

Virginia

I. Background

The Virginia Division of Child Support Enforcement (DCSE) is housed within the Department of Social Services. It is state-administered. In addition to the central office, DCSE has three regional offices. These offices manage 21 district offices, including two privatized offices. According to unaudited data, at the end of federal fiscal year 2006, DCSE had 351,930 open cases¹ and 1014 full-time equivalent staff.² That year Virginia performed higher than the national average in three of the five federal performance measures (support establishment, current collections, and cost-effectiveness). Virginia scored lower than the national average in two of the federal performance measures (paternity establishment and arrearage collections).

The child support agency has had administrative authority since 1975. Initially the agency had administrative authority to issue proposed income withholdings; as the program grew, the legislature expanded the administrative authority to include support establishment. The impetus was the courts' inability to timely process the agency's increasingly high volume of cases. Agency representatives do not recall the transition from a judicial to an administrative process as being controversial; in fact, they thought that the courts were relieved. At the time, there were other divisions within DSS that used an administrative process to adjudicate claims so the process was simply expanded to include child support cases.

The authority for Virginia's administrative procedures is at Code of Virginia §§ 63.2 – 1901 *et seq.*

The Virginia Administrative Process Act applies to contested cases before an administrative hearings officer.

II. Due Process Summary

Before any administrative action is taken, the agency (DCSE) sends both parents an Administrative Summons. Service can be by personal service or certified mail. In an establishment case, the summons requires the parties to attend a scheduled appointment. The appointment is usually at the nearest district office. The parties can have legal representation at the meeting, but it is not necessary. During the appointment, the child support specialist (CSS) will attempt to have the parties agree to the guideline support amount. If there is agreement, the CSS prepares an Administrative Support Order (ASO), and has the parties waive service (of the proposed ASO). The ASO becomes effective immediately. It does not have to be filed with the court.

* Interview with Pat Watson, DCSE Customer Services Manager, Division of Child Support Enforcement.

¹ Table 4, Statistical Program Status, OCSE FY 2006 Preliminary Data Report.

² State Box Score, OCSE FY 2006 Preliminary Data Report.

If the parties appear, but there is no agreement or the parties do not waive service, the agency will prepare a proposed Administrative Support Order, which it will serve on them. Usually the agency serves the noncustodial parent personally; the statute also allows service by certified mail, return receipt requested. DCSE sends a copy of the Notice containing the Administrative Support Order to the obligee by first class mail. The parties have 10 days from the date of service of the Notice to file an answer stating any defenses to liability. If DCSE receives an answer, an administrative support hearing is scheduled.

If the parties do not appear at the agency appointment in response to the administrative summons, the CSS will use income information from databases such as the Virginia Employment Commission in order to calculate a proposed ASO. The CSS will serve a Notice containing the proposed ASO on the parties. The Notice of Administrative Support Order must include the following:

- A statement of the support debt or obligation
- A demand of immediate payment of the debtor or obligation or, in the alternative, a demand that the debtor file an answer within 10 days of the date of service of the Notice stating his or defense to liability
- A statement that if no answer is made within 10 days of service, the ASO will be final, enforceable, and subject to collection action
- A statement of each party's right to appeal

If the agency does not receive an answer within 10 days from service of the Notice, the ASO shall be effective as stated in the Notice. There is no requirement of court ratification.³

If a party files an answer within 10 days of service, the party may exercise his or her right to an administrative hearing. Any request for a formal administrative hearing is before an independent hearings officer. In Virginia, the administrative hearing officer is part of the Office of Fair Hearings and Appeals, which is not within the child support agency but within DSS, the umbrella agency. The hearing officer schedules the hearing and generates a Notice of Hearing and Summary of Facts. These are sent to each parent within 10 calendar days of the date of the appeal request. At the hearing, parties may be represented by attorneys, but legal representation is not required. During the hearing, the CSS provides the hearing officer with the documents he or she relied upon in entering the proposed ASO. The parties may present new evidence. Most hearings are telephonic; some are in in-person. The hearing is conducted pursuant to Virginia's Administrative Procedures Act. All testimony is tape-recorded.

The hearing officer bases his or her decision on whether the CSS properly applied Virginia policy and procedures. The hearing officer may sustain the worker's action or

³ Virginia law does not provide for a party to request that an administrative default order be reopened or set aside based on a showing of good cause. In the case of an initial establishment order, the party's recourse is to appeal the ASO. In modification cases, parties have a 15-day challenge period before the proposed modified order is served upon them as a final order.

modify the action as appropriate. In a face to face hearing, the hearing office may ask the parties to sign a waiver of service and accept immediate service of the decision. If the hearing is conducted telephonically, the decision is sent by certified mail to both parties. The hearing officer must make a decision within 45 days from the date of the appeal request.

If the hearing officer upholds the agency's ASO, the party may appeal to the Juvenile and Domestic Relations District Court. Appeals must be made within 10 calendar days of the hearing officer's decision. The court hearing is a *de novo* review. A IV-D attorney appears on behalf of DCSE at court hearings. Parties may appeal the Juvenile Court's decision to the Circuit Court.

There are no reported decisions in which Virginia's administrative procedures have been constitutionally challenged.

III. Establishment of Parentage

When paternity is at issue, DCSE sends both parties an Administrative Summons. The summons requires the parties to appear at a scheduled agency conference. The notice accompanying the summons informs the parties of the need to establish parentage and a support obligation. The notice informs the alleged father of his rights and responsibilities. It spells out the options of acknowledging parentage, or of requesting genetic testing. It further informs the parents that if the alleged father signs a paternity acknowledgment, the acknowledgment constitutes a determination of parentage.

If both parties appear, they are provided the option of signing an acknowledgment of paternity. If they sign an acknowledgment, the case is treated as a support establishment case.

If the alleged father declines to sign an acknowledgment, DCSE asks if he will consent to submit to genetic testing. If he agrees to genetic testing, the agency has him sign an agreement and DCSE coordinates the tests. If the alleged father does not consent to genetic testing, the agency administratively issues a genetic testing order, which is served on the parties by personal service or certified mail. If the alleged father fails to appear for genetic testing, DCSE refers the case to court for a judicial order for genetic testing.

