

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: DHHR - CHILD SUPPORT ENFORCEMENT DIVISION TITLE NUMBER: 97

RULE TYPE: LEGISLATIVE; CITE AUTHORITY WVC 48A-2-9(a); 42 USC 651

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 11

TITLE OF RULE BEING PROPOSED: PROCEDURES FOR TERMINATING A SUPPORT ORDER
WHEN THE ORDER CONTAINS NO SPECIFIC END DATE

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 9/15/97 AT 4:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

ILENE SCHNALL, DEPUTY IN-HOUSE COUNSEL

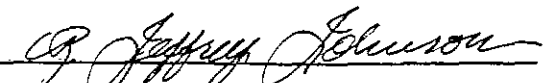
CHILD SUPPORT ENFORCEMENT DIVISION

1900 KANAWHA BLVD., EAST

BUILDING 6, ROOM 817

CHARLESTON, WV 25305

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES PROCEDURES FOR TERMINATING A SUPPORT ORDER WHEN THE ORDER CONTAINS NO SPECIFIC END DATE

Rule Title: _____

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 WERE PASSED.

3. Objectives of these rules:

IS TO DETERMINE WHEN TO TERMINATE A SUPPORT ORDER WHEN THE ORDER CONTAINS NO SPECIFIC END DATE

Rule Title: PROCEDURES FOR TERMINATING A SUPPORT ORDER WHEN THE ORDER
CONTAINS NO SPECIFIC END DATE

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

B. Jeffrey Johnson

TITLE 97
LEGISLATIVE RULES
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SERIES 11
PROCEDURES FOR TERMINATING A SUPPORT ORDER
WHEN THE ORDER CONTAINS NO SPECIFIC END DATE

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Aug 12 1 17 PM '97

FILED

§97-11-1. 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 support order when the order contains no specific end date.

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

1.3. Filing Date. --

1.4. Effective Date. --

§97-11-2. Definitions.

2.1. Bi-Monthly - support is due every two weeks resulting in 26 pay periods per year.

2.2. 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.

2.3. 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.

2.4. Mid-Month - any day other than the first day of the month.

2.5. Semi-Monthly - support is due twice a month resulting in 24 pay periods per year.

2.6. 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.

§97-11-3. A Specific Ending Date is Stated in the Order.

3.1. If a specific end date is stated in the order, the support obligation ends on that date. The support amount shall be prorated for the last month irrespective of whether the order is monthly, semi-monthly, bi-monthly, or weekly.

§97-11-4. Terminating a Support Order that is Entered Mid-Month.

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

4.2. When an order has a mid-month entry date and the order terminates a support obligation but no ending date is specified in the order, the CSED will first determine whether the order is monthly, bi-monthly, semi-monthly, or weekly.

4.2.1. If the support order is for a monthly obligation and the support obligation ends with no specific end date, the obligation ceases the last day of the month in which the event terminating the support order occurs.

4.2.2. When a semi-monthly support order ends

with no specific termination date, the support obligation ceases immediately after the installment subsequent to the event causing the termination of the order.

4.2.3. When a bi-monthly support order ends with no specific termination date, the support obligation ceases immediately after the installment subsequent to the event causing the termination of the order.

4.2.4. When a weekly support order ends with no specific termination date, the support obligation ceases immediately after the installment subsequent to the event causing the termination of the 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

FILED
AUG 12 1 17 PM '97
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

RE: Legislative Rule § 97-11

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