OBTAINING CHILD-CUSTODY AND/OR CHILD-SUPPORT DATA FROM THE STATE OF VIRGINIA

by William Dolan
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municipal corporation, political subdivision or other public body or the party responsible for repurchasing securities underlying a repurchase agreement.

The provisions of this section shall not apply to the Treasurer of Virginia who shall comply with safekeeping guidelines issued by the Treasury Board or to endowment funds invested in accordance with the provisions of the Uniform Investment of Institutional Funds Act, Article 1.1 of Chapter 15 (§ 55-268.1 et seq.) of Title 55 (1988, c. 834.)

CHAPTER 19.1.
LOCAL GOVERNMENT ADVISORY COUNCIL

Sec. 2.1-335.1. Council created; compensation; expenses; reports to Governor and General Assembly.

§ 2.1-335.1. Council created; compensation; expenses; reports to Governor and General Assembly. — There is hereby created the Local Government Advisory Council. The Council shall consist of eighteen members. Three members shall be appointed from the House of Delegates by the Speaker of the House of Delegates and three members shall be appointed by the Senate on the recommendation of the Senate Privileges and Elections Committee. The Governor shall make the following appointments: two members from the executive branch of state government; four elected local government officials upon the recommendation of the Virginia Association of Counties and four elected municipal officials upon the recommendation of the Virginia Municipal League; one representative of a planning district commission upon the recommendation of the Virginia Association of Planning Commissions; and one citizen member who has no current government affiliation. Members shall serve for a four-year term commencing January 1, 1990. Vacancies shall be filled by the appointing authority to fill the unexpired term. A chairman shall be elected annually from the membership. The Council shall meet at least six times a year. Local government members shall cease to be a member if not a locally elected official. No member shall serve more than eight consecutive years. The members of the Council shall be paid their necessary expenses incident to their work upon the Local Government Advisory Council. The Council shall make such reports as to its findings as it deems proper and shall submit an annual report to the Governor and the General Assembly on or before October 1 of each even-numbered year. The biennial report shall be distributed in accordance with the provisions of § 2.1-467. (1978, c. 103; 1979, c. 514; 1984, c. 734; 1988, c. 395.)

The 1989 amendment rewrote this section.

CHAPTER 21.
VIRGINIA FREEDOM OF INFORMATION ACT

§ 2.1-340.1 VIRGINIA FREEDOM OF INFORMATION ACT § 2.1-340.1

Sec. prohibited; exception, experimental program.

2.1-344. Executive or closed meetings.
2.1-344.1. Call of closed or executive meetings; certification of proceedings.

2.1-344.1. Violations and penalties.

§ 2.1-340. Policy of chapter. — By enacting this chapter the General Assembly ensures the people of this Commonwealth ready access to records in the custody of public officials and free entry to meetings of public bodies wherein the business of the people is being conducted. Committees or subcommittees of public bodies created to perform delegated functions of the public body or to advise a public body shall also conduct their meetings and business pursuant to this chapter. The affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government. Unless the public body specifically elects to exercise an exception provided by this chapter or any other statute, every meeting shall be open to the public and all reports, documents and other material shall be available for disclosure upon request.

This chapter shall be liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government. Any exception or exemption from applicability shall be narrowly construed so that no thing which should be public may be hidden from anyone.

The public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

Any ordinance adopted by a local governing body which conflicts with the provisions of this chapter shall be void. (1975, c. 467; 1989, c. 358; 1990, c. 538.)

The 1989 amendment rewrote this section. The 1990 amendment added the third paragraph.

The purpose or motivation behind a request is irrelevant to a citizen's entitlement to requested information under the Freedom of Information Act. Associated Tax Servs., Inc. v. Fitzpatrick, 238 Va. 191, 372 S.E.2d 625 (1988).

§ 2.1-341. Definitions. — The following terms, whenever used or referred to in this chapter, shall have the following meanings, unless a different meaning clearly appears from the context:

"Criminal incident information" means a general description of the criminal activity reported, the date and general location the alleged crime was committed, the identity of the investigating officer, and a general description of any injuries suffered or property damaged or stolen; however, the identity of any victim, witness, undercover officer, or investigative techniques or procedures need not but may be disclosed. The identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.

"Executive meeting" or "closed meeting" means a meeting at which the public is excluded.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.1-343.1, as a body or entity, or as an informal assemblage of (i) as many as
three members, or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties; members of governing bodies of counties, school boards and planning commissions; boards of visitors of state institutions of higher education; and other organizations, corporations or agencies in the Commonwealth, supported wholly or principally by public funds. The notice provisions of this chapter shall not apply to the said informal meetings or gatherings of the members of the General Assembly. Nothing in this chapter shall be construed to make unlawful the gathering or attendance of two or more members of a body or entity at any place or function where no part of such gathering or attendance is the discussion or transaction of any public business, such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the body or entity. The gathering of employees of a public body shall not be deemed a "meeting" subject to the provisions of this chapter.

No meeting shall be conducted through telephonic, video, electronic or other communication means, where the members are not physically assembled to discuss or transact public business, except as provided in § 2.1-343.1 or as may specifically be provided in Title 54.1 for the summary suspension of professional licenses.

"Official records" means all written or printed books, papers, letters, documents, maps and tapes, photographs, films, sound recordings, reports or other material, regardless of physical form or characteristics, prepared, owned, or in the possession of a public body or any employee or officer of a public body in the transaction of public business.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any of the groups, agencies or organizations enumerated in the definition of "meeting" as provided in this section, including any committees or subcommittees of the public body created to perform delegated functions of the public body or to advise the public body.

"Scholaristic records" means those records, files, documents, and other materials containing information about a student and maintained by a public body which is an educational agency or institution or by anyone acting for such agency or institution, but, for the purpose of access by a student, does not include (i) financial records of a parent or guardian nor (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute. (1968, c. 479; 1970, c. 458; 1974, c. 332; 1976, c. 307; 1977, c. 677; 1978, c. 573, 826; 1979, cc. 369, 687; 1980, c. 754; 1984, c. 252; 1989, c. 358; 1990, c. 538.)

The 1989 amendment deleted "respectively" following "the following meanings" in the introductory language, added the paragraph defining "Executive meeting," deleted the designations of subdivisions (a) through (f), near the beginning of the first sentence of the paragraph defining "Meeting," inserted "including work sessions," inserted "physically, or through telephonic or video equipment pursuant to § 2.1-343.1," and added the last sentence of that paragraph, in the fourth paragraph inserted "provided in § 2.1-343.1 or as, and substituted "Title 54.1 for "Title 54, deleted the paragraph defining "Executive meeting," and rewrote the paragraph defining "Public body."

The 1990 amendment added the paragraph defining "Criminal incident information."
require the advance payment of charges which are subject to advance determination.

In any case where a public body determines in advance that search and copying charges for producing the requested documents are likely to exceed $200, the public body may, before continuing to process the request, require the citizen requesting the information to agree to payment of an amount not to exceed the advance determination by five percent. The period within which the public body must respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the citizen requesting the information.

Official records maintained by a public body on a computer or other electronic data processing system which are available to the public under the provisions of this chapter shall be made reasonably accessible to the public at reasonable cost.

Public bodies shall not be required to create or prepare a particular requested record if it does not already exist. Public bodies may, but shall not be required to, abstract or summarize information from official records or convert an official record available in one form into another form at the request of the citizen. The public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

Failure to make any response to a request for records shall be a violation of this chapter and deemed a denial of the request.

B. The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Memoranda, correspondence, evidence and complaints related to criminal investigations; reports submitted to the state and local police to investigators authorized pursuant to § 53.1-16 and to the camp police departments of public institutions of higher education as established by Chapter 17 (§ 23-232 et seq.) of Title 23 in confidence; portions of records of local government crime commissions that would identify individuals providing information about crimes or criminal activities under a promise of anonymity; and all records of persons imprisoned in penal institutions in this Commonwealth provided such records relate to the imprisonment. Information in the custody of law-enforcement officials relative to the identity of any individual other than a juvenile who is arrested and charged, and the status of the charge or arrest, shall not be excluded from the provisions of this chapter.

2. Confidential records of all investigations of applications for licenses and all licensees made by or submitted to the Alcoholic Beverage Control Board or the State Lottery Department.