The agency notifies the parties of the genetic test results by first class mail. If test results are at least 98% probability of paternity, that constitutes a determination of parentage. The agency will then serve the parties with an Administrative Summons, along with a financial affidavit for the parties to complete and bring to a conference with the CSS. The purpose of the conference is to establish a support amount, since paternity is no longer at issue. From that point on, the process is similar to the process described above in the due process section.

If the test results exclude the man from parentage, the notice from DCSE informs the alleged father that the agency will no longer pursue paternity establishment against him and will close its case against him.

IV. Support Establishment

In a support establishment case, the administrative summons informs the parties that the agency intends to establish a financial obligation for the named child(ren). It requires the parties to bring a completed financial affidavit, and proof of income, to a scheduled appointment. The parties can have legal representation at the meeting, but it is not necessary. If the parties appear at the appointment with their financial information, the agency will use the information they provide. If the parties appear at the appointment without income information, the agency will access its databases to determine the parties' incomes. During the appointment, the child support specialist (CSS) will attempt to have the parties agree to the guideline support amount. The CSS does not have authority to deviate from the guideline amount. If there is agreement, the CSS prepares and signs an Administrative Support Order (ASO). If the parties waive service of the proposed ASO, they both sign waivers. The ASO becomes effective immediately. It does not have to be filed with the court.

As noted in the Due Process discussion, if the parties appear, but there is no agreement or the parties do not waive service, the agency will prepare a proposed Administrative Support Order and serve it on the parties. The parties have 10 days from the date of service of the Notice to file an answer stating any defenses to liability. If DCSE receives an answer, an administrative support hearing is scheduled.

If the parties do not appear at the agency appointment in response to the administrative summons, the CSS will use income information from databases such as the Virginia Employment Commission in order to calculate the proposed ASO. If there is no employment history, the CSS can impute income at minimum wage for that locale. Based on the imputed income, the CSS will issue a proposed ASO and serve a Notice containing the ASO on the parties. According to the agency representative, it is these cases – where the proposed ASO is based on imputed income or historical wage information – that result in the most challenges to the proposed ASO and requests for an administrative hearing. Contents of the Notice of Administrative Support Order are listed in the Due Process discussion.

If the agency does not receive an answer within 10 days from service of the Notice, the ASO shall be effective as stated in the Notice. If a party files an answer within 10 days of service, the party may exercise his or her right to an administrative hearing. See the Due Process discussion.

If the hearing officer upholds the agency's ASO, the party may appeal to the Juvenile and Domestic Relations District Court. See the Due Process discussion.

In certain circumstances, the agency petitions the Juvenile and Domestic Relations District Court to determine whether to establish an order. These include cases in which:

- The noncustodial parent resides in an adult home or facility that cares for resident with mental or physical disabilities
- The noncustodial parent exhibits long-term psychological, mental, or economic hardship that affects ability to earn income
- The noncustodial parent is less than 18 years of age
- The noncustodial parent is an incarcerated felon with identifiable assets.

DCSE may also take a case to court if the agency cannot establish an order administratively due to lack of service.

V. Review and Adjustment/Modification

Virginia law does not provide for Cost of Living Adjustments (COLAs) in administrative support orders.

If a noncustodial parent or obligee seeks a review prior to 36 months after the last review, the parent must provide DCSE with information indicating that there has been a material change in circumstances, i.e., a change that would result in at least a 10% change but not less than \$25 per month change in the support amount. A CSS will review the request to determine whether it meets the eligibility requirements set forth by statute. If the CSS determines that the case meets the criteria of a material change in circumstances, DCSE sends both parties a Notice of Proposed Review, along with a financial statement for them to complete and return. The Notice is served on the nonrequesting party by personal service through the sheriff or by certified mail, with proof of actual receipt by the addressee. If the parties return the financial statements, DCSE will use that information, along with other available income information, to calculate the guideline amount. If the parties do not return the financial statements, DCSE will access income information available through its data interfaces.

If the original support order was issued administratively, DCSE will send the parties a Notice of Proposed Modification of an Administrative Support Order. The notice is served on the nonrequesting party by the sheriff or by certified mail, return receipt requested. The parties have 15 days to challenge the proposed modification. If one of the parties challenges the proposed modification and produces additional income information, the agency may revise its proposed modification and serve a new Notice of Proposed Modification. Again, there is a challenge period. The parties have the right to request an administrative hearing. Any appeal is to the Juvenile and Domestic Relations District Court.

Where the original support order was issued administratively, the parties also always have the right to initiate a modification action in the Juvenile and Domestic Relations District Court or circuit court, rather than initiating a review administratively.

If the original support order was issued judicially, and one of the parties has requested a review, DCSE sends the parties a Notice of Proposed Review, along with a financial

statement for them to complete and return. The Notice is served personally by the sheriff or is served by certified mail, return receipt requested. If the parties return the financial statements, DCSE will use that information to calculate the guideline amount. If the parties do not return the financial statements, DCSE will access income information available through its data interfaces. If a material change in circumstances has occurred, DCSE will report its findings and prepare a Notice of Proposed Modification of a Court Order. The Notice is forwarded to the court that issued the order (or the court having current jurisdiction) for approval. If approved, the court serves the parties with the Notice. Service is by personal service or certified mail, restricted delivery. The Notice informs the parties that they have 30 days to object to the proposed modification by filing a request with the court for a hearing. If there is no timely request for a court hearing, the court enters the order without a hearing. If there is a request for a hearing, the court will schedule a hearing and notify the parties and DCSE. At the court hearing, parties can be represented by counsel. A IV-D attorney will appear on behalf of DCSE.

VI. Enforcement

The Virginia Division of Child Support Enforcement has a full range of administrative enforcement remedies, e.g., income withholding, drivers license suspension, credit bureau reporting, administrative orders to withhold and deliver.

The type of notice served on the noncustodial parent depends upon the enforcement action. For example, DCSE serves an Advance Notice of Lien before a lien is filed on property. The agency serves a Notice of Intent before initiating driver's license suspension.

Before attaching a bank account or seizing property, DCSE serves an Order to Withhold and Deliver on the account holder or other property holder, with a copy to the noncustodial parent. The order states the amount of the support debt and advises the obligor that the order to withhold and deliver has been issued in order to satisfy the support debt. It advises the obligor of property that may be exempted from the order. The order also advises the obligor of a right to appeal based upon a mistake of fact and that if no appeal is made within 10 days of his being served, his property is subject to seizure. Within 10 days of the date of service of the order to withhold, the obligor may file an appeal stating any exemptions that may be applicable. The appeal is directed to the Hearings Office, which schedules a hearing before an administrative hearing officer upon reasonable notice to the obligee. The obligor has a right to appeal the final decision by the administrative hearing officer.

