

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2012



ENROLLED

House Bill No. 4521

(By Delegates Poore, Hunt, Moore,
Mahan, Guthrie, Ireland, Wells,
Miley, Michael, Frazier and White)



Passed March 10, 2012

To Take Effect Ninety Days From Passage

ENROLLED

H. B. 4521

(BY DELEGATES POORE, HUNT, MOORE,
MAHAN, GUTHRIE, IRELAND, WELLS,
MILEY, MICHAEL, FRAZIER AND WHITE)

[Passed March 10, 2012; to take effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-13-703, relating to permitting the restructuring of child support payments of an inmate who is released from the custody of the Division of Corrections or United States Bureau of Prisons under certain circumstances; providing that one judge within the circuit may assume jurisdiction over all child support obligations of the former inmate; and providing a minimum amount of child support which is to be paid each month in each case.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §48-13-703, to read as follows:

ARTICLE 13. GUIDELINES FOR CHILD SUPPORT AWARDS.

§48-13-703. Restructuring of payments upon release of inmate.

- 1 Upon his or her release from the custody of the Division
- 2 of Corrections or the United States Bureau of Prisons, a

3 person who is gainfully employed and is subject to a child
4 support obligation or obligations and from whose weekly
5 disposable earnings an amount in excess of forty percent is
6 being withheld for the child support obligation or obligations
7 may, within eighteen months of his or her release, petition the
8 court having jurisdiction over the case or cases to restructure
9 the payments to an amount that allows the person to pay his
10 or her necessary living expenses. In order to achieve
11 consistency and fairness, one judge may assume jurisdiction
12 over all the cases the person may have within that circuit of
13 the court. In apportioning the available funds, the court shall
14 give priority to the person's current child support obligations:
15 *Provided*, That a minimum of \$50 per month shall be paid in
16 each case.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2012.

Governor