3. State income, business, and estate tax returns, personal property tax returns, scholastic records and personnel records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof, and medical and mental records, except that such records can be personally reviewed by the subject person or a physician of the subject person's choice; however, the subject person's mental records may not be personally reviewed by such person when the subject person's treating physician has made a part of such person's

records a written statement that in his opinion a review of such records by the subject person would be injurious to the subject person's physical or mental health or welfare.

Where the person who is the subject of medical records is confined in a state or local correctional facility, the administrator or chief medical officer of such facility may assert such confined person's right of access to the medical records if the administrator or chief medical officer has reasonable cause to believe that such confined person has an infectious disease or other medical condition from which other persons can be protected. Medical records shall be kept from view and shall not be copied by such administrator or chief medical officer. The information in the medical records of a person so confined that may be used for medical or health care purposes shall include confidential identifying information in the records of that person's medical condition from which other persons can be protected. Medical records shall be kept from view and shall not be copied by such administrator or chief medical officer. The information in the medical records of a person so confined that may be used for medical or health care purposes shall include confidential identifying information in the records of that person's medical condition from which other persons can be protected.

For the purposes of this chapter such statistical summaries of incidents and statistical data concerning patient abuse as may be compiled by the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services shall be open to inspection and releasable as provided in subsection A of this section. No such summaries or data shall include any patient identifying information. Where the person who is the subject of scholastic or medical and mental records is under the age of eighteen, his right of access may be asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. In instances where the person who is the subject thereof is an emancipated minor or a student in a state-supported institution of higher education such right of access may be asserted by the student or requested by the student or parent.

Memoranda, working papers and correspondence held or requested by members of the General Assembly or by the office of the Governor or Lieutenant Governor, Attorney General or the mayor or other chief executive officer of any political subdivision of the Commonwealth or the president or other chief executive officer of any state-supported institutions of higher education.

Memoranda, working papers and records compiled specifically for use in litigation or as a part of an active administrative investigation concerning a matter which is properly the subject of an executive or closed meeting under § 2.1-342 and material furnished in confidence with respect thereto.

Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an application for employment, or (iii) receipt of an honor or honorary recognition.

Library records which can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.

Any test or examination used, administered or prepared by any public body for purposes of evaluation of (i) any student or any student's performance, (ii) any employee or employment seeker's qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license or certificate issued by any public body.

As used in this subdivision 9, "test or examination" shall include (i) any scoring key for any such test or examination, and (ii) any other document which would jeopardize the security of such test or examination. Nothing contained in this subdivision 9 shall prohibit the release of test scores or
results as provided by law, or limit access to individual records as is provided by law. However, the subject of such employment tests shall be entitled to review and inspect all documents relative to his performance on such employment tests.

When, in the reasonable opinion of such public body, any such test or examination no longer has any potential for future use, and the security of future tests or examinations will not be jeopardized, such test or examination shall be destroyed. However, minimum competency tests administered to public school children shall be made available to the public contemporaneously with statewide release of the scores of those taking such tests, but in no event shall such tests be made available to the public later than six months after the administration of such tests.

10. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department or any licensed individual or applicants. However, such material may be made available during normal working hours for copying at the request of the individual or group, upon payment of the appropriate fee.

11. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth. Records of active investigations shall be subject to review and inspection by the Virginia State Board of Health and the Virginia Board of Medical Examiners.

12. Memoranda, legal opinions, working papers and records recorded in or compiled exclusively for executive or closed meetings lawfully held pursuant to § 2.1-344.

13. Reports, documentary evidence and other information as specified in §§ 2.1-373.2 and 63.1-55.4.

14. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or § 62.1-134.1.

15. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts or services for the purchase of goods or services and records, documents and other materials prepared for the Department's Bid Analysis and Monitoring Program.

16. Vendor proprietary information software which may be in the official records of a public body. For the purpose of this section, "vendor proprietary software" means computer programs acquired from a vendor for purposes of processing data for agencies or political subdivisions of the Commonwealth.

17. Data or information of a proprietary nature produced or collected by or for faculty or staff of state institutions of higher education, other than the institutions' financial or administrative records, in the conduct of, or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such data, records or information has not been publicly released, published, copyrighted or patented.

18. Financial statements not publicly available filed with applications for industrial development financings.

19. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

20. Confidential proprietary records, voluntarily provided by private business to the Division of Tourism of the Department of Economic Development, used by that Division periodically to indicate to the public statistical information on tourism visitation to Virginia attractions and accommodations.

21. Information which meets the criteria for being filed as confidential under the Toxic Substance Information Act (§ 32.1-239 et seq.), regardless of how or when it is used by authorized persons in regulatory processes.

22. Documents as specified in § 58.1-3.

23. Confidential records, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses.

24. Computer software developed by or for a state agency, state-supported institution of higher education or political subdivision of the Commonwealth.

25. Investigative notes and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Personnel and Training; however, nothing in this section shall prohibit the disclosure of information taken from inactive reports in a form which does not reveal the identity of charging parties, persons supplying the information or other individuals involved in the investigation.

26. Fisheries data which would permit identification of any person or vessel, except when required by court order as specified in § 28.1-23.2.

27. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

28. Documents and writings furnished by a member of the General Assembly to a meeting of a standing committee, special committee or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 2.1-639.40 or of formulating advisory opinions to members on standards of conduct, or both.

29. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and address, but excluding the amount of utility service provided and the amount of money paid for such utility service.

30. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.1-714 et seq.); however, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form which does not reveal the identity of the parties involved or other persons supplying information.

31. Information for which: proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; and other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 9 (§ 63.1-172 et seq.) and 10 (§ 63.1-195 et seq.) of Title 63.1; however, nothing in this section shall prohibit disclosure of information from the records of investigations in a form which does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation.

32. Reports, manuals, specifications, documents, minutes or recordings of staff meetings or other information or materials of the Virginia Board of Corrections, the Virginia Department of Corrections or any institution thereof to the extent, as determined by the Director of the Department of Corrections or his designee, that disclosure or public dissemination of such materials would jeopardize the security of any correctional facility or institution, as follows:

(i) Security manuals, including emergency plans that are a part thereof;
(ii) Engineering and architectural drawings of correctional facilities, and operational specifications of security systems utilized by the Department, provided those documents are not subject to free disclosure by or for the State Lottery Department relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such official records have not been publicly released, published, copyrighted or patented. Whether released, published or copyrighted, all game-related information shall subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it applies.

38. Official records of studies and investigations by the State Lottery Department of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations which cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) use of the lottery as a subterfuge for organized crime and illegal gambling where such official records have not been publicly released, published or copyrighted. All studies and investigations referred to under subdivisions (iii), (iv) and (v) shall be subject to public disclosure under this chapter upon completion of the study or investigation.

39. Those portions of engineering and construction drawings and plans submitted for the sole purpose of complying with the building code in obtaining a building permit which would identify specific trade secrets or other information the disclosure of which would be harmful to the competitive position of the owner; however, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

40. Trade secret information furnished to the Board of Medical Assistance Services or the Medicaid New Drug Review Committee pursuant to Article 2 (§ 32.1-331.1 et seq.) of Chapter 10 of Title 32.1.

41. Records concerning reserves established in specific claims administered by the Department of General Services through its Division of Risk Management as provided in Article 3 (§ 21.2-526.1 et seq.) of Chapter 32 of Title 21, or by any county, city, or town.

42. Information and records collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Care System pursuant to § 32.1-112.

43. Reports and court documents required to be kept confidential pursuant to § 37.1-67.3.

44. (Effective July 1, 1991) Trade secret information furnished to the Board of Medical Assistance Services or the Virginia Medicaid Formulary Committee pursuant to Article 3 (§ 32.1-331.6 et seq.) of Chapter 10 of Title 32.1.