VII. Statistics

Number of Administrative Hearing Officers

In Virginia there are currently approximately 500 child support specialists working cases, and approximately four administrative hearing officers dedicated to hearing child support cases.

Timeframes

In 2006, Virginia established 77.4% child support orders within six months of successful service and 92.2% within 12 months. In 7.8% of the cases, establishment of a support order took more than 12 months.

Contests to Administrative Notice

From January through May 2007, DCSE took approximately 22,577 administrative actions (e.g., establishment, liens, orders to withhold and deliver) that parties could have appealed by requesting an administrative hearing. For all administrative actions from January through May 2007, there were 1398 requests for an administrative hearing. Of these appeal requests, the administrative hearing officer overturned DCSE actions 41 times.

Fiscal Impact

There are no recent statistics comparing the fiscal impact of judicial and administrative processes for child support because Virginia has used administrative procedures for so long. In 1996 DCSE estimated that the average cost to process a case judicially was \$350; the average cost to process a case administratively was \$100. About two-thirds of DCSE's basic case actions were handled administratively in FY 1995. According to the interim IV-D director in 1996, if a conservative estimate of \$175 was used as a minimum savings per case, it could be concluded that use of administrative process saved Virginia at least \$12,000,000 in FY 1995.⁴

In 1996 DCSE estimated the average time required to get on a court docket for a hearing was 90 days and the average support award was \$200 per month. When an administrative process was used, an order could be established immediately, rather than waiting three months for a court hearing. Consequently, according to the interim IV-D director in 1996, an estimated additional \$3,000,000 of new child support payments was potentially available each year for children whose initial orders were established administratively. He pointed out that if all child support cases were required to go to court, the delays would, of course, be much longer than 90 days.⁵

VIII. Strengths/Limitations

The agency representative lists the following strengths of Virginia's administrative process:

- Increased collections
 - Expedited case processing
- Child support orders are established more quickly than in the judicial process, allowing children to receive support payments sooner than they would if court action was involved.

⁴ Information on fiscal impact prepared by Joseph S. Crane, in a workshop presentation he made as interim director of DCSE in 1996. The title of the workshop was "Administrative Process: How Will It Affect Your Job?"

⁵ *Id.*

- User friendliness.
Because the process is more informal, parents are not as intimidated as they were by the judicial process and voice concerns freely. They are able to resolve child support issues in a less adversarial way, reducing the antagonism in child support matters that can harm children. Any perception that an administrative order has “less teeth” than a judicial order quickly disappears when the order is speedily enforced by an administrative enforcement remedy such as seizure.
- Money savings.
Court staff is able to spend more time and resources on other criminal and civil cases.

The agency representative lists the following limitations of Virginia’s administrative process:

- Some remedies, such as contempt, require court action.
- Issues that require a “judgment call” – such as determination of income when the noncustodial parent is self-employed or has hidden assets – are still heard by the court. However, the agency noted that it is appropriate for the court to hear these cases because the administrative process works best with cases that are not the “exception type” cases.
- There is no penalty if someone fails to comply with its administrative summons.

IX. Recommendations/Best Practices

Work with the courts so that they are comfortable with the due process protections.

Have the administrative support order mirror a judicial order to the greatest extent possible.

Coordinate with the Supreme Court, the Office of Attorney General or equivalent legal office, and the child support agency to ensure there is ongoing dialogue about the process.

Educate the court, the private bar, and caseworkers about the administrative process.

**Selected Virginia Statutes
Virginia Code Annotated**

63.2 – 1913 Administrative establishment of paternity.

The Department may establish the parent and child relationship between a child and a man upon request, verified by oath or affirmation, filed by a child, a parent, a person claiming parentage, a person standing in loco parentis to the child or having legal custody of the child, or a representative of the Department or the Department of Juvenile Justice. The request may be filed at any time before the child attains the age of eighteen years.

Pursuant to subsection F of § [63.2-1903](#), the Department may summons a parent or putative parent to appear in the office of the Division of Child Support Enforcement to provide such information as may be necessary to the proceeding.

Paternity may be established by a written statement of the father and mother made under oath acknowledging paternity or scientifically reliable genetic tests, including blood tests, which affirm at least a ninety-eight percent probability of paternity. The Department may order genetic testing and shall pay the costs of such tests, subject to recoupment from the father, if paternity is established. Where an original test is contested and additional testing is requested, the Department may require advance payment by the contestant.

Before a voluntary acknowledgment of paternity is accepted by the Department as the basis for establishing paternity, the Department shall provide to both the mother and the putative father a written and oral description of the rights and responsibilities of acknowledging paternity and the consequences that arise from a signed acknowledgment, including the right to rescind the acknowledgment within the earlier of (i) sixty days from the date of signing or (ii) the date of entry of an order in an administrative or judicial proceeding relating to the child in which the signatory is a party.

A genetic test result affirming at least a ninety-eight percent probability of paternity shall have the same legal effect as a judgment entered pursuant to § [20-49.8](#). When sixty days have elapsed from its signing, a voluntary statement acknowledging paternity shall have the same legal effect as a judgment entered pursuant to § [20-49.8](#) and shall be binding and conclusive unless, in a subsequent judicial proceeding, the person challenging the statement establishes that the statement resulted from fraud, duress or a material mistake of fact. In any subsequent proceeding in which a statement acknowledging paternity is subject to challenge, the legal responsibilities of any person signing it shall not be suspended during the pendency of the proceeding, except for good cause shown.

The order of the Department in proceedings pursuant to this section shall be served upon the putative father in accordance with the provisions of Chapter 8 (§ [8.01-285](#) et seq.) or Chapter 9 (§ [8.01-328](#) et seq.) of Title 8.01. The Department shall file a copy of its order determining paternity, including the information required by subsection C of § [20-49.8](#), with the State Registrar of Vital Records within thirty days after the acknowledgment

becomes binding and conclusive or the order otherwise becomes final. No judicial or administrative proceeding shall be required to ratify an unchallenged acknowledgment of paternity nor shall the Department or the courts have any jurisdiction over proceedings to ratify an unchallenged acknowledgment.

