

AN ACT

**D.C. ACT 21-335**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**MARCH 16, 2016**

To amend section 16-916.01 of the District of Columbia Official Code to revise and update the child support guideline to expand the definition of perquisites or in-kind compensation to include military housing and food allowances, to allow a judicial officer to enter a minimum order when the paying parent is uncooperative or no reliable income information exists, to update the self-support reserve, to increase the presumptive minimum award amount to \$75 per month, to expand the factors a judicial officer may consider to determine whether the presumption of a \$75 minimum order has been rebutted, to establish a procedure for rebutting the presumptive minimum award, to allow the judicial officer to consider the subsistence needs of the parent owed support in applying the presumptive minimum award and the low income adjustment, to establish a modified self-support reserve, and to provide for the starting date for orders and agreements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Child Support Guideline Revision Amendment Act of 2016”.

Sec. 2. Section 16-916.01 of the District of Columbia Official Code is amended as follows:

(a) Subsection (d)(1)(R) is amended by striking the phrase “or reimbursed meals;” and inserting the phrase “, reimbursed meals, or military housing and food allowances, including the Basic Allowance for Housing and the Basic Allowance for Subsistence;” in its place.

(b) Subsection (f)(1)(D) is amended as follows:

(1) Strike the phrase “paragraph (2) of this subsection” and insert the phrase “subparagraph (B) of this paragraph” in its place.

(2) Strike the phrase “paragraph (3) of this subsection” and insert the phrase “subparagraph (C) of this paragraph” in its place.

(3) Strike the phrase “(i) through (l)” and insert the phrase “(i) through (l)” in its place.

(c) A new subsection (f-1) is added to read as follows:

“(f-1)(1) If the judicial officer does not have sufficient evidence to determine the adjusted gross income of a parent with a legal duty to pay support in accordance with subsection

(e) of this section, the judicial officer may enter a minimum order of \$75 per month; provided, that the parent has:

“(A) Been served with notice of the hearing but has failed to appear; or

“(B) Failed to provide information about his or her gross income.

“(2) If the judicial officer enters an order under this subsection, the judicial officer shall issue written factual findings stating the reasons for entering the order in the amount specified.”.

(d) Subsection (g) is amended as follows:

(1) Paragraph (1) is amended by adding a new subparagraph (D) to read as follows:

“(D) As of April 1, 2015, the self-support reserve shall be \$15,654.”.

(2) Paragraph (2) is amended by striking the phrase “shall order the parent to pay only the amount that the judicial officer determines the parent is able to pay” and inserting the phrase “shall determine the amount that the parent is able to pay” in its place.

(3) Paragraph (3) is amended as follows:

(A) The existing text is designated as subparagraph (A).

(B) The newly designated subparagraph (A) is amended as follows:

(i) Strike the phrase “\$ 50 per month” wherever it appears and insert the phrase “\$ 75 per month” in its place.

(ii) Strike the phrase “or other appropriate circumstances.” and insert the phrase “housing expenses, provision or receipt of in-kind resources or services, benefits received from means-tested public assistance programs, other public benefits, subsidies, tax credits, or other appropriate circumstances.” in its place.

(iii) Strike the last sentence in the subparagraph.

(C) New subparagraphs (B) and (C) are added to read as follows:

“(B) In any contested matter, the judicial officer shall ask the parent with a legal duty to pay support and the parent to whom support is owed, if present, if either has evidence that would rebut the presumption under subparagraph (A) of this paragraph. If either parent answers in the affirmative, that parent shall have an opportunity to present such evidence before an order is issued.

“(C) The judicial officer shall issue written factual findings stating the reasons for the entry of an order below or above the \$75 per month presumptive amount.”.

(e) New subsections (g-1) and (g-2) are added to read as follows:

“(g-1)(1) Upon request or on the judicial officer’s own motion, the judicial officer shall determine whether the parent to whom support is owed can meet his or her personal subsistence needs, considering the resources and circumstances of that parent, including age, employability, disability, homelessness, incarceration, inpatient substance abuse treatment, other inpatient treatment, housing expenses, provision or receipt of in-kind resources or services, benefits received from means-tested public assistance programs, other public benefits, subsidies, tax credits, or other appropriate circumstances.

