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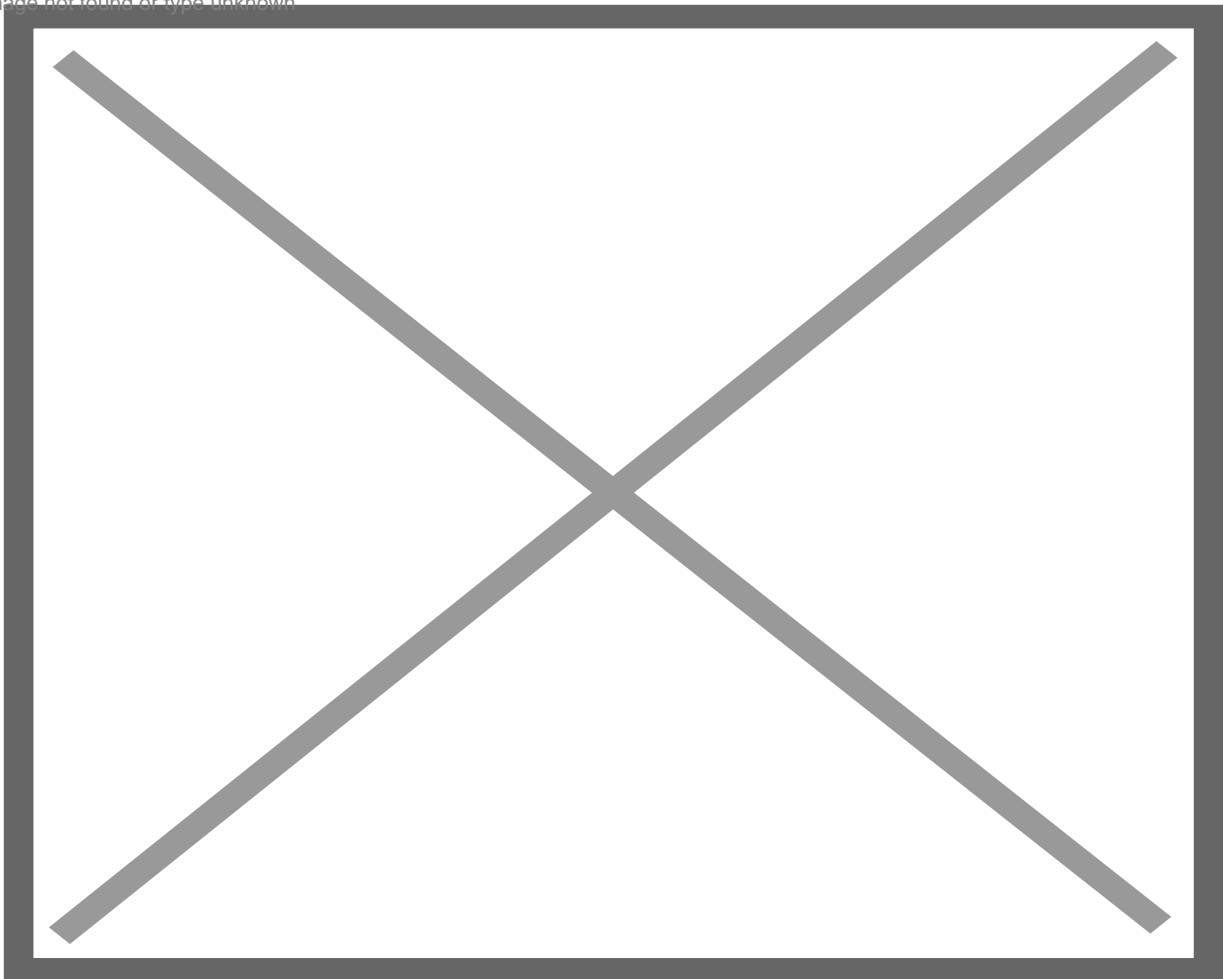
Bill to Raise Default Minimum Child Support Payment From \$250 to \$1,000 Passes Committee

Senator Javan James repeatedly asked that a study be conducted before bill's passage, but sponsor Carla Joseph stood firm: " ...me ain't waiting for no study."