(1997, cc. 792, 896, § 63.1-250.1:2; 2002, c. 747.)

63.2-1903 Authority to issue certain orders; civil penalty.

A. In the absence of a court order, the Department shall have the authority to issue orders directing the payment of child, and child and spousal support and, if available at reasonable cost as defined in § [63.2-1900](#), to require a provision for health care coverage for dependent children of the obligor, which shall include the requirements specified for employers pursuant to subdivision A 5 of § [20-79.3](#). If health care coverage is unavailable at a reasonable cost through employment, the Department shall refer the dependent children to the Family Access to Medical Insurance Security plan pursuant to § [32.1-351](#). Liability for child support shall be determined retroactively for the period measured from the date the order directing payment is delivered to the sheriff or process server for service upon the obligor.

In ordering the payment of child support, the Department shall set such support at the amount resulting from computation pursuant to the guideline set out in § [20-108.2](#), subject to the provisions of § [63.2-1918](#).

B. When a payee, as defined in § [63.2-1900](#), no longer has physical custody of a child, the Department shall have the authority to redirect child support payments to a custodial parent who has physical custody of the child when an assignment of rights has been made to the Department or an application for services has been made by such custodial parent with the Division of Child Support Enforcement.

C. The Department shall have the authority, upon notice from the Department of Medical Assistance Services, to use any existing enforcement mechanisms provided by this chapter to collect the wages, salary, or other employment income or to withhold amounts from state tax refunds of any obligor who has not used payments received from a third party to reimburse, as appropriate, either the other parent of such child or the provider of such services, to the extent necessary to reimburse the Department of Medical Assistance Services.

D. The Department may order the obligor and payee to notify each other or the Department upon request of current gross income as defined in § [20-108.2](#) and any other pertinent information which may affect child support amounts. For good cause shown, the Department may order that such information be provided to the Department and made available to the parties for inspection in lieu of the parties' providing such information directly to each other. The Department shall record the social security number of each party or control number issued to a party by the Department of Motor Vehicles pursuant to § [46.2-342](#) in the Department's file of the case.

E. The Department shall develop procedures governing the method and timing of periodic review and adjustment of child support orders established or enforced or both pursuant to Title IV-D of the Social Security Act, as amended. At the request of either parent subject to the order or of a state child support enforcement agency, the Department shall initiate a review of such order every three years without requiring proof or showing of a change in circumstances, and shall initiate appropriate action to adjust such order in accordance with the provisions of § [20-108.2](#) and subject to the provisions of § [63.2-1918](#).

F. In order to provide essential information for whatever establishment or enforcement actions are necessary for the collection of child support, the Commissioner, the Director of the Division of Child Support Enforcement and district managers of Division of Child Support Enforcement offices shall have the right to (i) subpoena financial records of, or other information relating to, the noncustodial parent and obligee from any person, firm, corporation, association, or political subdivision or department of the Commonwealth and (ii) summons the noncustodial parent and obligee to appear in the Division's offices. The Commissioner, Director and district managers may also subpoena copies of state and federal income tax returns. The district managers shall be trained in the correct use of the subpoena process prior to exercising subpoena authority. A civil penalty not to exceed \$1,000 may be assessed by the Commissioner for a failure to respond to a subpoena issued pursuant to this subsection.

G. In the absence of a court order, the Department may establish an administrative support order on an out-of-state obligor if the obligor and the obligee maintained a matrimonial domicile within the Commonwealth. The Department may also take action to enforce an administrative or court order on an out-of-state obligor. Service of such actions shall be in accordance with the provisions of §§ [8.01-296](#), [8.01-327](#) or § [8.01-329](#), or by certified mail, return receipt requested, in accordance with § [63.2-1917](#).

H. If a support order has been issued in another state but the obligor, the obligee, and the child now live in the Commonwealth, the Department may (i) enforce the order without registration, using all enforcement remedies available under this chapter and (ii) register the order in the appropriate tribunal of the Commonwealth for enforcement or modification.

(1985, c. 488, § 63.1-250.1; 1986, c. 594; 1988, cc. 906, 907; 1989, c. 599; 1990, c. 836; 1991, cc. 651, 694; 1992, c. 716; 1994, cc. 729, 767; 1995, c. 595; 1996, cc. 491, 882, 925, 948; 1997, cc. 440, 467, 794, 796, 895, 898; 2002, cc. 747, 844.)

63.2- 1915 Administrative support order.

All administrative orders issued by the Department shall have the same force and effect as a court order. However, any order issued by a court of this Commonwealth supersedes an administrative order.

(1988, c. 906, § 63.1-258.3; 2002, c. 747.)

63.2-1916 Notice of administrative support order; contents; hearing; modification.

The Commissioner may proceed against a noncustodial parent whose support debt has accrued or is accruing based upon subrogation to, assignment of, or authorization to enforce a support obligation. Such obligation may be created by a court order for support of a child or child and spouse or decree of divorce ordering support of a child or child and spouse. In the absence of such a court order or decree of divorce, the Commissioner may, pursuant to this chapter, proceed against a person whose support debt has accrued or is accruing based upon payment of public assistance or who has a responsibility for the support of any dependent child or children and their custodial parent. The administrative support order shall also provide that support shall continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent seeking or receiving child support, until such child reaches the age of 19 or graduates from high school, whichever comes first. The Commissioner shall initiate proceedings by issuing notice containing the administrative support order which shall become effective unless timely contested. The notice shall be served upon the debtor (a) in accordance with the provisions of §§ [8.01-296](#), [8.01-327](#) or § [8.01-329](#) or (b) by certified mail, return receipt requested, or the debtor may accept service by signing a formal waiver. A copy of the notice shall be sent to the obligee by first-class mail. The notice shall include the following:

