TO:	Child Support Guidelines Review Panel
FROM:	Division of Child Support Enforcement
DATE:	May 22, 2025
RE:	Reaffirming the 2021 Recommendation to Update Code of Virginia § 20-108.1.

Dear Panel Members:

Attached to this memo you will find the following materials for your review and discussion at the Panel meeting scheduled for May 22nd.

- The first and final page of SB 805, which includes the amendment related to this Panel's activities.
  - The full bill can be found here:
    https://lis.blob.core.windows.net/files/1079847.PDF

- The first and relevant pages of the 2021 Recommendations Report drafted by the previous quadrennial's Child Support Guidelines Review Panel.
  - The full report can be found here:
    https://rga.lis.virginia.gov/Published/2021/RD805/PDF

Regarding the 2021 Recommendations Report, 45 C.F.R. § 302.56(c)(1)(iii) requires that "[t]he child support guidelines . . . must at a minimum . . . [p]rovide that the child support order is based on the noncustodial parent's earnings, income, and other evidence of ability to pay" and that "[i]f imputation of income is authorized, takes into consideration the specific circumstances of the noncustodial parent . . . to the extent known[.]"

In its 2021 Report, the prior Panel recommended that Virginia adopt the federal rule requirements when considering imputation of income by adding language to Va. Code § 20-108.1(B)(3). Because the General Assembly has yet to act on that recommendation, this Panel has the opportunity to adopt the recommendation and include the draft legislation once more in its report.

In practice, courts consider the evidence presented. As Va. Code § 20-108.1 already states, "The court's decision shall be rendered based upon the evidence relevant to each individual case." Listing the specific items from the federal regulation will add clarity and ensure our language complies with the federal regulation.

The previously recommended draft legislation can be found in the attached pages of the 2021 Recommendations Report.