

Form #2

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

PROCEDURES FOR DETERMINING WHETHER THE FULL SUPPORT OBLIGATION IS DUE

Rule Title: WHEN THE ORDER IS ENTERED MID-MONTH

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 THE FULL SUPPORT OBLIGATION IS DUE WHEN AN ORDER IS ENTERED MID-MONTH.

Rule Title: PROCEDURES FOR DETERMINING WHETHER THE FULL SUPPORT
OLBIGATION IS DUE WHEN THE ORDER IS ENTERED MID MONTH

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

R. Jeffrey Solomon

TITLE 97
LEGISLATIVE RULES
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SERIES 13
PROCEDURES FOR DETERMINING WHETHER THE
FULL SUPPORT OBLIGATION IS DUE
WHEN THE ORDER IS ENTERED MID-MONTH.

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Aug 12 1 20 PM 1977

FILED

§97-13-1. General.

1.1. Scope. -- This legislative rule establishes procedures by which the Department of Health and Human Resources, Child Support Enforcement Division (CSED), will determine when the full support obligation is due when an order is entered mid-month.

1.2. Authority. --
W. Va. Code §48A-2-9(a).

1.3. Filing Date. --

1.4. Effective Date. --

§97-13-2. Definitions.

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

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. 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.

§97-13-3. Support Order is Entered Mid-Month with No Due

Date.

3.1. When a support order is entered mid-month and a beginning date for the obligation is not included in the order, the obligation will begin the date the order is entered.

3.2. When a support order is entered mid-month and a beginning date for the obligation is listed, the obligation shall begin on the date specified in the order.

3.3. The full month's support will be due for the month in which the order was entered.



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 19 PM '97
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

RE: Legislative Rule § 97-13

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