

**Virginia Child Support Guidelines Review Panel**  
**Virtual Attendance Policy Proposal**  
**(for situations other than declared states of emergency)**  
**October 31<sup>st</sup>, 2024**

*Drafted by DCSE staff and reviewed by OAG staff using the most permissive language allowed by Va. Code § 2.2-3708.3. The following language is a draft document for consideration of the Child Support Guidelines Review Panel in adopting a virtual attendance policy. Language is subject to review by Panel members and must be voted on in a public meeting when the Panel's attendance achieves a quorum. While the Panel may devise a policy that is more restrictive policy than this draft, the Code of Virginia does not permit the Panel to adopt a less restrictive policy.*

1. Policy Requirements

- a. This policy is effective until \_\_\_\_\_ [no more than one year from date adopted].
- b. This policy must be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member or the matters that will be considered or voted upon at any given meeting.

2. Remote participation by an individual Panel member.

- a. Individual members of the Panel may use remote participation instead of attending a public meeting in person if, before the meeting, the member notifies the Chair via [method(s) of notification] that:
  - i. The Panel member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance. Remote participation in this instance counts toward the quorum;
  - ii. A medical condition of a family member requires the Panel member to provide care that prevents the member's physical attendance, or the member is a caregiver who must provide care for a person with a disability at the time the meeting is being held. Remote participation in this instance counts toward the quorum;
  - iii. The member's principal residence is more than 60 miles from the meeting location. Remote participation in this instance does **not** count

toward the quorum; or

- iv. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Remote participation in this instance does **not** count toward the quorum.
  1. Remote participation due to personal matters is limited to 2 meetings or 25 percent of the meetings (rounded up) per calendar year, whichever is greater.
  2. Remote participation for all other reasons is limited to \_\_\_\_\_ [Optional. Neither required nor referenced in the Code of Virginia.]

b. The meeting minutes must state:

- i. The name of the Panel member requesting remote attendance.
- ii. If disapproved, the specific reason the request was in violation of this policy.
- iii. If approved:
  1. The remote location (may be a general description, for example, "member's home"),
  2. The reason for the remote participation, and
  3. The specific nature of the personal matter if a personal matter is the reason for the remote appearance.

3. All-virtual public meetings.

- a. All-virtual public meetings may be held under the following circumstances: [Upon motion and majority vote, for example. The policy must state the circumstances, but the Code of Virginia does not provide guidance.]
- b. Before holding an all-virtual public meeting, the Panel shall include in its public meeting notice a statement that the meeting will be all-virtual, along with a statement that the meeting format will not be changed unless the Panel provides a new meeting notice.
- c. The public must be provided access to the meeting via electronic communication. Information on how the public can access the meeting will be

provided [in the public meeting notice, for example. The Code of Virginia does not specify the notification method, only that access must be allowed].

- d. A phone number or other live contact information will be provided so that the public may inform the Panel if there are problems with the electronic access. [The Code of Virginia does not specify a notification method. This could be accomplished by providing the Panel Administrator's phone number, for example, or via the meeting chat.]
- e. Electronic communication shall be by [audio-only, audio-visual, both, or either]. A Panel member shall be considered absent from the quorum for any portion of the meeting during which
  - i. Visual communication is disconnected, or
  - ii. Audio communication involuntarily fails. The voluntary muting of a Panel member's microphone does not affect the quorum.
- f. The Panel shall recess if the public access transmission fails.
- g. The agenda and other materials shall be made available to the public in electronic format at the same time the materials are provided to the Panel members [optional: insert method(s) of providing, for example, posting to the Panel's website. Stating the exact method is not required by the Code of Virginia].
- h. If public comment is customarily received, the public shall be afforded the opportunity to comment through electronic means, including by way of written comments.
- i. No more than two Panel members shall be together in any one remote location unless the remote location is physically accessible and open to the public.
- j. No more than two meetings or 50% of meetings (rounded up) per calendar year may be all-virtual.
- k. No two all-virtual meetings shall be held consecutively.