1. A statement of the support debt or obligation accrued or accruing and the basis and authority under which the assessment of the debt or obligation was made. The initial administrative support order shall be effective on the date of service and the first monthly payment shall be due on the first of the month following the date of service and the first of each month thereafter. A modified administrative support order shall be effective the date that notice of the review is served on the nonrequesting party, and the first monthly payment shall be due on the first day of the month following the date of such service and on the first day of each month thereafter. In addition, an amount shall be assessed for the partial month between the effective date of the order and the date that the first monthly payment is due. The assessment for the initial partial month shall be prorated from the effective date through the end of that month, based on the current monthly obligation;
2. A statement of the name of the child or children and custodial parent for whom support is being sought;
3. A statement that support shall continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent seeking or receiving child support, until such child reaches the age of 19 or graduates from high school, whichever comes first;
4. A demand for immediate payment of the support debt or obligation or, in the alternative, a demand that the debtor file an answer with the Commissioner within 10 days of the date of service of the notice stating his defenses to liability;

5. A statement of each party's name, residential and, if different, mailing address, telephone number, driver's license number, and the name, address and telephone number of his employer; however, when a protective order has been issued or the Department otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the notice;
6. A statement that if no answer is made on or before 10 days from the date of service of the notice, the administrative support order shall be final and enforceable, and the support debt shall be assessed and determined subject to computation, and is subject to collection action;
7. A statement that the property of the debtor will be subject to lien and foreclosure, distraint, seizure and sale or an order to withhold and deliver or withholding of earnings;
8. A statement that the obligor shall keep the Department informed regarding access to health insurance coverage and health insurance policy information and a statement that health care coverage shall be required for the debtor's dependent children if available at reasonable cost as defined in § [63.2-1900](#), or pursuant to subsection A of § [63.2-1903](#);
9. A statement of each party's right to appeal and the procedures applicable to appeals from the decision of the Commissioner;
10. A statement that the obligor's income shall be immediately withheld to comply with this order unless the obligee, or the Department, if the obligee is receiving public assistance, and obligor agree to an alternative arrangement;
11. A statement that any determination of a support obligation under this section creates a judgment by operation of law and as such is entitled to full faith and credit in any other state or jurisdiction;
12. A statement that each party shall give the Department written notice of any change in his address or phone number within 30 days;
13. A statement that each party shall keep the Department informed of the name, telephone number and address of his current employer; and
14. A statement that if any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid.

If no answer is received by the Commissioner within 10 days of the date of service or acceptance, the administrative support order shall be effective as provided in the notice. The Commissioner may initiate collection procedures pursuant to this chapter, Chapter 11 (§ [16.1-226](#) et seq.) of Title 16.1 or Title 20. The debtor and the obligee have 10 days

from the date of receipt of the notice to file an answer with the Commissioner to exercise the right to an administrative hearing.

Any changes in the amount of the administrative order must be made pursuant to this section. In no event shall an administrative hearing alter or amend the amount or terms of any court order for support or decree of divorce ordering support. No support order may be retroactively modified, but may be modified with respect to any period during which there is a pending petition for modification in any court, but only from the date that notice of the review has been served on the nonrequesting party. Notice of the review shall be served for each review (1) in accordance with the provisions of §§ [8.01-296](#), [8.01-327](#) or § [8.01-329](#), or (2) by certified mail, with proof of actual receipt by the addressee, or (3) by the nonrequesting party executing a waiver. The existence of an administrative order shall not preclude either an obligor or obligee from commencing appropriate proceedings in a juvenile and domestic relations district court or a circuit court.

(1985, c. 488, § 63.1-252.1; 1986, c. 594; 1987, cc. 640, 649; 1988, c. 906; 1991, cc. 651, 694; 1993, c. 534; 1994, c. 764; 1995, cc. 593, 600; 1996, cc. 879, 884, 889; 1997, cc. 796, 895; 1998, cc. 107, 885; 2002, cc. 747, 844; 2004, c. 204; 2006, cc. 720, 869.)

63.2- 1918 Administrative establishment of obligations.

The Department shall set child support at the amount resulting from computations pursuant to the guideline set out in § [20-108.2](#) in determining the required monthly support obligation, the amount of support obligation arrearage, if any, and the amount to be paid periodically against such arrearage. There shall be a rebuttable presumption that the amount of the award which would result from the application of the guidelines is the correct amount of child support to be awarded. In order to rebut the presumption the Department shall make written findings in its order that the application of the guidelines would be unjust or inappropriate in a particular case as determined by relevant evidence pertaining to support for other children in the household or other children for whom any administrative or court order exists, or relevant evidence pertaining to imputed income to a person who is voluntarily unemployed or who fails to provide verification of income upon request of the Department; provided that income may not be imputed to the custodial parent because (i) a child is not regularly attending school, (ii) child care services are not available, or (iii) the cost of such child care services are not added to the basic child support obligation. Additional factors that may lead to rebuttal of the presumption shall be determined by Department regulation.

(1988, c. 907, § 63.1-264.2; 1989, c. 599; 1992, c. 79; 1996, cc. 947, 1029; 2002, c. 747.)

63.2-1919 Requirement to provide financial statements.

Any noncustodial parent in the Commonwealth whose absence or failure to provide support and maintenance is the basis upon which an application is filed for child support services or public assistance and any custodial parent who applies for public assistance or

child support services shall be required to complete a statement of his or her current monthly income, his or her total income over the past twelve months, amounts due from or to such person or parent under any court or administrative orders for support of a child or child and spouse, the number of dependents for whom he or she is providing support, the amount he or she is contributing regularly toward the support of all children or custodial parents for whom application is made, and such other information as is pertinent to determining his or her ability to support his or her children or custodial parent. Such noncustodial parent shall certify under penalty of perjury the correctness of the statement. Such statement shall be provided upon demand made by the Department or any attorney representing the Department. Additional statements shall be filed annually thereafter with the Department as long as a debt to the Department exists or as long as there is an authorization for the Department to collect or enforce a support obligation. Failure to comply with this section shall constitute a Class 4 misdemeanor.

(1988, c. 906, § 63.1-274.5; 1991, cc. 545, 588; 2002, c. 747.)

63.2- 1921 Authority to initiate reviews of certain orders.

A. The Department may, pursuant to this chapter and in accordance with § [20-108.2](#), initiate a review of the amount of support ordered by any court. If a material change in circumstances has occurred, the Department shall report its findings and a proposed modified order to the court which entered the order or the court having current jurisdiction. Notice of the review shall be served for each review on both parties (i) in accordance with the provisions of §§ [8.01-296](#), [8.01-327](#) or § [8.01-329](#), or (ii) by certified mail, with proof of actual receipt by the addressee, or (iii) by the nonrequesting party executing a waiver. Either party may request a hearing on the proposed modified order by filing a request with such court within thirty days of receipt of notice by the requesting party. Unless a hearing is requested within the time limits, no hearing shall be required and the court shall enter the modified order, which shall be effective from the date that notice of such review was served on the nonrequesting party. The court shall modify any prior court order, or schedule a hearing on its motion and so notify the parties and the Department. If a hearing is held, the Department shall have the burden of proof.

