

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4041**

BY DELEGATE STEELE

[Introduced January 08, 2020; Referred to the Committee  
on Senior, Children, and Family Issues then the Judiciary]

1 A BILL to amend and reenact §48-13-201 of the Code of West Virginia, 1931, as amended; and  
 2 to amend said code by adding thereto a new section, designated §48-13-403a, all relating  
 3 to allowing as a deduction to determine adjusted gross income for either parent student  
 4 loan payments and mortgage payments not to exceed 25 percent of gross income.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 13. GUIDELINES FOR CHILD SUPPORT AWARDS.**

PART 2. CALCULATION OF CHILD SUPPORT ORDER.

**§48-13-201. Use of both parents' income in determining child support.**

1 A child support order is determined by dividing the total child support obligation between  
 2 the parents in proportion to their income. Both parents' adjusted gross income is used to  
 3 determine the amount of child support. To determine the adjusted gross income of either or both  
 4 parents there shall be deducted student loan payments and mortgage payments made by each  
 5 or both parents not to exceed 25 percent of the total gross income determined before these  
 6 deductions.

PART IV. SUPPORT IN SOLE CUSTODY CASES.

**§48-13-403a. Adjustment to worksheet.**

1 The worksheet found in §48-13-403 is modified to require the deductions to monthly gross  
 2 income of the deductions provided in §48-13-201.

NOTE: The purpose of this bill is to allow deductions for student loan repayment or mortgage payments not to exceed 25% of gross income in determining child support payments.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.