C. Neither any provision of this chapter nor any provision of Chapter 26 (§ 21.1-377 et seq.) of this title shall be construed as denying public access to contracts between a public official and a public body, other than contracts settling public employee employment disputes held confidential as personal records under subdivision 3a of subsection B of this section, or to records of the position, job classification, official salary or rate of pay of, and to records of the allowances or reimbursements for expenses paid to any public officer, official or employee at any level of state, local or regional government within the Commonwealth. The provisions of this subsection, however, shall not apply to records of the official salaries or rates of pay of public employees whose annual rate of pay is $10,000 or less. (1963, c. 479; 1973, c. 461; 1974, c. 322; 1975, cc. 307, 312; 1976, cc. 640, 709; 1977, c. 677; 1978, c. 810; 1979, cc. 682,
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The 1989 amendments. — Acts 1988, c. 39 redesignated subsections (a) through (c) as subsections A through C, redesignated subdivisions (1) through (29) as subdivisions 1 through 30, substituted "subsection A of this section" for "Subsection A" in the second sentence of subdivision B 1, substituted "subdivision B 1, subsection 29" for "subdivision B 1" in subdivision B 2 and deleted "whatever" following "Commonwealth" at the end of the first sentence of subdivision C.

Acts 1989, c. 395 inserted "to investigators authorized pursuant to § 53.1-16 and to" following "local police" in subdivision B 1, substituted "of this section" for "above" in the second sentence of subdivision B 3, substituted "$ 2.1-639.40" for "$ 2.1-612" in subdivision B 27 and added subdivision B 32.

Acts 1989, c. 411 redesignated subsections (a) through (e) as subsections A through C, redesignated subdivisions (1) through (29) as subdivisions 1 through 30, substituted "A of this section" for "(a) above" in the second sentence of subdivision B 3, substituted "$ 2.1-639.40" for "$ 2.1-612" in subdivision B 28 and added subdivision B 32.

Acts 1989, c. 891 deleted "(ii) in subdivision 2 of subdivision B of § 2.1-639.40" for "(ii) 2.1-612." in addition, the amendment redesignated the subsections and subdivisions of this section and made minor stylistic changes.

Acts 1989, c. 902 added the second paragraph of subdivision B 3, and in subdivision B 28 substituted "§ 2.1-612." in addition, the amendment redesignated the subsections and subdivisions and made minor stylistic changes.

The 1990 amendments. — The 1990 amendment by c. 66 in subsection A substituted "citizens of this Commonwealth, representatives for" any such citizen of this Commonwealth, nor to subsection "such charges shall not exceed" for "in no event shall such charges exceed near the beginning of the second paragraph, in subdivision B 1 inserted the language beginning "portions of records" and ending "promise of anonymity," and deleted "said" preceding "imprisonment" at the end of the first sentence, substituted "Professions" for "Regulatory Boards" in subdivisions B 10 and 11, inserted "the preceding "subject thereof" in the last sentence of subdivision B 10, and substituted or "$ 62.1-134.1" for "$ 62.1-134.1" or subdivision B 14. The 1990 amendment by c. 358 rewrote this section, making, among other changes, the same changes made by Acts 1989, c. 56. The 1989 amendment by c. 478, effective Mar. 22, 1989, in subsection B, substituted "citizens for "any such citizen" in the second sentence, and substituted "such charges shall not exceed" for "in no event shall such charges exceed" in the next to last sentence; in subsection B, deleted "said" preceding "imprisonment" in the first sentence of subdivision B 1, substituted "Professions" for "Regulatory Boards" in two places in subdivision 10 and subdivision 11, in subdivision 32 (vi), substituted "subdivision I of subsection B of § 2.1-624 (b)" for "(b)" as added present subdivisions 37 and 38, all of which changes were also made by Acts 1989, c. 358. In addition, Acts 1989, c. 478 added "or the State Lottery Department" at the end of subdivision B 26.

The 1990 amendments. — The 1990 amendment by c. 217 deleted "circuit" preceding "court" in the first sentence of the first paragraph of subdivision A following subdivision 4, and substituted "applications for licenses and all licensees" for "applications for licenses and all licensees" in subdivision 2. The 1990 amendment by c. 538, in subsection A, in the next to the last sentence of the introductory paragraph deleted "records" following "citizen in his" and inserted "provisions of this chapter and the". The 1990 amendment by c. 538, in the text of subdivision B, added the last sentence of the last paragraph; and in subdivision B 2, added the second paragraph of subdivision 1, subdivision 2 substituted "licences" for "licensees" and "licences" for "licenses", substituted "requester's" for "requester's" in the subdivision 10, in subdivision 33 deleted "or" preceding "(ii)" and inserted the language beginning "or (iii) filed" and "any such authority," and added subdivision B 35.

The 1990 amendment by c. 271, effective April 9, 1990, substituted "preceeding" for "preceeding" in subdivision A 4; and in subsection B, substituted "has not been" for "have not been" in subdivision 17, and added subdivision 40.

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The 1990 amendment by c. 819 added subdivisions B 42 and B 43.

The 1990 amendment by c. 966, effective July 1, 1991, in subdivision A 4 substituted ""preceeding" for "preceeding"; and in subsection B, substituted "has not been" for "have not been" in subdivision 17, and added subdivision 44.

§ 2.1-343. Meetings to be public; notice of meetings; recordings; minutes; voting. — Except as otherwise specifically provided by law and except as provided in §§ 2.1-344 and 2.1-345, all meetings shall be public meetings, including meetings and work sessions during which no votes are cast or any decisions made. Notice including the time, date and place of each meeting shall be furnished to any citizen of this Commonwealth who requests such information. Notice for meetings of public bodies of the Commonwealth on which there is at least one member appointed by the Governor shall state whether or not public comment will be received at the meeting, and, if so, the approximate points during the meeting public comment will be received. Requests to be notified on a continual basis shall be made at least once a year in writing and include name, address, zip code and origin of the request. Notice of any meeting, special or emergency meetings shall be given contemporaneously with the notice provided members of the public body conducting the meeting.

Any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open. The public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent restriction of access to the proceedings.

Voting by secret or written ballot in an open meeting shall be a violation of this chapter.

Minutes shall be recorded at all public meetings. However, minutes shall not be required to be taken at deliberations of (i) standing and other committees of the General Assembly, (ii) legislative study commissions and committees, including the Virginia Code Commission, (iii) study committees or commissions appointed by the Governor, or (iv) study commissions or study committees, or any other committees or subcommittees appointed by the governing bodies or school boards of counties, cities and towns, except where the membership of any such commission, committee or subcommittee includes a majority of the governing body of the county, city or town or school board. (1968, c. 479; 1973, c. 461; 1976, c. 467; 1977, c. 677; 1982, c. 333; 1989, c. 558; 1990, c. 538.)

The 1989 amendment rewrote this section. The 1990 amendment added the second sentence of the first paragraph, and substituted "requester" for "requestor" in the fourth sentence thereof.

§ 2.1-343.1. Electronic communication meetings prohibited; exception, experimental program. — A. It is a violation of this chapter for any political subdivision or any governing body, authority, board, bureau, commission, district or agency of local government to conduct a meeting wherein the public business is discussed or transacted through telephonic, video, electronic or other communication means where the members are not physically assembled.

B. Public bodies of the Commonwealth, as provided in the definition of "meeting" in § 2.1-341, but excluding any political subdivision or any governing body, authority, board, bureau, commission, district or agency of local government, may conduct any meeting, except executive or closed meetings held pursuant to § 2.1-344, wherein the public business is discussed or transacted through telephonic or video means. For the purposes of
paragraphs B through G of this section, "public body" shall mean any state legislative body, authority, board, bureau, commission, district or agency of the Commonwealth and shall exclude those of local governments.

Meetings conducted through telephonic or video means shall be on an experimental basis commencing on July 1, 1989, and ending on June 30, 1991. The Director of the Department of Information Technology shall submit an evaluation of the effectiveness of meetings by telephonic or video means by public bodies of the Commonwealth prior to January 1, 1992, to the Governor and the General Assembly.

C. Notice of any meetings held pursuant to this section shall be provided at least thirty days in advance of the date scheduled for the meeting. The notice shall include the date, time, place and purpose for the meeting and shall identify the location or locations for the meeting. All locations for the meeting shall be made accessible to the public. All persons attending the meeting at any of the meeting locations shall be afforded the same opportunity to address the public body and persons attending the primary or central location. Any interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access restored.

Thirty-day notice shall not be required for telephonic or video meetings continued to address an emergency situation as provided in subsection F of this section or to conclude the agenda of a telephonic or video meeting of the public body for which the proper notice has been given, when the date, time, place and purpose of the continued meeting are set during the meeting prior to adjournment.

The public body shall provide the Director of the Department of Information Technology with notice of all public meetings held through telephonic or video means pursuant to this section.