B. However, if the order being reviewed by the Department deviated from the guidelines, when entered, based on one or more of the deviating factors set out in § [20-108.1](#) and the Department determines that there has been a material change in circumstances, the procedure set forth in subsection A shall not apply and the Department shall schedule a hearing with the court which entered the order or the court having current jurisdiction.

C. A material change in circumstances shall be deemed to have occurred if the difference between the existing child support award and the amount which would result from application of the guidelines is at least ten percent of the existing child support award but not less than twenty-five dollars per month.

(1994, c. 795, § 63.1-252.2; 1996, c. 889; 1998, c. 885; 2002, c. 747.)

63.2-1925 Certain amount of income that may be withheld by lien or order.

Whenever a support lien, order to withhold and deliver property or order for withholding of income is served upon any person, firm, corporation, association, political subdivision or department of this Commonwealth asserting a support debt against income and there is any such income in the possession of such person, then that person shall withhold from the disposable income as defined in § [63.2-100](#) (i) the amount stated in the lien, the order to withhold and deliver property, or the order for withholding of income; or (ii) the maximum amount permitted under § [34-29](#), whichever is less. The order shall show the maximum percentage of disposable income which may be withheld pursuant to § [34-29](#). The lien or order to withhold and deliver shall continue to operate and require such person, firm, corporation, association, political subdivision, or department of this Commonwealth to withhold the nonexempt portion of income at each succeeding income disbursement interval until the entire amount of the support debt stated in the lien has been withheld. The order for withholding of income continues until further notice by first-class or certified mail, return receipt requested, from the Department is received by the employer.

(1974, c. 413, § 63.1-257; 1976, c. 357; 1978, c. 564; 1982, c. 402; 1985, c. 488; 1998, c. 727; 2002, c. 747; 2003, c. 469.)

63.2- 1927 Assertion of lien; effect.

Ten days after service of the notice containing the proposed administrative support order as provided in § [63.2-1916](#), or immediately upon receipt by the Department of a court order or foreign support order, a lien may be asserted by the Commissioner upon the real or personal property of the debtor. The claim of the Department for a support debt, not paid when due, shall be a lien when docketed against all property of the debtor in the county or city where docketed with priority of a secured creditor. The Department's lien shall take priority over all other debts and creditors under state law of such debtor including the proceeds or anticipated proceeds of a personal injury or wrongful death award or settlement except that the Department's lien shall be inferior to those liens created under § [8.01-66.2](#) or § [8.01-66.9](#), any statutory right of subrogation accruing to a health insurance provider, and the lien of the attorney representing the injured person in the personal injury or wrongful death action. However, the lien of the Department shall be subordinate to the lien of any prior mortgagee. The Department shall have the sole authority to negotiate settlement of its liens. Settlement of the Department's support liens does not affect the remaining support arrearages. This lien shall be separate and apart from, and in addition to, any other lien created by, or provided for, in this title. Such order, when an abstract thereof is docketed with the circuit court, shall have the same effect as a docketed abstract of judgment from another Virginia court.

Whenever a support lien has been filed and there is in the possession of any person, firm, corporation, association, political subdivision or department of the Commonwealth having notice of such lien, any property which may be subject to the support lien, such property shall not be paid over, released, sold, transferred, encumbered or conveyed,

except as provided for by the exemptions contained in § [63.2-1933](#), unless a written release or waiver signed by the Commissioner has been delivered to such person, firm, corporation, association, political subdivision or department of the Commonwealth or unless a determination has been made in a hearing pursuant to § [63.2-1916](#) or by a court ordering release of such support lien on the basis that no debt exists or that the debt has been satisfied.

(1974, c. 413, § 63.1-254; 1976, c. 357; 1988, c. 906; 2002, c. 747; 2003, cc. 929, 942.)

63.2- 1929 Orders to withhold and to deliver property of debtor; issuance and service; contents; right to appeal; answer; effect; delivery of property; bond to release; fee; exemptions.

A. After notice containing an administrative support order has been served or service has been waived or accepted, an opportunity for a hearing has been exhausted and a copy of the order furnished as provided for in § [63.2-1916](#), or whenever a court order for child or child and spousal support has been entered, the Commissioner is authorized to issue to any person, firm, corporation, association, political subdivision or department of the Commonwealth, orders to withhold and to deliver property of any kind including, but not restricted to, income of the debtor, when the Commissioner has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision or department of the Commonwealth, property that is due, owing, or belonging to such debtor. The orders to withhold and to deliver shall take priority over all other debts and creditors under state law of such debtor including the proceeds or anticipated proceeds of a personal injury or wrongful death award or settlement except that the Department's lien shall be inferior to those liens created under § [8.01-66.2](#) or § [8.01-66.9](#), any statutory right of subrogation accruing to a health insurance provider, and the lien of the attorney representing the injured person in the personal injury or wrongful death action. However, orders to withhold and to deliver shall not take priority with respect to a prior payroll deduction or income withholding order pursuant to §§ [20-79.1](#), [20-79.2](#), [63.2-1923](#) or § [63.2-1924](#). The Department shall have the sole authority to negotiate settlement of its liens. Settlement of the Department's support liens does not affect the remaining support arrearages.

B. The order to withhold shall also be served upon the debtor within a reasonable time thereafter, and shall state the amount of the support debt accrued. The order shall state in summary the terms of §§ [63.2-1925](#) and [63.2-1930](#) and shall be served in the manner prescribed for the service of a warrant in a civil action or by certified mail, return receipt requested. The order to withhold shall advise the debtor that this order has been issued to cause the property of the debtor to be taken to satisfy the debt and advise of property that may be exempted from this order. The order shall also advise the debtor of a right to appeal such order based upon a mistake of fact and that if no appeal is made within ten days of being served, his property is subject to be taken.

