

Form #2

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Procedures for Terminating a Temporary Support Order When a Final Order is Entered
 Type of Rule: X Legislative Interpretive Procedural
 Agency: DHHR - CHILD SUPPORT ENFORCEMENT DIVISION
 Address: 1900 KANAWHA BLVD., EAST
BUILDING 6, ROOM 817
CHARLESTON, WV 25305

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

There would be no financial impact if this legislative rule is passed.

3. Objectives of these rules:

IS TO DETERMINE THE PROCEDURES OF TERMINATING A TEMPORARY SUPPORT ORDER IN THE ABSENCE OF A COURT ORDER SPECIFICALLY TERMINATING THE SUPPORT OBLIGATION.

Rule Title: PROCEDURES FOR TERMINATING A TEMPORARY SUPPORT ORDER WHEN A
FINAL ORDER IS ENTERED

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: August 8, 1997

Signature of Agency Head or Authorized Representative



FILED

TITLE 97
LEGISLATIVE RULES
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

AUG 12 1 14 PM '97

SERIES 8
PROCEDURES FOR TERMINATING A TEMPORARY SUPPORT ORDER
WHEN A FINAL ORDER IS ENTERED

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§97-8-1. General.

1.1. Scope. -- This legislative rule establishes procedures by which the Department of Health and Human Resources, Child Support Enforcement Division (CSED) shall terminate a temporary support order in the absence of a court order specifically terminating the support obligation.

1.2. Authority. --
W. Va. Code §48A-2-9(a), 42
U.S.C. 651.

1.3. Filing Date. --

1.4. Effective Date. --

§97-8-2. Definitions.

2.1. Child Support Enforcement Division - the agency intended by the Legislature to be the single and separate organizational unit of state government administering programs of child and spousal support enforcement and meeting the staffing and organizational requirements of the Secretary of the Federal Department of Health and Human Services. W. Va. Code §48A-1A-7.

2.2. Court of Competent Jurisdiction - a circuit court within this state or a court or administrative agency of another state having jurisdiction and due legal

authority to deal with the subject matter of the establishment and enforcement of support obligations. Whenever reference is made to an order of a court of competent jurisdiction, or similar wording, such language shall be interpreted so as to include orders of an administrative agency entered in a state where enforceable orders may by law be properly made and entered by such administrative agency. W. Va. Code §48A-1A-12.

2.3. Support Order - a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearage, or reimbursements, and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief. W. Va. Code §48A-1A-30.

2.4. Temporary Support Order - an order issued prior to a final resolution of the case. The temporary support order remains in effect until further order of the court or

until a time specified within the order itself.

§97-8-3. Temporary Support Order is Superseded by a Final Order.

3.1. Title IV-D of the Social Security Act, and Chapter 48A of the West Virginia Code authorize the Child Support Enforcement Division to collect support on behalf of recipients of services.

3.2. Where a final order is entered and the terms of the final order do not address the temporary support awarded in the previous temporary order, and there is no specified end date in the temporary order, the CSED shall terminate the temporary support order upon entry of the final divorce order.

3.3. As of the date of entry of the final order, the controlling support amount is the amount stated in the final order.



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Cecil H. Underwood
Governor

Office of the Secretary
State Capitol Complex
Building 3, Room 206
Charleston, West Virginia 25305
Telephone: (304) 558-0684 FAX: (304) 558-1130

Joan E. Ohl
Secretary

August 11, 1997

The Honorable Ken Hechler
Secretary of State
State Capitol
Building 1, Suite 157K
Charleston, West Virginia 25305

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

AUG 12 1 14 PM '97

FILED

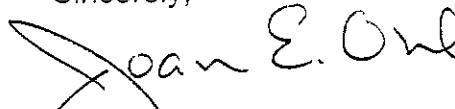
RE: Legislative Rule § 97-8

Dear Secretary Hechler:

Please accept the attached proposed rule for filing.

Thank you for your attention to this matter. If you should have any questions, please contact Ilene Schnall, Deputy In-House Counsel for the Bureau for Child Support Enforcement, at 558-0907.

Sincerely,


Joan E. Ohl
Secretary

Attachments