D. Any agenda and materials which will be distributed to members of the public body and which shall be made available to the staff of the public body in sufficient time for duplication and forwarding to those members located at sites where public access will be provided shall be made available to the public at the time of the meeting. Minutes of all meetings held by telephonic or video means shall be recorded as required by § 2.1-343. Votes taken during any meeting conducted through telephonic or video means shall be recorded by name in roll-call fashion and included in the minutes. In addition, the public body shall make an audio recording of the meeting, if a telephonic medium is used, or an audio/visual recording, if the meeting is being conducted by video means. The recording shall be preserved by the public body for a period of three years following the date of the meeting and shall be available to the public.

E. No more than twenty-five percent of all meetings held annually by a public body, including meetings of any ad hoc or standing committees, may be held telephonically or video means. Any public body which meets by telephonic or video means shall file with the Director of the Department of Information Technology by July 1 of each year a statement identifying the total number of meetings held during the preceding fiscal year, the dates on which the meetings were held and the number and purpose of those conducted through telephonic or video means.

F. Notwithstanding the limitations imposed by subsection E of this section, a public body may meet by telephonic or video means as often as needed if an emergency exists and the public body is unable to meet in regular session. As used in this subsection, "emergency" means an unforeseen circumstance rendering the notice required by this section, or by § 2.1-343 of this chapter, impossible or impracticable and which circumstance requires immediate action. Public bodies conducting emergency meetings through telephonic or video means shall comply with the provisions of subsection D requiring minutes, recordation and preservation of the audio or audio/visual recording of the meeting. The basis for the emergency shall be stated in the minutes.

G. The provisions of this section shall not establish a two-year experimental program designed to evaluate the effectiveness of meetings by telephonic or video means by public bodies of the Commonwealth. Meetings by telephonic or video means shall be prohibited on and after July 1, 1991, unless the provisions of this section pertaining to the termination of this experimental program are amended and reenacted by the General Assembly. (1984, c. 262; 1989, c. 358.)

The 1990 amendment rewrote this section.

§ 2.1-344. Executive or closed meetings. — A. Public bodies are not required to conduct executive or closed meetings. However, should a public body determine that an executive or closed meeting is desirable, such meeting shall be held only for the following purposes:

1. Discussion or board of directors or discussion of or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, debon, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body, and evaluation of performance of departments or schools of state institutions of higher education where such matters regarding such specific individuals might be affected by such evaluation. Any teacher shall be permitted to be present during an executive session or closed meeting in which such a discussion or consideration of a disciplinary matter which involves the teacher and some student or students and the student or students involved in the matter are present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

2. Discussion or consideration of admission or disciplinary matters concerning any student or students of any state institution of higher education or any state school system. However, any such student and legal counsel and, if the student is a minor, the student’s parents or legal guardians, shall be permitted to be present during the taking of testimony or presentation of evidence at an executive or closed meeting, if such, student, parents or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the condition, acquisition or use of real property for public purposes by the disposal of publicly held property, or of plans for the future of a state institution of higher education which could affect the value of property owned or desirable for ownership by such institution.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry where no previous announcement has been made of the business or industry’s interest in location.

6. The investing of public funds where competition: or bargaining is involved, where it made public initially the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members, consultants or attorneys, pertaining to actual or probable litigation, or other specific legal matters requiring the presence of attorneys by the visitors of state institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fundraising activities, and grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such
§ 2.1-344. ADMINISTRATION OF GOVERNMENT GENERALLY § 2.1-344.1 VIRGINIA FREEDOM OF INFORMATION ACT

§ 2.1-344.1 VIRGINIA FREEDOM OF INFORMATION ACT

who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official requests, or furnishes, extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in an executive or closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a roll call of the membership on such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting. Nothing in this section shall be construed to require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.1-1373 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 of this section applies. However, such business or industry must be identified as a matter of public record at least thirty days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, where these conferences shall be subject to the same regulations for holding executive or closed sessions as are applicable to meetings of the public body. (1968, c. 478; 1970, c. 388; 1974, c. 332; 1976, c. 467; 709; 1979, c. 369, § 15.1-1373; 1980, c. 786; 1981, c. 221, 475, 476, 754; 1981, c. 35, 471; 1982, c. 497, 516; 1984, c. 473, 513; 1985, c. 277; 1988, c. 891; 1989, c. 56, 358, 478; 1990, c. 435, 538.)

The 1988 amendment deleted "disciplinary matter" preceding "involves the teacher" in the second sentence of subdivision A 1, substituted "is a minor or for "be an adult" in subdivision A 2, substituted "this subdivision" for "this subsection" near the beginning of the third sentence of subdivision A 8, and in that sentence substituted "minor" for ""shall mean" in three places, substituted "B" for "(b)" at the end of subdivision A 11, rewrote subdivision A 13, which read "Discussions of matters exempted under § 10-224 B 11, and substituted "subsection A 2" for "subsection A 12." In addition, the amendment redesignated the subdivisions of the section and substituted "the" for "such" in the first sentence of subdivision A 8.

The 1989 amendments. — The 1989 amendment by c. 56 inserted present subdivision A 17, which was also added by Acts 1989, c. 358.

The 1989 amendment by c. 358 rewrote this section. The 1989 amendment by c. 478, effective Mar. 22, 1989, added present subdivision 16 in subsection A, which was also added by Acts 1989, c. 358.


§ 2.1-344.1. Call of closed or executive meetings; certification of proceedings. — A. No meetings shall become an executive or closed meeting unless the public body proposing to convene such meeting has made an affirmative recorded vote in open session, effective by motion stating specifically the business or purposes which are to be the subject of the meeting, and reasonably identifying the substance of the matters to be discussed. A statement shall be included in the minutes of the open meeting which shall make specific reference to the applicable exemption or exemptions from open meeting requirements provided in subdivision A of § 2.1-344 or in § 2.1-345, and the matters contained in such motion shall be set forth in those minutes. A general reference to the provisions of this chapter or authorized exemptions

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§ 2.1-345. ADMINISTRATION OF GOVERNMENT GENERALLY § 2.1-345

from open meeting requirements shall not be sufficient to satisfy the requirements for an executive or closed meeting.

B. The notice provisions of this chapter shall not apply to executive or closed meetings of any public body held solely for the purpose of interviewing candidates for the position of chief administrative officer. Prior to any such executive or closed meeting for the purpose of interviewing candidates the public body shall announce in an open meeting that such executive or closed meeting shall be held at a disclosed or undisclosed location within fifteen days thereafter.

C. The public body holding an executive or closed meeting shall restrict its consideration of matters during the closed portions only to those purposes specifically exempted from the provisions of this chapter.

D. At the conclusion of any executive or closed meeting convened hereunder, the public body holding such meeting shall reconvene in open session immediately thereafter and shall take a roll call or other recorded vote to be included in the minutes of that body, certifying that to the best of the member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter, and (ii) only such public business matters as were identified in the motion by which the executive or closed meeting was convened were heard, discussed or considered in the meeting by the public body. Any member of the public body who believes that there was a departure from the requirements of subdivisions (i) and (ii) above, shall as soon as practical, and shall be so prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. The statement shall be recorded in the minutes of the public body.

E. Failure to obtain the certification required by subsection D, above, to receive the affirmative vote of a majority of the members of the public body present during a closed or executive session shall not affect the validity or confidentiality of such meeting with respect to matters considered therein in compliance with the provisions of this chapter. The recorded vote and any statement made in connection therewith, shall upon proper authentication, constitute evidence in any proceeding brought to enforce this chapter.

F. A public body may permit nonmembers to attend an executive or closed meeting if such persons are deemed necessary or if their presence will reasonably aid the public body in its consideration of a topic which is a subject of the meeting.

G. Except as specifically authorized by law, no event may any public body take action on matters discussed in any executive or closed meeting, except at a public meeting for which notice was given as required by § 2.1-343.

H. Minutes may be taken during executive or closed sessions of a public body, but shall not be required. Such minutes shall not be subject to mandatory public disclosure. (1989, c. 358.)


The 1989 amendment rewrote this section.
§ 2.1-373.1 ADMINISTRATION OF GOVERNMENT GENERALLY § 2.1-373.2

$1,000, which amount shall be paid into the State Literary Fund. (1976, c. 467; 1978, c. 826; 1984, c. 252; 1989, c. 358.)

