

**WEST VIRGINIA
SECRETARY OF STATE****KEN HECHLER****ADMINISTRATIVE LAW DIVISION**

Form #2

FILED**AUG 4 2 18 PM '93**OFFICE OF WEST VIRGINIA
SECRETARY OF STATE**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**AGENCY: Department of Health and Human Resources TITLE NUMBER: 78RULE TYPE: Procedural; CITE AUTHORITY: §48A-2-8, U.S.C. §667.
45 C.F.R. §302.56AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☒IF ~~YES~~, SERIES NUMBER OF RULE BEING AMENDED: New Rule 17
AMOUNTS TO BE USED IN THE GUIDELINES
TITLE OF RULE BEING AMENDED: FOR CHILD SUPPORT AWARDS

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 September 3, 1993 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Sallie H. Tweel
Acting General Counsel
Child Advocate Office
Bldg. 6, Room 817
1900 Kanawha Blvd., EastCharleston, WV 25305THE ISSUES TO BE HEARD SHALL BE
LIMITED TO THIS PROPOSED RULE.ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

117

SP' 87 or S P 204

OFFICE OF THE ATTORNEY GENERAL
STATE OF CALIFORNIA

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Numerical Criteria Utilized For Child Support Awards

Type of Rule: Legislative Interpretive X Procedural

Agency Department of Health and Address Building 3, Capitol Complex
Human Resources Charleston, W. Va. 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$ -0-	\$ -0-	\$ -0-
Personal Services			-0-	-0-	-0-
Current Expense			-0-	-0-	-0-
Repairs and Alterations			-0-	-0-	-0-
Equipment			-0-	-0-	-0-
Other					

2. Explanation of above estimates.

There is no Fiscal Impact on the state for the proposed legislative rule

3. Objectives of these rules:

To ammend the West Virginia Child Support Guidelines to conform with Senate Bill 358.

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.

Obligor will continue to pay child support tied to their ability to pay. Children will continue to receive child support with consideration for their needs

C. Economic Impact on Citizens/Public at Large.

SAME AS B

Date 7-9-93

Signature of Agency Head or Authorized Representative



Ruth Ann Panepinto, Ph.D., Secretary
Department of Health and Human Resources

SUMMARY OF PROCEDURAL RULE
TITLE 78
PROCEDURAL RULES
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
SERIES 17
AMOUNTS TO BE USED IN THE GUIDELINES FOR CHILD SUPPORT AWARDS

This procedural rule establishes numerical criteria to be used in conjunction with 78 WVCSR 16, Guidelines for Child Support Awards, to determine the amount of child support to be awarded in child support establishment and modification cases.

TITLE 78
PROCEDURAL RULES
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
CHILD ADVOCATE OFFICE
SERIES 17

AMOUNTS TO BE USED IN THE GUIDELINES FOR CHILD SUPPORT AWARDS

\$78-17-1. General.

1.1. Scope. -- This procedural rule establishes the numerical criteria to be utilized in the guidelines for child support awards.

1.2. Authority and related code citation. -- W. Va. Code §48A-2-8, 42 U.S.C. §667. 45 C.F.R. §302.56, 78 WVCSR 16.

1.3. Filing date. --

1.4. Effective date. -- July 1, 1994.

\$78-17-2. Standard deduction for parents.

2.1. Standard deduction. -- The amount of five hundred-fifty dollars (\$550.00) is established as the Standard Deduction for each parent.

\$78-17-3. Primary need for child(ren).

3.1. Primary need. -- The primary needs of the children of a marriage are as follows:

Child 13 years and older	\$230 per month
Child 5 to 12 years old	\$200 per month
Child 0 to 4 years old	\$170 per month

\$78-17-4. Standard of living adjustment (SOLA) obligation percentages.

4.1. Standard of living adjustment (SOLA) percentages -- The standard of living adjustment percentages of discretionary income which an obligor shall be required to pay are as follows:

1 child	=	18%
2 children	=	27%
3 children	=	35%
4 children	=	40%
5 children	=	45%
6 or more children	=	50%

§78-17-5. Minimum child support order amount.

5.1. Minimum child support order. -- The minimum child support amount an obligor shall be required to pay shall be one hundred dollars (\$100) per month.

§78-17-6. Attribution of minimum wage amount.

6.1. Amount to be attributed as minimum wage full-time employment. The amount to be attributed as minimum wage full-time employment in calculating the child support formula for unemployed or underemployed obligors where there is insufficient prior employment history to determine a parent's earning capacity in the local job market shall be seven hundred thirty-seven dollars (\$737) per month gross income based upon an hourly rate of four dollars and twenty-five cents, (\$4.25), for forty, (40), hours per week, multiplied by fifty-two, (52), to reach a yearly income amount, and divided by twelve, (12), to reach a monthly income amount of seven hundred thirty-seven dollars, (\$737), gross income.

§78-17-7. Amendment procedure.

7.1. Amendment procedure. -- The director of the child advocate office shall review and if necessary, modify the amounts for standard deductions, presumptive or primary need, standard of living percentages and minimum child support order amount every three years from the enactment date of this rule.