

Final Proposed Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

PLEASE REMOVE ANY COVERSHEET OR FORM NOT REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Child Support Guidelines

/s/ Todd W. Daloz _____, on 10/31/23
(signature) (date)

Printed Name and Title:

Todd Daloz, Deputy Secretary, Vermont Agency of Human Services

RECEIVED BY: _____

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

Child Support Guidelines

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

23P032

3. ADOPTING AGENCY:

Agency of Human Services, Department for Children and Families, Office of Child Support

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Lisa Rivers

Agency: Office of Child Support

Mailing Address: NOB 2 South, 280 State Drive, Waterbury, VT 05671

Telephone: 802-585-8209 Fax: 802-241-0524

E-Mail: Lisa.Rivers@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://dcf.vermont.gov/ocs/parents/calculator>

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Jessica Seman

Agency: Office of Child Support

Mailing Address: NOB 2 South, 280 State Drive, Waterbury, VT 05671

Telephone: 802-585-4024 Fax: 802-241-0524

E-Mail: Jessica.Seman@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

15 V.S.A. § 654, 45 C.F.R. § 302.56 (e), and 3 V.S.A. § 801(b) (11)

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

15 V.S.A. § 654 mandates that the Secretary of Human Services shall prescribe by rule a guideline for child support that reflects the percent of combined available income that parents living in the same household in Vermont ordinarily spend on their children. This rule fulfills the mandate of 15 V.S.A. § 654.

9. THE FILING HAS NOT CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS NOT INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS NOT INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS NOT INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. CONCISE SUMMARY (150 WORDS OR LESS):

This rule governs the guidelines used for calculating child support obligations in Vermont. 15 V.S.A. § 654 states that the Secretary may amend the guideline from time to time as may be necessary, but not less than once every four years. Federal law, 45 C.F.R. § 302.56 (e), mandates that the child support guidelines be reviewed, and revised, if appropriate, at least once every four years to ensure the application results in appropriate child support order amounts. The existing child support guidelines went into effect 1/2/2020, so OCS has conducted a review to ensure the associated tables that convert gross income to after tax income and identify expenditures on children adjust for current tax rates and economic conditions.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

Both federal and state law require that Vermont review and amend, if appropriate, the child support guidelines at least once every four years to ensure that they are based on recent and reliable data to reflect children's needs accurately. The effective date of Vermont's current guidelines tables is 1/2/2020. This revision is being submitted with a proposed effective date of 1/2/2024 to conform with the four year standard. It updates the tables using current tax rates and current price levels according to the Consumer Price Index, which is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

This rule is not arbitrary because the child support guidelines must reflect the percent of combined available income that parents living in the same household in Vermont ordinarily spend on their children. The amended child support guidelines proposed by this rule are the product of research and analysis performed by economist Jane Venohr, Ph.D. with the Center for Policy Research. Dr. Venohr accounted not only for changes to federal tax legislation but also for child support calculation practices of Vermont's neighboring states in determining the revisions to this rule. In doing so, her analysis shows the cost of child-rearing has increased in every category, regardless of household income and number of children. Vermont's current child support guidelines do not accurately reflect what an intact family would be expending on their children and need to be adjusted to align with current economic conditions.

17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Children of separated parents; custodial parents; non-custodial parents; guardians and custodial caretakers; Superior Court Family Division Case Managers, Judges, and Magistrates; Office of Child Support staff; the Department for Children & Families Economic Services Division; and attorneys involved in child support cases.

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

The amount of child support varies depending on the parents' incomes and the relationship between those incomes (how much the obligor earns in relation to how much the obligee earns), the number of children and various other factors. This rule change is intended to provide updated child support guideline calculations using the most current economic data available, 2023 state and federal tax rates and price levels, without major methodological changes. Since the last update in 2020, price levels have increased 19.3%. Child-rearing costs have increased in every category, regardless of household income and number of children. Vermont's current child support guidelines do not accurately reflect current expenditures on children and need to be adjusted to align with current economic conditions.

19. A HEARING WAS HELD.

20. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 10/20/2023

Time: 1:00-3:00 PM

Street Address: Virtual Meeting held via Microsoft Teams

Zip Code: N/A

URL for Virtual: https://teams.microsoft.com/l/meetup-join/19%3ameeting_NzU0ZjgzMzQtNDA5Ny00OTgxLTgwZDctMzIxOGRmOGY0YWEz%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%22268d2e145-126c-4408-b110-aebc583495bd%22%7d

Phone Number: +1 802-828-7667

Phone Conference ID: 450 181 532#

Meeting ID: 247 409 838 209; Passcode: vtbxBS

Date:
Time: AM
Street Address:
Zip Code:
URL for Virtual:

Date:
Time: AM
Street Address:
Zip Code:
URL for Virtual:

Date:
Time: AM
Street Address:
Zip Code:
URL for Virtual:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):
10/27/2023

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Child Support
Child Support Guidelines
Child Support Obligation
Intact Family Expenditures Table
After Tax Income Tables

280 State Drive - Center Building
Waterbury, VT 05671-1000



OFFICE OF THE SECRETARY
TEL: (802) 241-0440
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JENNEY SAMUELSON
SECRETARY

TODD W. DALOZ
DEPUTY SECRETARY

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

MEMORANDUM

TO: Sarah Copeland Hanzas, Secretary of State

FROM: Jenney Samuelson, Secretary, Agency of Human Services

A handwritten signature in black ink, appearing to be "Jenney Samuelson".

DATE: January 31, 2023

SUBJECT: Signatory Authority for Purposes of Authorizing Administrative Rules

I hereby designate Deputy Secretary of Human Services Todd W. Daloz as signatory to fulfill the duties of the Secretary of the Agency of Human Services as the adopting authority for administrative rules as required by Vermont's Administrative Procedure Act, 3. V.S.A § 801 et seq.

Cc: Todd W. Daloz

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Child Support Guidelines

2. ADOPTING AGENCY:

Agency of Human Services, Department for Children and Families, Office of Child Support

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

Adopted Rule # 19-067, Child Support Guidelines,
1/2/2020 effective date