The 1959 amendment, near the middle of the section deleted "or §" preceding "1-344," inserted "or § 2.1-344.1," substituted "member" for "person or persons" and deleted "or her" preceding "individual capacity," and substituted "$1,000" for "$500" near the end of the section.

CHAPTER 4
DEPARTMENT FOR THE AGING

Sec.
2.1-373.1. Access to residents, facilities and patients' records by Office of State Long-Term Care Ombudsman. — The personnel designated by the Department for the Aging to operate the programs of the Office of the State Long-Term Care Ombudsman pursuant to the Older Americans Act, Public Law 100-175, shall, in the investigation of complaints referred to the program, have the right to access (i) to residents, facilities and patients' records of licensed homes for adults and as provided for in § 32.1-25, (ii) to residents, facilities and patients' records of nursing homes as is provided for in § 32.1-25, and shall have access to the residents, facilities and patients' records of state hospitals operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services. Notwithstanding the provisions of § 32.1-25, the personnel designated by the Department for the Aging to operate the programs of the Office of the State Long-Term Care Ombudsman shall have access to nursing homes and state hospitals as herein provided. Access to residents, facilities and patients' records shall be during normal working hours except in emergency situations. (1980, c. 477; 1982, c. 345; 1989, c. 160.)

The 1988 amendment, near the beginning of the first sentence, substituted "programs of the Office of the State Long-Term Care Ombudsman" for "long-term care ombudsman program" and substituted "Public Law 100-175" for "§ 478" following "Public Law," and substituted "programs of the Office of the State Long-Term Care Ombudsman" for "ombudsman program" in the next to the last sentence.

§ 2.1-373.2. Confidentiality of records of Office of the State Long-Term Care Ombudsman. — All documentary and other evidence received or maintained by the Department for the Aging or its agents in connection with specific complaints or investigations under any program of the Office of the State Long-Term Care Ombudsman conducted by or under the Commission of that Department shall be confidential and not subject to the Virginia Freedom of Information Act (§ 2.1-340 et seq.), except that such information may be released on a confidential basis in compliance with regulations promulgated by the Department and consistent with provisions of subsection (d) of § 2.1-372 and with the requirements of the Older Americans Act (42 U.S.C. § 3001 et seq.). The Commission of the Department for the Aging shall release information concerning completed investigations of complaints made under the programs of the Office of the State Long-Term Care Ombudsman, but shall in no event release the identity of any complainant or resident of a long-term care facility unless (i) such complainant or resident or his legal representative consents in writing to such disclosure, or (ii) such disclosure is required by court order. The Commission of the Department for the Aging shall establish procedures to notify long-term care facilities of the nature of complaints and the findings thereof. (1980, c. 478; 1982, c. 345; 1988, c. 41; 1989, c. 160.)

The 1988 amendment added the language in the first sentence after "Virginia Freedom of Information Act (§ 2.1-340 et seq.)."

The 1989 amendment substituted "program of the Office of the State Long-Term Care Ombudsman" for "long-term care ombudsman program" in the first sentence, and substituted "program of the Office of the State Long-Term Care Ombudsman" for "ombudsman program" in the second sentence.

§ 2.1-373.21. Protection for representatives of the Office of the State Long-Term Care Ombudsman. — Any designated representative of the Office of the State Long-Term Care Ombudsman who, in good faith with reasonable cause and without malice, performs the official duties of ombudsman, including acting to report, investigate or cause any investigation to be made regarding a long-term care provider, shall be immune from any civil liability that might otherwise be incurred or imposed as the result of making such report or investigation. (1989, c. 160.)

§ 2.1-373.4. Policy of the Commonwealth: creation of Long-Term Care Council; designation of Department as agency responsible for coordination. — The Governor, by Executive order, shall create a Long-Term Care Council to be composed of the Commissioner of the Department of Health, the Commissioner of the Department of Social Services, the Commissioner of the Department of Medical Assistance Services, the Commissioner of the Department of Rehabilitation Services, the Commissioner of the Department for the Visually Handicapped, the Commissioner of the Department for the Rights of Virginians with Disabilities, the Director of the Department of Volunteerism, and the Director of the Department of Medical Assistance Services. The Chairman shall be appointed by the Governor.

The Virginia Department for the Aging is designated as the state agency responsible for coordinating all long-term care efforts of state and local human services agencies.


The 1988 amendment deleted "and" following "Department of Mental Health" in the second paragraph, inserted "and Substance Abuse Services" and inserted "the Director of the Department for Rights of the Disabled, the Director of the Department of Volunteerism" in the second paragraph.

The 1990 amendment, in the second sentence of the second paragraph, substituted "Secretary of Health and Human Resources" for "Commissioner of the Department of Health and Human Resources."
April 16, 1991

Mr. Harry W. Wiggins, Director
Division of Child Support Enforcement
Virginia Department of Social Services
8007 Discovery Drive
Richmond, Va. 23229-8699

Re: Freedom of Information Act Request;
Child-Support Data

Dear Mr. Wiggins:

Under the Virginia Freedom of Information Act, Va. Code Sec. 2.1-340.1 et seq., I hereby request one photocopy of:

A) each original "Child Support Guidelines Reporting Form" (apparently held by your office in Richmond, Va.) AND

B) each original "Support Case Abstract" (apparently held by your office in Fairfax, Va.),

which is in the access/custody of your agency, within the following limitations:

1) The child-support order was entered into on or after July 1, 1988; AND

2) The child-support order was made by either the ARLINGTON CIRCUIT COURT or the ARLINGTON JUVENILE AND DOMESTIC RELATIONS COURT.

To oversimplify this, I am asking in this request for the all of the aforesaid, photocopied records relating to either of the Arlington County Courts for the period since July 1, 1988 and up to the present.

If, for any reason, your records access system has difficulty with the search requested, or in the event that a minor variation on the search parameters would ease this search, then please notify me so that I may have the opportunity to revise this request.

If, in your opinion in advance, this search request will cost me in excess of $200, then please notify me in advance of your cost estimate either for approval or for modification of the request by me. In view of the scope of this request, I have no intention on demanding the results of your search within ten days. I would hope that whoever you have call me with a cost estimate will also be able to provide me with a reasonable time estimate.
Thank you for your consideration of my request. I can be contacted via the information below.

Very sincerely yours,

William Dolan

202-708-5155 (weekdays)
April 26, 1991

Mr. William Dolan

Dear Mr. Dolan:

I am responding to your request for child support information pursuant to the Freedom of Information Act (FOIA).

The information you request is from individual case records and is exempt from the provisions of the FOIA by Section 63.1-274.9 of the Code of Virginia. This Section only allows the Division of Child Support Enforcement (DCSE) to make information involving assessment of the ability of responsible persons to pay child support from these records available to certain attorneys, courts and agencies engaged in the enforcement of child support.

Even if this information were not confidential, the Division's records access system could not accommodate your request.

Generally, courts' records are not of public record; however, information you desire may be available from the individual clerks' offices.

I hope this information is useful to you.

Sincerely,

[Signature]

Harry W. Wiggins, Director
Division of Child Support Enforcement

H:W:ams
c: Robert B. Cousins, Jr.
Mr. William Dolan

Re: FOIA Request

Dear Mr. Dolan:

I am responding to your letter dated May 8, 1991, which was received May 13, 1991, requesting information pursuant to the Virginia Freedom of Information Act:

Chapter 13, of Title 63.1 of the Code of Virginia controls the activities of the Division of Child Support Enforcement (DCSE) of the Virginia Department of Social Services. Section 63.1-274.6 requires records established under this section to be available "only to the Attorney General, prosecuting attorneys, and courts of competent jurisdiction and agencies in other states engaged in the enforcement of support of children and their caretakers". One of the functions of the Department of Social Services is the: "Assessment of the ability of responsible persons to pay child or child and spousal support and to obtain health care coverage for dependent children." Documents utilized to make this assessment become a part of the individual record established by the Department.

Section 2.1-342 of the Code, contained within the Virginia Freedom of Information of Act (FOIA), states: "Except as otherwise specifically provided by law, all official records shall be open to inspection and copying by any citizens of this Commonwealth, during the regular office hours of the custodian of such records" (emphasis added). Section 63.1-274.6 of the Code specifically limits availability of these records to certain individuals, courts and agencies. Information contained in these individual's files cannot be made available under the provisions of the FOIA. However, individuals may have access to their own records maintained by DCSE pursuant to the Virginia Privacy Protection Act.

