support cases in VA....I get that....but at what point is there ever a consequence for a non-custodial dead beat parent who is over \$40,000 behind in supporting his children.

sure I can take time off work to go to courthouse to file a show cause. then I can wait another 2 months to get a court date. By that time, ex has made 1 little payment and judge/court tells him to do better. Then following month, lets just start the cycle of non payment again. And the balance grows and nothing changes.

There should be a way to call these parents that are not making paymentsim sure a phone call from DCSE would light a little fire under some people to send in a payment. Threaten to take away his license....etc.

With a balance as high as my ex has with DCSE, he shouldn't have a drivers license. That is a privilege that should be taken away.

I believe there is a saying.....if you change nothing, nothing will change. Something has got to change with the way these cases are handled.

Panel Response: Monday, August 28, 2017 at 1:25 pm

Thank you for your email. Your request appears to be about the Division of Child Support Enforcement (DCSE) and your specific case. 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.

I am referring your email to Adonica Hampton, Director of Program Operations, which includes Customer Service for DCSE. I am asking that Ms. Hampton have someone on her staff contact you about your specific issues.

Thank you again for your communication.

**7. From: JM
Sent: Monday, August 28, 2017 at 2:19 pm
Subject: Question regarding cs guideline**

Text:

A child support order was entered in July of this year based upon an agreement that my husband and I signed in 2015. (Property settlement Agreement). Since the time the Agreement was executed he has gotten a higher paying job. According to the CS guidelines he should be paying approximately \$883 per month rather than the \$500 we agreed to in 2015.

As I am not able to afford an attorney. Can I go through DCSE to get his to pay the correct amount? Is this a service I can request?

Thank you.

Panel Response: Monday, August 28, 2017 at 3:36 pm

Thank you for your email to the Virginia Child Support Guidelines Review Panel. The 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.

You may wish to contact the Division of Child Support Enforcement (DCSE) directly for assistance. By copy of this email, I am forwarding your questions to Alana Tucker, DCSE's Program Services Manager. She will be able to provide you with more information.

**8. From: ID
Sent: Thursday, November 30, 2017 at 4:35 pm
Subject: D,I – Credit for Education Inquiry**

Text:

Hello, my name is ID. I am writing to you as a non-custodial parent, with court ordered visitation. I was awarded the ability to exercise my parental rights after my child's mother purposely prevented me from seeing my child for three straight months. After voluntarily providing approximately \$1,300 over the course of five months, she filed for child support. Currently the shield support payments are too steep for me. They consume nearly half of my earnings each pay period.

I am however working on requesting a review of my case with the local DCSE District Office in Newport News. During the period of my child support case I have developed concerns over its operations and some suggested changes for the guidelines used to determine appropriate awards.

With each visit to the Newport News District Office, and each phone conversation with a DCSE representative, I experience a strong feeling of animosity with a condescending tone. As if my complaints of unfairness or request for clarification of information are unwelcome. There is a hint of sexism in need of review, both towards men and employment with the district office itself. Not once have I engaged in a conversation with a male representative of the DCSE. I am sure they exists, but having not heard or seen a single one raises some doubt.

The custodial parent in my case has chastised me for not having a second job in order to afford the child support payments on top of my other obligations. Such as debt collections, utility bills, fuel, food, schoolwork, and having to buy supplies for my periods of visitation. I strongly disagree, because I firmly believe I should not have to sacrifice my pace of furthering my education to make room for more time to make more income.

I believe non-custodial parents and custodial parents alike should receive some credit for pursuing higher learning. Perhaps, only if they meet certain requirements, such as a qualifying GPA, student status, or type of school attending. The strong correlation between higher levels of education and higher income still exist, and my pursuit of higher education correlates with being able to provide for my child. I urge each of you to explore the possibility of adding an education credit to the Child Support Enforcement guidelines set within Titles 63.2 and 20 of the Code of Virginia that determine appropriate awards for support of a child.

Thank you for your time, and I look forward to hearing each of your thoughts, comments, and concerns regarding each of these matters.

Panel Response: Thursday, December 14, 2017 at 3:38 pm

Thank you for your email to the Virginia Child Support Guidelines Review Panel. Part of your email appears to be about the Division of Child Support Enforcement (DCSE) and your specific case. 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. I am referring your email to Alanna Tucker, DCSE Program Services Manager, to address your specific case-related issues regarding DCSE's Newport News office.

The Child Support Guidelines Review Panel meets for a four-year term. The current Panel's four-year term ends this month and its meetings and work have concluded. However, I will ensure that your email and your suggestions regarding an education credit are shared with the next Panel.

Thank you again for your email and for your input.