C. If the debtor believes such property is exempt from this debt, within 10 days of the date of service of the order to withhold, the debtor may file an appeal to the

Commissioner stating any exemptions that may be applicable. If the Commissioner receives a timely appeal, a hearing shall be promptly scheduled before a hearing officer upon reasonable notice to the obligee. The Commissioner may delegate authority to conduct the hearing to a duly qualified hearing officer who shall consider the debtor's appeal. Action by the Commissioner under the provisions of this chapter to collect such support debt shall be valid and enforceable during the pendency of any appeal.

The decision of the hearing officer shall be in writing and shall set forth the debtor's rights to appeal an adverse decision of the hearing officer pursuant to § [63.2-1943](#). The decision shall be served upon the debtor in accordance with the provisions of §§ [8.01-296](#), [8.01-327](#) or § [8.01-329](#) or mailed to the debtor at his last known address by certified mail, return receipt requested, or service may be waived. A copy of such decision shall also be mailed to the obligee. Such decision shall establish whether the debtor's property is exempt under state or federal laws and regulations.

D. Any person, firm, corporation, association, political subdivision or department of the Commonwealth upon whom service has been made is hereby required to answer such order to withhold within 10 days, exclusive of the day of service, under oath and in writing, and shall file true answers to the matters inquired of therein. In the event there is in the possession of any such person, firm, corporation, association, political subdivision or department of the Commonwealth, any property that may be subject to the claim of the Department, such property shall be withheld immediately upon receipt of the order to withhold, together with any additional property received by such person, firm, corporation, association, political subdivision, or department of the Commonwealth valued up to the amount of the order until receipt of an order to deliver or release. The property shall be delivered to the Commissioner upon receipt of an order to deliver; however, distribution of the property shall not be made during pendency of all appeals. Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, or association, political subdivision or department of the Commonwealth subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the Treasurer of Virginia. The person, firm, corporation, political subdivision or department of the Commonwealth herein specified shall be entitled to receive from such debtor a fee of \$5 for each answer or remittance on account of such debtor. The foregoing is subject to the exemptions contained in §§ [63.2-1925](#) and [63.2-1933](#).

E. Delivery to the Commissioner shall serve as full acquittance and the Commonwealth warrants and represents that it shall defend and hold harmless for such actions persons delivering money or property to the Commissioner pursuant to this chapter.

F. An order issued to an employer for withholding from the earnings of an employee pursuant to this section shall conform to § [20-79.3](#). The rights and obligations of an employer with respect to the order are set out in § [20-79.3](#).

(1974, c. 413, § 63.1-256; 1975, cc. 54, 311; 1976, c. 357; 1977, c. 662; 1980, c. 243; 1983, c. 481; 1984, c. 652; 1985, c. 488; 1987, c. 640; 1988, c. 906; 1990, cc. 896, 950; 1992, c. 716; 1998, c. 727; 2002, c. 747; 2003, cc. 929, 942.)

63.2- 1937 Applications for occupational or other license to include social security number; suspension upon delinquency; procedure.

Every initial application for or application for renewal of a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth pursuant to Titles 22.1, 38.2, 46.2 or 54.1 or any other provision of law shall require that the applicant provide his social security number or a control number issued by the Department of Motor Vehicles pursuant to § [46.2-342](#).

Upon thirty days' notice to an obligor who (i) has failed to comply with a subpoena, summons or warrant relating to paternity or child support proceedings or (ii) is alleged to be delinquent in the payment of child support by a period of ninety days or more or for \$5,000 or more, an obligee or the Department on behalf of an obligee, may petition either the court that entered or the court that is enforcing the order for child support for an order suspending any license, certificate, registration or other authorization to engage in a business, trade, profession or occupation, or recreational activity issued to the obligor by the Commonwealth pursuant to Titles 22.1, 29.1, 38.2, 46.2 or 54.1 or any other provision of law. The notice shall be sent by certified mail, with proof of actual receipt. The notice shall specify that (a) the obligor has thirty days from the date of receipt to comply with the subpoena, summons or warrant or pay the delinquency or to reach an agreement with the obligee or the Department to pay the delinquency and (b) if compliance is not forthcoming or payment is not made or an agreement cannot be reached within that time, a petition will be filed seeking suspension of any license, certificate, registration or other authorization to engage in a business, trade, profession or occupation, or recreational license issued by the Commonwealth to the obligor.

The court shall not suspend a license, certificate, registration or authorization upon finding that an alternate remedy is available to the obligee or the Department that is likely to result in collection of the delinquency. Further, the court may refuse to order the suspension upon finding that (1) suspension would result in irreparable harm to the obligor or employees of the obligor or would not result in collection of the delinquency or (2) the obligor has made a demonstrated, good faith effort to reach an agreement with the obligee or the Department.

If the court finds that the obligor is delinquent in the payment of child support by ninety days or more or in an amount of \$5,000 or more and holds a license, certificate, registration or other authority to engage in a business, trade, profession or occupation or recreational activity issued by the Commonwealth, it shall order suspension. The order shall require the obligor to surrender any license, certificate, registration or other such authorization to the issuing entity within ninety days of the date on which the order is entered. If at any time after entry of the order the obligor (A) pays the delinquency or (B) reaches an agreement with the obligee or the Department to satisfy the delinquency

within a period not to exceed ten years and makes at least one payment, representing at least five percent of the total delinquency or \$500, whichever is greater, pursuant to the agreement, or (C) complies with the subpoena, summons or warrant or reaches an agreement with the Department with respect to the subpoena, summons or warrant, upon proof of payment or certification of the compliance or agreement, the court shall order reinstatement. Payment shall be proved by certified copy of the payment record issued by the Department or notarized statement of payment signed by the obligee. No fee shall be charged to a person who obtains reinstatement of a license, certificate, registration or authorization pursuant to this section.

(1994, c. 764, § 63.1-263.1; 1997, cc. 794, 857, 898; 2002, c. 747.)

63.2- 1941

In addition to its other enforcement remedies, the Division of Child Support Enforcement is authorized to:

1. Attach unemployment benefits through the Virginia Employment Commission pursuant to § [60.2-608](#) and workers' compensation benefits through the Workers' Compensation Commission pursuant to § [65.2-531](#); and
2. Suspend an individual's driver's license pursuant to § [46.2-320](#)

63.2- 1942 Administrative hearing on notice of debt; withholdings; orders to withhold and deliver property to debtor; set-off debt collection.