No agency regulations have yet been promulgated pursuant to Section 63.1-274.6. We would be happy to have your input regarding these regulations.
Mr. William Dolan  
May 20, 1991  
Page 2

The current report discussed in Section 20-108.2 (B) which you requested has not been completed. You have advised you did not wish to a copy of the report dated June 1989. Documents prepared pursuant to this section which constitute an analysis of the effect of the use of the guidelines for reporting to the Governor and the General Assembly would be available pursuant to the FOIA.

DCSE has no statutory authority regarding child custody matters. However, it is true that the great majority of custodial parents for whom DCSE provides services are mothers.

You are correct that most court records are public documents open for inspection by the public. A typographical error in my April 26., 1991, letter to you resulted in a statement to the contrary. I apologize for the misinformation.

Based on the foregoing information, I stand by my decision that the records of individuals cannot be provided. I hope that this information is useful to you.

Sincerely,

Harry W. Wiggins, Director  
Division of Child Support Enforcement

HWW/jmm

copy: Robert B. Cousins, Senior Assistant Attorney General
May 3, 1991

Mr. Russell E. Booker, Jr.
Registrar, Div. of Vital Records
James Madison Bldg., 3rd flr.
109 Governor St.
Richmond, Va. 23219

Re: Freedom of Information Act Request;
Divorce Data

Dear Mr. Booker:

Under the Virginia Freedom of Information Act, Va. Code Sec. 2.1-340.1 et seq., I hereby request one photocopy of the following data fields from Form VS4, "Report of Divorce or Annulment" (or its predecessor form):

2. Full name of husband;
8. Usual residence of husband;
9. Full maiden name of wife;
18. Number of children under 18 in this family;
19. Number of children under 18 whose physical custody was awarded, and whether to husband, to wife, to joint custody, or otherwise;
   Date of divorce; and
   Court file number of divorce.

Please LIMIT your RESPONSE to divorce decrees in ARLINGTON COUNTY, Virginia which occurred on or after July 1, 1989.

If you are unwilling or unable to provide me with a print-out of the data fields requested, then please provide me with the records requested in an alternative form, or else provide me with photocopies of the actual Arlington County VS4 forms.

If, for any reason, your records access system has difficulty with the search requested, or in the event that a minor variation on the search parameters would ease this search, then please notify me so that I may have the opportunity to revise this request.

If, in your opinion in advance, this search request will cost me in excess of $200, then please notify me in advance of your cost estimate either for approval or for modification of the request by me. In view of the scope of this request, I have no intention on demanding the results of your search within ten days. However, I would hope that whoever you have call me with a cost estimate will also be able to provide me with a reasonable time estimate.
Thank you for your consideration of my request. I can be contacted via the information below.

Very sincerely yours,

[Signature]

William Dolan

202-708-5155 (weekdays)
Thank you for your consideration of my request. I can be contacted via the information below.

Very sincerely yours,

William Dolan

202-708-5155 (weekdays)
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<tr>
<th>1. CIRCUIT COURT FOR CITY OR COUNTY OF</th>
<th>STATE FILE NUMBER</th>
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| 2. FULL NAME                        |                  |
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<th>3. PLACE OF BIRTH (state of foreign country)</th>
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| 5. RACE | 6. NUMBER OF THIS MARRIAGE (last, second, etc.) | 7. EDUCATION (Elementary or Secondary) (0-12) | College (1-4 or 5+)
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<th>8. USUAL RESIDENCE (street no. or rural route no.)</th>
<th>(city or town)</th>
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| 9. FULL MAIDEN NAME                               |                  |
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<th>10. PLACE OF BIRTH (state of foreign country)</th>
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| 12. RACE | 13. NUMBER OF THIS MARRIAGE (last, second, etc.) | 14. EDUCATION (Elementary or Secondary) (0-12) | College (1-4 or 5+)
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<th>16. PLACE OF MARRIAGE (city or town)</th>
<th>(county)</th>
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<th>17. DATE OF MARRIAGE</th>
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<tr>
<th>18. NUMBER OF CHILDREN UNDER 18 IN THIS FAMILY</th>
<th>19. NUMBER OF CHILDREN UNDER 18 WHOSE PHYSICAL CUSTODY WAS AWARDED TO</th>
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| 21. PLAINTIFF                                      |                                                   |
| HUSBAND | WIFE | BOTH |
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|          |      |      |

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<tr>
<th>22. DIVORCE GRANTED TO (if annulment - so state)</th>
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<tr>
<th>23. LEGAL GROUNDS OR CAUSE OF DIVORCE</th>
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<tr>
<th>24. INFORMANT'S SIGNATURE</th>
<th>25. PETITIONER</th>
<th>26. ATTORNEY FOR PETITIONER</th>
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<tr>
<td>NAME OF INFORMANT</td>
<td>ADDRESS OF INFORMANT</td>
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<th>I CERTIFY THAT A FINAL DEGREE OF (divorce or annulment) WAS ENTERED (date of divorce or annulment) CONCERNING THE ABOVE MARRIAGE AND WAS NUMBERED (court file number)</th>
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<th>SIGNATURE OF CLERK OF COURT OR DEPUTY</th>
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<td>NAME OF CLERK OR DEPUTY (Type or Print)</td>
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NOTE: ITEMS 1-24 ON THIS FORM TO BE COMPLETED BY PETITIONER OR ATTORNEY AND FILED WITH CLERK OF COURT. HUSBAND OR DECEASED FILE.
Mr. William Dolan

Dear Mr. Dolan:

Your request of May 3 which was postmarked May 6 was received in this office this date.

We will not be able to provide you with any estimates until some time next week. It would be helpful to know exactly what you are looking for so that we may advise you adequately.

The vital records of this Commonwealth are exempt from the provisions of the "Freedom of Information Act". However, this office has never restricted the release of data from marriage or divorce records because they are public information available in the Circuit Courts of the Commonwealth. Furthermore, there is a provision under the statute that prohibits our furnishing listings of names, etc., for commercial purposes. Therefore, it would help us to know your purpose in obtaining these data.

It will be a pleasure to serve you further in this matter.

Sincerely,

Russell E. Booker, Jr.
State Registrar

cc: Carol S. Nance
Assistant Attorney General
COMMENTS ON JULY 1989 - DECEMBER 1990 DIVORCE DATA FOR ARLINGTON COUNTY
REQUESTED BY WILLIAM DOLAN

A listing of the divorces granted in Arlington County on or after 1 July 1989 in which one or more children under the age of 18 were involved was requested in communications of 3 May 1991 and 28 May 1991. The requested information as to whether or not custody of the children was adjudicated could not be provided since this information is not recorded in the Vital Statistics records of the Commonwealth of Virginia. Neither is the Court File Number of the divorce.

The requested records were located and the data fields desired from them were extracted and downloaded to a personal computer from which the data are available on a 5.25 inch diskette if necessary. There are 383 records with a logical record length of 100. They have been retrieved into this document and adjusted for monthly spacing. The records were sorted by date of the decree and then alphabetically by name of the husband for records of the same date. The positions of the data in each of the records has been made to conform to the following. Spaces have been left between fields for ease of reading. Missing values are indicated by a dot in the field.

1) Date of Decree  (MMDDYY)  Positions 1-6
2) Number of Children Under Age 18  Positions 8-9
3) Number of Children Awarded to Custody of Husband  Positions 11-11
4) Number of Children Awarded to Custody of Wife  Positions 13-13
5) Number of Children Awarded to Joint Custody  Positions 15-15
6) Number of Children Awarded to Other Custody  Positions 17-17
7) Plaintiff (1=Husband, 2=Wife, 3=Both, 9=Unknown)  Positions 19-19
8) To Whom Divorce Granted (Same Coding as for Plaintiff)  Positions 21-21
9) Husband's Residence Code (Separate List Attached)  Positions 23-25
10) Husband's Name (Surname*First*Middle)  Positions 27-59
11) Suffix to Name of Husband (J, S, 2-9 for II-IX)  Positions 61-61
12) Maiden Name of Wife (Surname*First*Middle)  Positions 63-100

A dot in the Custody fields indicates that the field was not coded on the record but simply left blank. This occurred on all of the records for 1989. The coding is 0 to 7 for children up to 7, 8 for 8 or more children, and 9 if the number is unknown. The majority of the records for 1990 were coded with 9's in the custody fields.

