H. B. 4521

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

[Introduced February 14, 2012; referred to the Committee on the Judiciary.]

A BILL 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; and providing that one judge may assume authority over all child support obligations of the former inmate.

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

2   Division of Corrections or the United States Bureau of

3   Prisons, a person who is gainfully employed and is subject

4   to a child support obligation or obligations and from whose

5   weekly disposable earnings an amount in excess of forty

6   percent is being withheld for the child support obligation or

7   obligations may, within eighteen months of his or her

8   release, petition the court having jurisdiction over the case

9   or cases to restructure the payments to an amount that

10   allows the person to pay his or her necessary living

11   expenses. In order to achieve consistency and fairness, one

12   judge may assume jurisdiction over all the cases the person

13   may have within that circuit of the court. In apportioning

14   the available funds, the court shall give priority to the

15   person's current child support obligations: *Provided,* That

16   a minimum of $50 per month shall be paid in each case.

NOTE: The purpose of this bill is to allow an inmate upon release from custody to restructure child support payments under the jurisdiction of one judge.

This section is new; therefore, it has been completely underscored.