



**ERICSA 62ND ANNUAL
TRAINING CONFERENCE & EXPOSITION**

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NORFOLK

VIRGINIA

Perspectives from the Bench: A Judicial View on Child Support Issues

Presenters

- The Honorable Cheshire I 'Anson Eveleigh - Virginia Beach Juvenile and Domestic Relations District Court
- The Honorable Peter J. Passidimo – Bronx County Family Court, New York
- James J. Maxwell - Family Court Commissioner for New Castle County, Delaware
- Moderator: G. Scott Darnell, Director of Legal Operations for Eastern Virginia, Virginia Office of the Attorney General



Gain invaluable insights into child support matters from a panel of esteemed judges representing Virginia, New York, and Delaware.



Foundational Issues: Out-of-State, UIFSA Considerations

1. UIFSA provides several options for presenting evidence when the party resides out-of-state. How does the court typically deal with the taking of evidence when the out-of-state party is not physically present in the courtroom?
2. What is the main cause of delays or continuances in UIFSA cases?
3. From a judicial perspective, how can child support agencies expedite the time from filing a UIFSA petition to issuing a support order to improve efficiency?
4. Do you find litigant's forum shopping between courts among different states?



Registration & Enforcement of Out-of-State Orders

1. What typically happens when a child support agency files an uncertified out-of-state support order and fiscal record for modification or enforcement registration, with no objections from any parties?
2. Is a party required to raise a CEJ objection, or will the court raise CEJ on its own?
3. Do you typically utilize the Standard UIFSA Forms, such as the Transmittal One as evidence for determining the child support?
4. When an out-of-state order has been registered for modification and the emancipation age differs from that of the issuing state, what precautions should be taken to protect the non-modifiable aspects of the issuing state's law?
5. What are the implications for an out-of-state party who does not comply with discovery requests from an in-state party's attorney?



Judicial Decision-Making & Unique Case Challenges

1. What challenges does the court encounter in paternity cases when one of the parties resides out of state?
2. How does your court calculate child support?
3. How does your court address non-payment of child support?
4. How have you managed contempt actions against parents in other states?
5. How does the court handle incarcerated parents in establishing, modifying and enforcing support?
6. What benefits and drawbacks do you see in using mediation to resolve interstate child support cases?



Court room Challenges:

1. How does the court balance evidence rules with ensuring pro se litigants are heard?
2. What common mistakes do pro se litigants make in child support cases, and how do you handle those while maintaining judicial neutrality?
3. How has social media evidence impacted child support cases?
4. How does the court deal with parents who, as sovereign citizens, reject its authority?
5. Do you allow cell phones in your courthouse?



Special Challenges: Self-Employed & Imputation Cases

1. Handling child support calculations for a self-employed parent is particularly challenging. What is your judicial approach to analyzing such cases?
2. How has the Gig Economy changed this self-employed judicial analysis?
3. Voluntary Unemployment & Under-employment issues arise on almost every court docket, what is your judicial approach to these cases?