Neville L. Rucker, Statistical Analyst
The Center For Health Statistics
Virginia Department of Health
307 James Madison Building
109 Governor Street
Richmond, VA 23219

(804) 786-6206

25 June 1991
<table>
<thead>
<tr>
<th>Name</th>
<th>Date of Birth</th>
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<th>County</th>
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- BUCCO, MARY | 19 | 19 | 6/18/89 | 252/628
- EDMONDSON, ELIZABETH | 19 | 19 | 6/18/89 | 252/628
- BARR, CHERYL | 19 | 19 | 6/18/89 | 252/628
- ELDRIDGE, DEL | 19 | 19 | 6/18/89 | 252/628
- BASILIO, JAMES | 19 | 19 | 6/18/89 | 252/628
- MENDONZA, DONALD | 19 | 19 | 6/18/89 | 252/628
- BRENTLEY, ROBIN | 19 | 19 | 6/18/89 | 252/628
- DEJESUS, TERA | 19 | 19 | 6/18/89 | 252/628
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- JONES, MARIA | 19 | 19 | 6/18/89 | 252/628
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- LEA, GLORIA | 19 | 19 | 6/18/89 | 252/628
- GRUEN, PATRICK | 19 | 19 | 6/18/89 | 252/628
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- COLE, DONALD | 19 | 19 | 6/18/89 | 252/628
- BELL, DAVID | 19 | 19 | 6/18/89 | 252/628
- BENNETT, SHARON | 19 | 19 | 6/18/89 | 252/628

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<th>Website</th>
<th>Social Media</th>
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<td>123 Main St</td>
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<td>Michael Brown</td>
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<td>234 Cedar Ln</td>
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<td>555-7654</td>
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**Notes:**
- Some addresses are fictional.
- The table continues with similar entries.

---

**Address Details:**
- **Main Street:** 123 MAIN ST
- **Maple Road:** 1011 MAIN ST
- **Lake Drive:** 333 LAKE DR
- **Other Addresses:** Various fictional addresses in ANN ARBOR.
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone</th>
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<tr>
<td>John Doe</td>
<td>123 Main St</td>
<td>555-1234</td>
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<td>Jane Smith</td>
<td>456 Oak Rd</td>
<td>555-5678</td>
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<tr>
<td>Richard Johnson</td>
<td>789 Pine Ave</td>
<td>555-9876</td>
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<tr>
<td>Mary Williams</td>
<td>101 Cedar Dr</td>
<td>555-4321</td>
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<tr>
<td>Brian Davis</td>
<td>222 Elm Ln</td>
<td>555-7890</td>
<td></td>
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</table>

*Additional notes:*
- John Doe is a software engineer.
- Jane Smith is a nurse.
- Richard Johnson is an attorney.
- Mary Williams is a teacher.
- Brian Davis is a chef.

*Contact details are fictional and for demonstration purposes.*
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<tr>
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<th>Code</th>
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Incorporated Towns over 10,000
VIRGINIA:

IN THE CIRCUIT COURT OF ARLINGTON COUNTY

WILLIAM DOLAN,

Plaintiff,

v.

MARIÉ-FRANCE M. VAREILLES,

Defendant

In Chancery No. 90-583

NOTICE OF AND PRAECIPE
REQUESTING SUBPOENA DUCES TECUM

The Clerk of the Court is hereby requested to prepare a
subpoena duces tecum for the designated person and documents
listed in the attached Exhibit A to produce the documents
requested on or before September 16, 1991, at 4421 First Road
South, Arlington, Va. 22204-1318.

The ATTENDANCE of the person responding to the subpoena
is NOT REQUIRED, it being sufficient for the responding person
to mail accurate photocopies of the documents requested to the
undersigned, within the time provided by the subpoena. A
check in the amount of $5.00 payable to the Clerk of the
Court, and $5.00 payable to the Sheriff is enclosed.

Date: August 19, 1991

William Dolan
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice and Praecipe Requesting Subpoena Duces Tecum was mailed, first-class postage pre-paid, to Thea R. Barron, Esq., 254 North Washington St., Suite A, Falls Church, Va. 22046, on this day, August 19, 1991.

[Signature]

William Dolan
EXHIBIT A TO SUBPOENA DUDES TECUM

TO: Mr. Harry W. Wiggins, Director
Division of Child Support Enforcement
Virginia Department of Social Services
8007 Discovery Drive
Richmond, Va.  23229-8699

SERVE: (between 8:30 a.m. and 5:00 p.m. weekdays)
Hon. Mary Sue Terry
Virginia Attorney General
Supreme Court Building
101 North Eighth St., 5th floor
Richmond, Va.  23219

The Division of Child Support Enforcement of the Virginia Department of Social Services (the "Agency") is hereby requested to produce photocopies of each of the following documents and records:

1. Each original "Child-Support Guidelines Form," and each "Support Case Abstract Form," and each "Tracking Form," including, but not limited to, the types of forms attached in Exhibit B hereto, for child-support cases in ARLINGTON COUNTY, which forms cover any portion of the period, July 1, 1988 through June 30, 1991; and

2. Each memorandum, analysis, report or study which concerns or relates to, in whole or in part, any of the following, with respect to the Commonwealth of Virginia (or any subdivision thereof) over the period, July 1, 1988 through August 1, 1991 (or any portion thereof):
   a) the number (or percentage) of fathers or mothers awarded joint custody, joint physical custody, joint legal custody, split custody, sole custody, or primary custody over a child (or children); and

   - 3 -
b) the number (or percentage) of children whose custody (of any type) has been awarded to fathers or to mothers; and
c) the fact that more mothers than fathers receive child-custody and/or child-support from the other parent; and
d) gender-skewing or gender-discrimination in favor of mothers against fathers, with respect to either child-custody or child-support; and
e) any instance (or instances) of a mother paying child-support to a father; and
f) the matter of whether only one parent or both parents have (or should have) a duty to pay a portion of child-support; and
g) the matter of the use of child-support monies by the recipient-parent for her/his own personal purposes, rather than for the dependent child; and
h) the matter of a dependent child's costs being greater for an older child than for a younger child; and
i) any perceived weakness or inaccuracy in the child-support guideline chart of Va. Code Sec. 20-108.2; and
j) the matter of the "maternal custody preference" or the "tender years doctrine," used by Virginia in child-custody adjudication; and
3. Each written policy or internal directive concerning any matter referred to in request number 2, above.

Note: In the interest of the privacy of the parties and their dependents, the Plaintiff offers, in advance, to accept
photocopies of the Forms requested with the names, addresses, and social security numbers deleted. The Plaintiff is willing to agree to additional restrictions on the use of the information provided, if the restrictions are reasonable under the circumstances.

In lieu of the documents specified in request 1, above, the Agency may elect to produce a computer report (or reports) related to child-custody or child-support cases in ARLINGTON COUNTY, covering any portion of the period, July 1, 1988 through June 30, 1991, IF the computer report includes, FOR EACH CASE:

a) the Division of Child Support Enforcement Identification Number; and

b) the Court Case Number; and

c) the Court Name and date of order (or other date used, for DCSE indexation purposes); and

d) the date of birth of each dependent covered by the respective order; and

e) the periodic child-support payment; and

f) the period of the child-support payment, i.e., whether weekly, bi-weekly, semi-monthly, monthly, etc.; and

g) an indication of whether the father or the mother (or both) is the payor of child-support; and

h) an indication of whether the support payable is unitary (covering both spouse and children) or not; and
1) an indication of whether there is court-ordered medical coverage of either spouse, children, or spouse-and-children; and

j) the mother's monthly gross income; and

k) the father's monthly gross income; and

j) the adjustment, if any, to child-support for spousal-support payments; and

k) the adjustment, if any, to child-support for extraordinary medical and dental expense; and

l) the adjustment, if any, to child-support for work-related child-care costs; and

m) an indication of whether the child-support ordered was the same as the "guideline calculation," whether it was used as a "general reference point" or whether the guideline calculation was not used as a "general reference point;" and

n) the reason(s) specified on the "Child Support Guidelines Reporting Form," Ex. B, p. 2, for a variance from the "guidelines."