The Commissioner may delegate authority to conduct any administrative hearing pursuant to this chapter to a duly qualified hearing officer. The hearing shall be held upon reasonable notice to the obligee and the debtor. In no event shall such hearing officer be legally competent to render a decision as to the validity of a court order or a defense of nonpaternity. A decision of the hearing officer shall be in writing and shall set forth the debtor's and payee's rights to appeal the decision of the hearing officer to the appropriate circuit or juvenile and domestic relations district court. The decision shall be served upon the debtor in accordance with the provisions of §§ [8.01-296](#), [8.01-327](#) or § [8.01-329](#) or mailed to the debtor at his last known address by certified mail, return receipt requested, or the debtor may waive service of the decision at the time of the decision. A copy of such decision shall also be mailed to the obligee. Such decision shall establish the liability of the debtor, if any, and the validity of the administrative action taken.

Action by the Commissioner under the provisions of this chapter to collect such support debt shall be valid and enforceable during the pendency of any appeal. The Commissioner may file and serve liens pursuant to §§ [63.2-1927](#) and [63.2-1928](#) during the pendency of the hearing or thereafter, whether or not appealed. Further action under § [63.2-1929](#) may be taken prior to any hearing or appeal. If the decision is in favor of the debtor, all money collected during the pendency of the appeal shall be returned to the debtor in accordance with procedures adopted by the Board.

(1985, c. 488, § 63.1-267.1; 1986, c. 476; 1987, c. 640; 1988, c. 906; 1990, c. 896; 2002, c. 747.)

63.2- 1943 Appeal from decision of hearing officer.

An appeal may be taken by filing a written notice of appeal with the clerk of the court having proper jurisdiction to review the decision of the hearing officer. The clerk shall send reasonable notice of such appeal, which shall include the date and time of the hearing, to the appellee or to the Department when, at the request of another state's child support agency, it is acting on behalf of a nonresident obligee. A nonresident obligee for whom the Department is acting is not required to appear at the hearing. Evidence relative to the support obligation may be taken from a nonresident obligee by deposition and presented by the Department at the hearing. Such appeal shall be taken within ten days of receipt of the hearing officer's decision.

From the decision of the hearing officer provided for in clause (iii) of subsection B of § [63.2-1924](#), and §§ [63.2-1916](#), [63.2-1929](#), and [63.2-1942](#) there shall be an appeal de novo to the juvenile and domestic relations district court of the jurisdiction wherein the appellant resides. If the appellant is a nonresident, venue on appeal shall be where the appellee resides. If both the appellant and the appellee are nonresidents, venue shall be where the property of the obligor is located or where the place of business of the obligor's employer is located; if more than one venue is available, then the appellant shall elect the place of venue.

An appeal shall be to the circuit court with respect to determinations under the Set-off Debt Collection Act pursuant to Article 21 (§ [58.1-520](#) et seq.) of Chapter 3 of Title 58.1 concerning state income tax overpayments and with respect to federal income tax set-off actions.

(1984, c. 652, § 63.1-268.1; 1987, c. 640; 1988, c. 906; 1990, c. 896; 1991, c. 183; 2002, c. 747.)

46.2-320 Other grounds for refusal or suspension.

A. The Department [of Motor Vehicles] may refuse to grant an application for a driver's license in any of the circumstances set forth in § [46.2-608](#) as circumstances justifying the refusal of an application for the registration of a motor vehicle. The Department may refuse to issue or reissue a driver's license for the willful failure or refusal to pay any taxes or fees required to be collected or authorized to be collected by the Department.

B. 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 ninety 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. A suspension or refusal to renew

authorized pursuant to this section shall not be effective until thirty days after service on the delinquent obligor of notice of intent to suspend or refuse to renew. The notice of intent shall be served on the obligor by the Department of Social Services (i) by certified mail, return receipt requested, sent to the obligor's last known addresses as shown in the records of the Department or the Department of Social Services or (ii) pursuant to § [8.01-296](#), or (iii) service may be waived by the obligor in accordance with procedures established by the Department of Social Services. The obligor shall be entitled to a judicial hearing if a request for a hearing is made, in writing, to the Department of Social Services within ten days from service of the notice of intent. Upon receipt of the request for a hearing, the Department of Social Services shall petition the court that entered or is enforcing the order, requesting a hearing on the proposed suspension or refusal to renew. The court shall authorize the suspension or refusal to renew only if it finds that the obligor's noncompliance with the child support order was willful. Upon a showing by the Department of Social Services that the obligor is delinquent in the payment of child support by ninety days or more or in an amount of \$5,000 or more, the burden of proving that the delinquency was not willful shall rest upon the obligor. The Department shall not suspend or refuse to renew the driver's license until a final determination is made by the court.

C. At any time after service of a notice of intent, the person may petition the juvenile and domestic relations district court in the jurisdiction where he resides for the issuance of a restricted license to be used if the suspension or refusal to renew becomes effective. Upon such petition and a finding of good cause, the court may provide that such person be issued a restricted permit to operate a motor vehicle for any of the purposes set forth in subsection E of § [18.2-271.1](#). A restricted license issued pursuant to this subsection shall not permit any person to operate a commercial motor vehicle as defined in § [46.2-341.4](#). The court shall order the surrender of the person's license to operate a motor vehicle, to be disposed of in accordance with the provisions of § [46.2-398](#), and shall forward to the Commissioner a copy of its order entered pursuant to this subsection. The order shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify him.

D. The Department shall not renew a driver's license or terminate a license suspension imposed pursuant to this section until it has received from the Department of Social Services a certification that the person has (i) paid the delinquency in full, (ii) reached an agreement with the Department of Social Services to satisfy the delinquency within a period not to exceed ten years and at least one payment, representing at least five percent of the total delinquency or \$500, whichever is greater, has been made pursuant to the agreement, or (iii) complied with a subpoena, summons or warrant relating to a paternity or child support proceeding. Certification by the Department of Social Services shall be made by electronic or telephonic communication and shall be made on the same work day that payment required by clause (i) or (ii) is made.

(Code 1950, § 46-359; 1958, c. 541, § 46.1-366; 1982, c. 147; 1984, c. 780; 1989, c. 727; 1995, c. 595; 1996, cc. 785, 1013; 1997, cc. 473, 794, 857, 898; 1999, c. 615; 2001, cc. 645, 779.)