“(2) If the judicial officer determines that the parent to whom support is owed can meet his or her subsistence needs, the judicial officer shall order the parent with a legal duty to pay support to pay what he or she would otherwise be required to pay pursuant to this section.

“(3) If the judicial officer determines that the parent to whom support is owed cannot meet his or her subsistence needs and the parent with a legal duty to pay support has an adjusted gross income below the self-support reserve under subsection (g) of this section, the judicial officer shall determine whether, for the support and maintenance of the child, the parent with a legal duty to pay support should pay more than he or she would otherwise be required to pay pursuant to subsection (g)(3) of this section.

“(4) In no case shall the amount ordered pursuant to this section:

“(A) Result in the adjusted gross income of the parent with a legal duty to pay support falling below the modified self-support reserve under subsection (g-2) of this section; or

“(B) Exceed the amount of pass-through funds available to families receiving Temporary Assistance for Needy Families benefits.

“(5) The judicial officer shall issue written factual findings stating the reasons for the entry of an order issued pursuant to paragraph (3) of this subsection.

“(g-2) A modified self-support reserve shall be calculated at 100% of the United States Department of Health and Human Services poverty guideline per year for a single individual to be used to determine support pursuant to subsection (g-1) of this section. The modified self-support reserve shall be updated by the Mayor every 2 years with the updated amount to be published in the District of Columbia Register and made effective as of April 1. As of April 1, 2015, the modified self-support reserve shall be \$11,770.”.

(f) Subsection (m) is amended as follows:

(1) Strike the phrase “(i) through (1)” wherever it appears and insert the phrase “(i) through (1)” in its place.

(2) Paragraphs (2) and (3) are amended by striking the phrase “\$ 600 per year” and inserting the phrase “\$ 900 per year” in its place.

(3) A new paragraph (4) is added to read as follows:

“(4)(A) If under paragraph (3) of this subsection, the parent with a legal duty to pay support would pay less than the child support obligation calculated pursuant to paragraph (1) of this subsection, the judicial officer may consider whether:

“(i) The parent to whom support is owed would be able to meet his or her subsistence needs; and

“(ii) Whether the children would face extreme hardship if this amount were ordered.

“(B) The judicial officer, after considering the factors set forth in subparagraph (A) of this paragraph, may deviate from the amount calculated pursuant to paragraph (3) of this subsection; provided, that any deviation upward shall not exceed the basic child support obligation calculated pursuant to paragraph (1) of this subsection.”.

(g) Subsection (q)(1)(F) is amended by striking the phrase “(i) through (1)” and inserting the phrase “(i) through (l)” in its place.

(h) Subsection (r)(6) is amended by striking the phrase “(i) through (1)” and inserting the phrase “(i) through (l)” in its place.

(i) Subsection (u) is amended to read as follows:

“(u) If an order or agreement providing for child support does not set forth a date on which the child support commences, the child support shall be deemed to commence on the first day of the first month following the date the order was entered or the date the agreement was executed, whichever is later in time. If the relevant date falls on the first day of a month, the order shall be deemed to commence on that day.”.

Sec. 3. Fiscal impact statement.

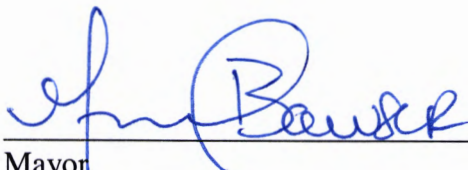
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
March 16, 2016



COUNCIL OF THE DISTRICT OF COLUMBIA  
WASHINGTON, D.C. 20004

Docket No. **B21-71**

ITEM ON CONSENT CALENDAR

ACTION & DATE

**ADOPTED FIRST READING, 02/02/2016**

VOICE VOTE

RECORDED VOTE ON REQUEST

**APPROVED**

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Orange	X			
Alexander	X				Grosso	X				Silverman	X			
Allen	X				May	X				Todd	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

3-2-16

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

**ADOPTED FINAL READING, 03/01/2016**

VOICE VOTE

RECORDED VOTE ON REQUEST

**APPROVED**

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Orange	X			
Alexander	X				Grosso	X				Silverman	X			
Allen	X				May	X				Todd	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								

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Secretary to the Council

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Alexander					Grosso					Silverman				
Allen					May					Todd				
Bonds					McDuffie									
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CERTIFICATION RECORD

Secretary to the Council

Date