Note: Codes may be used by the Agency for communication of the requested information, as long as the Agency provides a key for translation of such codes. In the event that the Agency does not have each and every data field requested in a complete or accessible form, the Plaintiff, nevertheless, requests that the Agency provide the information requested, to the extent that is available, whether whole or partial, as soon as possible.
## SUPPORT CASE ABSTRACT

**DCSE ID NO.**

**Court Case No.**

1. Juvenile and Domestic Relations District Court
2. Circuit Court

1. Yes (See F. 3)
2. No

1. New case
2. Amended abstract
3. Conversion case

**Remanded?**

1. No
2. Enforce (see F. 3)

3. All support matters (See F. 3)
4. Collect (conv.) (See F. 3)

### A.1.

- **Petitioner**
  - First Name
  - Last Name
  - Social Security Number

- **Respondent**
  - First Name
  - Last Name
  - Social Security Number

### 3. Dependents

(See code sheet) Relation to: A.1. A.2. DOB (child)

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<th>First Name</th>
<th>Last Name</th>
<th>MO</th>
<th>DA</th>
<th>VR</th>
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</tbody>
</table>

Current Support Payments:

1. $ ________________ 1. weekly 3. semi-monthly 5. quarterly 7. annually 8. other: __________

2. __________/_______/_____. Next payment due. (Conversion only: 1. pass-through 2. pay to clerk)

3. PAYOR: 1. respondent 2. other (See F. 4)

<table>
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<tr>
<th>PAYEE No. 1: 1. petitioner 2. DCSE 3. other:</th>
<th>First Name</th>
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<tbody>
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<td>$ ________________ for spouse $ ________________ for children (Dependent Nos. __________ ) A = all dependents or $ ________________ for unitary spousal/child support (Dependent Nos. __________ ) A = all dependents</td>
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<table>
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<tr>
<th>PAYEE No. 2: 1. petitioner 2. DCSE 3. other:</th>
<th>First Name</th>
<th>Last Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ ________________ for spouse $ ________________ for children (Dependent Nos. __________ )</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
6. Credit Balance? Payee No. 1: [☐] 1 = yes - $  
Payee No. 2: [☐] 2 = no.  
Court-ordered escrow? [☐] 1 = yes - balance of $  
[☐] 2 = no.

D. Arrearages: $  
--- Total arrearages in all support
1 - weekly 3 - semi-monthly 5 - quarterly 7 - annually 8 - other ...
1. $ [☐] 2 - bi-weekly 4 - monthly 6 - semi-annually

2. Next payment due. (Conversion only: [☐] 1 - pass through 2 - pay to clerk)

3. PAYOR: [☐] 1 - respondent 2 - other (See F.4)

4. PAYEE No. 1: [☐] 1 - petitioner 2 - DCSE 3 - other:

<table>
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<tr>
<th>Amount</th>
<th>Description</th>
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<tr>
<td>$</td>
<td>child periodic support (Dependants Nos. A all) ($ total arrearage)</td>
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<tr>
<td>$</td>
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5. PAYEE No. 2: [☐] 1 - petitioner 2 - DCSE 3 - other:

<table>
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<tr>
<td>$</td>
<td>unitary spousal/child periodic support ($ total arrearage) (Dependants Nos. A all) ($ total arrearage)</td>
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E. PAYMENT ALLOCATION PRIORITY: [☐] current [☐] arrearages

1 = none stated in order  3 = Other: .................................................................  
2 = split equally among payees

Miscellaneous
1. Performance bond posted? [☐] 1 = yes - $  
[☐] 2 = no.

2. Court-ordered medical coverage: [☐] 1 - spouse 2 - children 3 - spouse and children 4 - none.

3. [Name of party] [Name of party]

1. [Name of payee] [Name of payee]

Payroll deduction order [☐] 1 = yes -- expires on / /  
[☐] 2 = no.

Special situation? [☐] 1 = yes -- (..........................)  
[☐] 2 = no.

I certify that this information is a correct abstract of this case in this court as of this date.
CHILD SUPPORT GUIDELINES REPORTING FORM

Virginia Code § 20-108.2(H) requires the implementation of a reporting and tracking system to determine the effect of the child support guidelines on the level of child support awards in Virginia. This form is designed to help analyze the effect of the use of such child support guidelines on the level of child support awards. Instructions for completing this form have been made available to each court and District Office. Upon completion of each form in each case in which child support is awarded, send this form to: Support Tracking Office, Division of Child Support Enforcement, P.O. Box K-3, Richmond, Virginia 23228.

1. a. □ Circuit Court
   b. □ Juvenile and Domestic Relations District
   c. □ DCSE District Office

2. Case Number

3. Number of children for whom father and mother share a legal child support obligation for whom support was awarded.


5. $ Father's Monthly Gross Income. If none, insert NONE. If father is not a party, insert Line 2. Work Sheet.

6. a. $ Adjustment for spousal support payment (see instructions). If none, insert NONE.
   b. □ Mother
      □ Father


9. $ Total amount of child support awarded. (Line 10.e. of Work Sheet if completed; otherwise Line 9 of Work Sheet)
   a. □ weekly
   b. □ bi-weekly
   c. □ semi-monthly
   d. □ monthly

10. Were calculations made by anyone in this case using the child support guidelines formula in § 20-108.2(F)?
   a. □ Yes and the amount of child support ordered to be paid by the noncustodial parent was the same as the guideline calculation.

   b. □ Yes but the amount of child support ordered to be paid by the noncustodial parent was not the same as the guideline calculation because of the factor(s) described below in Item No. 10, and (check either box).

   (1) □ The guideline calculation was used as a general reference point in determining the child support award

   (2) □ The guideline calculation was not used as a general reference point in determining the child support award

   c. □ No, due to the factor(s) described below in Item No. 11.
APPENDIX IV-2

- Verify the facts if 10.b. or 10.c. is checked
- Reasons for not making child support guidelines calculation or for not making a child support guidelines calculation this year and complete the applicable blocks:

j. □ Actual monetary SUPPORT FOR OTHER children, other family members or former
   § 20-108.1(B)(1)

b. □ Arrangements regarding CUSTODY of the children. § 20-108.1(B)(3)

c. □ SUPPORT AGREEMENT by the parties

d. □ IMPUTED INCOME to a party who is voluntarily unemployed or voluntarily underemployed; proof
   income may not be imputed to the custodial parent when a child is not in school or whose child care
   not available and the cost of such child care services are not included in the computation. § 20-108.1(B)(11)

e. □ DEBTS of either party arising during the marriage for the BENEFIT OF THE CHILD. § 20-108.1(B)(2)

f. □ DEBTS incurred for PRODUCTION OF INCOME. § 20-108.1(B)(5)

g. □ Direct payments ordered by the court for health plan coverage, education expenses, or other CO
   ORDERED DIRECT PAYMENTS for the benefit of the child. § 20-108.11(B)(6)

h. □ EXTRAORDINARY CAPITAL GAINS such as capital gains resulting from the sale of the marital

i. □ The age, physical and mental CONDITION OF THE CHILD or children, including extraordinary medical
   dental expenses, and child-care expenses. § 20-107.2(2)(a)

j. □ The INDEPENDENT FINANCIAL RESOURCES, if any, of the CHILD or children. § 20-107.2(2)(b)

k. □ The STANDARD OF LIVING for the family established during the marriage. § 20-107.2(2)(c)

l. □ The earning capacity, obligations and needs, and FINANCIAL RESOURCES OF EACH PARENT. § 20-107.2(2)

m. □ The EDUCATION AND TRAINING OF THE PARTIES and the ability and opportunity of the parties
   secure such education and training. § 20-107.2(2)(e)

n. □ The CONTRIBUTIONS, monetary and nonmonetary, of each party to the WELL-BEING OF THE FAMILY
   § 20-107.2(2)(f)

o. □ The PROVISIONS made with regard to the MATERIAL PROPERTY under. § 20-107.3, § 20-107.2(2)(g)

p. □ Limited by PLEADING

q. □ Such OTHER FACTORS, including tax consequence to each party, as are necessary to consider the equities
   the parents and children (§ 20-107.2(2)(b) describe briefly)

r. □ Other...