

**Virginia Child Support Guidelines Review Panel**  
**December 11, 2017**  
**10:00 a.m. – 2:00 p.m.**  
**House Room 1, State Capitol**

**Meeting Minutes**

**Members Present:**

The Honorable Edward A. Robbins, Jr., Chair  
The Honorable Deborah V. Bryan  
Craig M. Burshem, Deputy Commissioner  
Lawrence (Larry) D. Diehl, Esq.  
Carol B. Gravitt, Esq.  
Dennis M. Hottell, Esq.  
Delegate James A. (Jay) Leftwich, Jr.  
Christine (Christie) E. Marra, Esq.  
Christian R. Paasch  
Kim-marie A. Pigott-Brown  
Karen H. Sampson

Senator Glen H. Sturtevant, Jr.  
Delegate David J. Toscano  
Delegate Vivian E. Watts

**Members Not Present:**

Russell J. Smith

**Staff Members Present:**

Alice G. Burlinson, Esq.  
Melody C. McKinley, Panel Administrator  
Quinn Novak, Law Clerk to Judge Robbins

**I. Welcome and Introductions**

**Judge Robbins**

Judge Robbins welcomed Panel members and reviewed the agenda.

**II. Family Law Coalition Report**

**Larry Diehl, Esq.**

Mr. Diehl noted that, at the request of the Panel, a committee of the Family Law Coalition studied the issues regarding complex custody situations, made recommendations, and proposed statutory language. The full Family Law Coalition supported the committee's proposal.

Mr. Diehl noted that the number of complex custody cases is rising significantly due to the increasing prevalence of shared custody. It is critical to have a uniform framework for these cases to ensure fairness and consistency throughout the state.

The current guidelines address sole, shared, and split custody but do not contemplate multiple arrangements. As a result, courts and practitioners use a multitude of different methods to calculate support obligations. The Coalition's proposal addresses three types of complex custody arrangements: mixed shared custody, sole and shared custody, and split and shared custody. The committee and DCSE staff calculated multiple guidelines using various income levels and developed a method that results in obligations that are very close to the result of various methods commonly used now, which can require running many guidelines calculations. The Coalition's method requires running a maximum of two worksheets.

The Panel discussed important information to include in seeking support for the legislation and proposing it to the General Assembly. Mr. Diehl noted that the Coalition committee members would be available to appear and assist with providing and presenting information. The Panel suggested that language be included to state that the legislative change does not constitute a material change and circumstances in and of itself for purposes of calculating child support obligations; this request will be referred to Legislative Services.

Upon Mr. Diehl's motion and Mr. Hottell's second, the Panel voted to accept the Coalition committee's report and submit its recommendations and proposed language to the General Assembly, subject to review by Legislative Services.

### **III. Panel's Report to the Governor and General Assembly**

**Alice Burlinson**

Ms. Burlinson noted that the Panel's *Report to the Governor and General Assembly* is due by January 10, 2018, the date the General Assembly convenes. Panel staff will revise the report pursuant to the Panel's discussion and distribute it to Panel members, who will advise Panel staff whether they approve it by December 15, 2017.

In its report, the Panel recommends two statutory changes: (1) adding guidance for complex custody situations as recommended by the Coalition and (2) adding language requiring that the final worksheet relied upon to calculate a support obligation be attached to all child support orders.

Delegate Toscano and Delegate Leftwich agreed to co-patron the bills in the House of Delegates. Senator Sturtevant agreed to look at the proposed language and consider acting as patron for Senate versions; he will contact Mr. Burschem.

### **IV. Subtracting Federal and State Taxes from Obligor Income**

**Christian Paasch**

Mr. Paasch suggested that the Panel consider recommending that state and federal income taxes be subtracted from obligor income since these are basic taxes that all citizens pay and the child did not benefit from this money when the family was intact since the funds were never available. Members noted several concerns: there are many ways to manipulate exemptions and other aspects of federal and state taxes, these taxes are by no means standard, many people do not pay (e.g., military members do not pay certain taxes when deployed in some situations or may not pay state tax, depending on whether their state of residence collects it). The Department of Labor statistics that underlie child-rearing expenditures incorporate taxes into their calculations. In addition, taxes are built into Virginia's guidelines schedule.

### **V. New Business**

**All**

None at this time.

## VI. Administrative Items

All

- a. Panel emails from April 15, 2017 through December 1, 2017: Panel members were provided with a list of all emails sent to the Panel and response dates from staff.
- b. Travel vouchers: Mileage, tolls, and parking costs will be reimbursed. Samples, forms and postage-paid envelopes were provided.
- c. Questions: None.

## VII. Adjourn

The Panel adjourned at 12:05 p.m.

### Action Items for Staff:

- Panel's *Report to the Governor and General Assembly*:
  - Make revisions to the draft report and statutory language based on meeting discussion.
  - Circulate revised version to Panel members for review and approval.
  - Finalize and submit electronically to Governor and General Assembly prior to January 10, 2018 deadline.
- Post the following items on the Panel's website:
  - Minutes, upon approval of Panel
  - PowerPoint presentation
  - Panel emails from April 15, 2017 through December 1, 2017