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Single mother with daughter. By. GETTY IMAGES

A bill that seeks to raise the default minimum child support payment from \$250 to \$1,000, referred to as “the most meaningful proposed child support legislation [in] recent years,” was successfully voted out of the Committee on Government Operations, Veterans Affairs and Consumer Protection on Tuesday.

Under an amended version of Bill 35-0226, Bill Sponsor Senator Carla Joseph intends to increase the minimum default payment on monthly child support payments from \$250 to \$1,000 for the first child, and \$150 for each additional child.

The bill targets non-custodial parents who fail to provide the necessary documentation to calculate the appropriate amount of child support to be paid. The original draft of the legislation proposed a modest increase in the minimum default payment from \$250 to \$350 for the first child and \$60 to \$75 for each additional child. However, several lawmakers argued that those figures would do little to incentivize parents to comply with child support laws.

Nonetheless, Kathryn Jensen-deLugo, director within the Department of Justice's Division of Paternity and Child Support indicated her support for the bill even before Senator Kenneth Gittens suggested a technical amendment to increase the dollar amount. She told lawmakers that over the past fifteen years, "we have seen an increase in failures to appear for hearings and failures to present requested financial information." Parents who earn income in cash through the "underground economy" are those most likely to avoid making payments, leaving custodial parents to "struggle to feed, house and clothe their children as the cost of living continues to rise."

Most senators were largely in support of the legislation, bar some concerns over the method used to arrive at the increase to \$350 and \$75. Senators Donna Frett-Gregory, Javan James, and Milton Potter focused on the need to use recent data to make decisions. Attorney General's office is responsible for reviewing and revising the child support guidelines every four years, however the department recently engaged the University of the Virgin Islands to conduct that study for the first time in sixteen years.

Ms. Frett-Gregory wondered whether the authorities and the bill's sponsor were "pulling numbers out of the air." In the absence of data-driven decision-making, Mr. Potter questioned whether the proposed increase would "do the job" of getting delinquent parents to present the required documentation needed to calculate their appropriate child support payment. He remained "cautious" about the move to further increase the minimum to \$1,000 "before getting some more data."

Several legislators expressed a concern that the current system was creating a loophole for parents who could afford to pay more than the minimum but wished not to. Mr. James questioned Ms. Jensen-deLugo on the possibility that a parent could say, "I'm not going to comply. I just want to pay the bare minimum." He suggested that the DOJ wait for conclusive data from the UVI study before making a decision. That study, however, is focusing on guidelines for parents who present information on their earnings, not those who are uncooperative with the process.

The overarching request was that the minimum be made even higher as a means of "forcing compliance". "If we change it to potentially \$1,000, it will force them to come in with their paperwork, and make the necessary adjustments for those that are below this \$1,000 threshold," suggested Senator Alma Francis Heyliger.

According to the 2023 Kids Count publication, statistics from the 2020 census reveal that [33 percent of children in the territory live in poverty](#). Ms. Francis Heyliger believes that living in a single-parent household could be a contributing factor, particularly where "the other parent is not contributing." Senate President Novelle Francis found it "so unfortunate that we have to create an incentive" for non-custodial parents to support their children.

Five lawmakers voted in favor of the measure, overriding "no" votes from Senators Potter and James, and sending the bill onwards to the Committee on Rules and Judiciary for further

discussion. Among those in favor was Sen. Gittens who reminded the Department of Justice that “enforcement is key.” Sen. James, meanwhile, explained his lack of support by calling for the proposed legislation to be “attached to data.”

However, for the bill’s sponsor Sen. Carla Joseph, the urgency of the matter left no room for delay. “When I look at this Kids Count and I look at the amount of young people in poverty in the Virgin Islands, me ain’t waiting for no study,” she declared.

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