

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

FILED

JUL 25 12 11 PM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Child Support Enforcement Division TITLE NUMBER: 97

RULE TYPE: Legislative; CITE AUTHORITY W. Va. Code 9-2-6

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 78 - 6 97-1

TITLE OF RULE BEING AMENDED: Incorporation by Reference as a
Legislative Rule of the Child Support Enforcement Division
Policy and Procedure Manual

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON Aug. 26, 1996 AT 12:00 NOON

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

R. Jeffrey Johnson

Building 6, Room 817

State Capitol Complex

Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE
LIMITED TO THIS PROPOSED RULE.



ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR CHILDREN AND FAMILIES
-CHILD SUPPORT ENFORCEMENT DIVISION-

Gaston Caperton
Governor

Gretchen O. Lewis
Secretary

Jeffrey Johnson
8-0908

Sue H. Sergi
Commissioner

Martha J. Hill
Director

M E M O R A N D U M

TO: Judy Cooper, Director
Administrative Law Division
Secretary of State

FROM: Jeff Johnson, In-House Counsel
Child Support Enforcement Division

DATE: July 19, 1996

SUBJECT: Attached Rules

FILED
JUL 25 12 13 PM '96
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Enclosed you will find four (4) proposed or amended legislative rules and one (1) emergency rule for filing. The rules are as follows:

1. Title 78, Series 6. Incorporation by Reference as a Legislative Rule of the Child Support Enforcement Division Policy and Procedural Manual.

This is an amendment to an existing rule. The amendment is technical in nature and provides for an update of the rule to meet current statutory language. More particularly, it provides for a change in the name of the agency which was done by statute in the 1995 session of the legislature.

2. Title 78, Series 11. Application of Statutory Interest Provisions.

This is being offered as an emergency rule pursuant to the emergency rule making authority of the West Virginia Support Enforcement Commission under West Virginia Code §48A-3-11 and §48A-5-3. This rule would repeal the former rule which pertained to Income Withholding. That rule is obsolete as all of its provisions have now been made a part of state code.

The rule provides that interest shall not accrue during the months when despite the legal compliance of an employer, the non-custodial parent's monthly support obligation is not met.

Judy Cooper, Director, Administrative Law Division
Secretary of State
July 19, 1996
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I have also enclosed the necessary paperwork to see that this rule becomes a legislative rule.

3. Title 78, Series 12. Obtaining Support From Federal and State Income Tax Refunds.

This rule is an amendment to the existing rule. However, the changes are so extensive that pursuant to Legislative Rule §153-6-5 I am asking that the former rule be repealed and this be offered as a new rule.

The changes to the rule are to meet current statutory requirements.

4. Title 78, Series 13. Interstate Income Withholding.

This is an amendment to an existing rule. The changes are to bring the rule into statutory compliance. More particularly, it provides for a change in the name of the agency which was done by statute in the 1995 session of the legislature.

5. Title 78, Series 14. Providing Information to Credit Reporting Agencies.

This is an amendment to an existing rule. The changes are to bring the rule into statutory compliance. More particularly, it provides for a change in the name of the agency which was done by statute in the 1995 session of the legislature.

I have provided the necessary cover forms for all rules. In addition, I have included a fiscal note on all of the rules. For the amendments to existing rules, I have provided three (3) copies to The Rule-Making Review Committee and one (1) to the Administrative Law Division of the Secretary of State. For the emergency rule, I have provided fourteen (14) copies to the Administrative Law Division of the Secretary of State and one (1) to Legislative Rule-Making Review Committee. For the rules that are to be repealed, I have included a copy of the current rule.

Please advise if you need anything additional. I look forward to hearing from you.

RJJ/rab

Attachments

DATE:

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Martha J. Hill, Director

LEGISLATIVE RULE TITLE: Incorporation By Reference as a Legislative Rule of the Child Support Enforcement Division Policy and Procedural Manual.

1. Authorizing statute(s) citation: _____

W. Va. Code 9-2-6

2. a. Date filed in State Register with Notice of Hearing _____

b. What other notice, including advertising, did you give of the hearing?

c. Date of Hearing(s) _____

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received _____

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

f. Name and phone number(s) of agency person(s) to contact for additional information:

R. Jeffrey Johnson

558-0908

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing: _____

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached _____

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Incorporation By Reference as a Legislative Rule of the Child Support Enforcement Division Policy and Procedural Manual.
Type of Rule: X Legislative Interpretive Procedural
Agency Child Support Enforcement Division
Address Building 6, Room 817
State Capitol Complex
Charleston, WV 25305

1. Effect of Proposed Rule

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

There is no fiscal impact of the proposed rule.

3. Objectives of these rules:

To amend the present rule to provide for the change in the name of the agency.

Rule Title: Incorporation by Reference as a legislative Rule of the
Child Support Enforcement Division Policy and Procedural Manual.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

None

C. Economic Impact on Citizens/Public at Large.

None

Date: 7-23-96

Signature of Agency Head or Authorized Representative

Martha J. Hill

TITLE 78
LEGISLATIVE RULES
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SERIES 6
INCORPORATION BY REFERENCE AS A LEGISLATIVE
RULE OF THE CHILD SUPPORT ENFORCEMENT DIVISION
POLICY AND PROCEDURAL MANUAL

§78-6-1. General.

1.1. Scope. --This legislative rule amends the "Incorporation by Reference as a Legislative Rule of the Office of Child Support Enforcement Policy and Procedural Manual" to the "Incorporation by Reference as a Legislative Rule of the Child Advocate Office Policy and Procedural Manual" to the "Incorporation by Reference as a Legislative Rule of the Child Support Enforcement Division." The Child Support Enforcement Division succeeded the Child Advocate Office on July 1, 1995, by legislative enactment (WVC §48A-2-12). This manual details the methods and procedures by which child advocate attorneys Child Support Enforcement legal assistants under the direction of an attorney process support cases, establish and enforce

support obligations, locate absent parents, conduct investigations for family law masters and circuit court judges, mediate disputes compute support arrearages, and collect and distribute support payments.

1.2 Authority. --W. Va. Code §9-2-6

1.3. Filing Date. --

1.4. Effective Date. --

§78-6-2. Incorporation by Reference as a Legislative Rule of The Child Advocate Office The Child Support Enforcement Division Policy and Procedural Manual.

The Child Advocate Office Child Support Enforcement Division Manual is hereby

incorporated by reference as a legislative rule. This document is available from the Office of the Secretary of State or the West Virginia Department of Health and Human Services Resources.