

Panelist Recommendations

SB 805 Enactment Clause #2

That the Child Support Guidelines Review Panel, in collaboration with the Division of Child Support Enforcement, shall examine the current outstanding amount of child support arrearages and make recommendations to the General Assembly about measures the General Assembly can consider regarding (i) helping child support obligors pay outstanding arrearages and (ii) whether existing penalties that place restrictions on such obligors' drivers licenses or other professional restrictions unnecessarily impair the obligor's ability to repay outstanding child support arrearages. The Child Support Guidelines Review Panel shall report its conclusions to the Chairmen of the House and Senate Committees for Courts of Justice by November 15, 2025.

- helping obligors pay outstanding arrearages
- whether existing penalties that place restrictions on such obligors' driver's licenses or other professional restrictions unnecessarily impair the obligor's ability to repay outstanding child support arrearages.

[§ 46.2-320.1. Other grounds for suspension; nonpayment of child support](#)

[§ 63.2-1937. Applications for occupational or other license to include social security or control number; suspension upon delinquency; procedure](#)

The ask:

Is the Panel comfortable with the current statutory framework?

Does the Panel want to make any recommendations to the General Assembly about measures the General Assembly can consider?

Recommendations:

1. Remove the phrase "...or in an amount of \$5000 or more" from the statute (§ 46.2-320.1) on driver's license revocation.
 - A. The Commissioner may enter into an agreement with the Department of Social Services whereby the Department may suspend or refuse to renew the driver's license of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days **or more or in an amount of \$5,000 or more** or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings.
2. Remind the GA of Virginia's obligation to ensure an obligor's "actual ability to pay" (per the federal Office of Child Support Enforcement).

Quadrennial Executive Summary

The Panel shall 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. The Panel shall report its findings to the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports before the General Assembly next convenes following such review.

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 here:

[Review of Virginia’s Child Support Guidelines Va. Code Ann. §§ 20-108.1 and 20-108.2 – December 2021](#)

Recommendations:

1. Use a Virginia economist.
2. Use a 35 hour work week when imputing income since that is based on VA data from the US Department of Labor Statistics.
3. The current percentage of goods (?) is somewhere between 16-19%. Consider lowering that to 12-15%.
4. Amend the § 20-60.3 (Contents of Support Orders) statutory notices to provide better communication and warnings. These notices are very long and misunderstood. (See attachment #1)
Rearrange court orders for child support so that the impactful, more relevant language is right up front and written much more clearly/in plain English.