

SB 595

FILED

2009 MAY -8 PM 3:40

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SEVENTY-NINTH LEGISLATURE

REGULAR SESSION, 2009

—●—
ENROLLED

Senate Bill No. 595

(BY SENATORS PREZIOSO, DEEM.
PLYMALE AND KESSLER)

[Passed April 9, 2009; in effect ninety days from passage.]

FILED

2009 MAY -8 PM 3:40

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

Senate Bill No. 595

(BY SENATORS PREZIOSO, DEEM, PLYMALE AND KESSLER)

[Passed April 9, 2009; in effect ninety days from passage.]

AN ACT to amend and reenact §9-3-4 of the Code of West Virginia, 1931, as amended, relating to the assignment of child support; and replacing antiquated language.

Be it enacted by the Legislature of West Virginia:

That §9-3-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. APPLICATION FOR AND GRANTING OF ASSISTANCE.

§9-3-4. Assignment of support obligations.

1 Any recipient of financial assistance under the program
2 of state and federal assistance established by Title IV of
3 the federal Social Security Act of 1965, as amended, or
4 any successor act thereto, shall, as a condition of receiving
5 assistance funded under this part, assign to the Depart-
6 ment of Health and Human Resources any right the family
7 member may have (on behalf of the family member or of
8 any other person for whom the family member has applied

9 for or is receiving such assistance) to support from any
10 other person, not exceeding the total amount of assistance
11 so paid to the family, which accrues during the period that
12 the family receives assistance under the program.

13 Each applicant for assistance subject to the assignment
14 established in this section shall (during the application
15 process) be informed in writing of the nature of the
16 assignment.

17 Any payment of federal and state assistance made to or
18 for the benefit of any child or children or the caretaker of
19 a child or children creates a debt due and owing to the
20 Department of Health and Human Resources by the person
21 or persons responsible for the support and maintenance of
22 the child, children or caretaker in an amount equal to the
23 amount of assistance money paid: *Provided*, That the debt
24 is limited by the amount established in any court order or
25 final decree of divorce if the amount in the order or decree
26 is less than the amount of assistance paid.

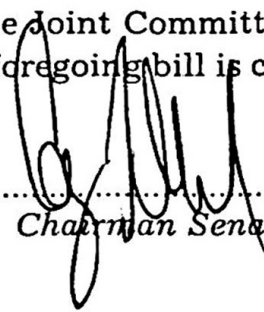
27 The assignment under this section shall subrogate the
28 Department of Health and Human Resources to the rights
29 of the child, children or caretaker to the prosecution or
30 maintenance of any action or procedure existing under law
31 providing a remedy whereby the Department of Health
32 and Human Resources may be reimbursed for moneys
33 expended on behalf of the child, children or caretaker.
34 The Department of Health and Human Resources shall
35 further be subrogated to the debt created by any order or
36 decree awarding support and maintenance to or for the
37 benefit of any child, children or caretaker included within
38 the assignment under this section and shall be empowered
39 to receive money judgments and endorse any check, draft,
40 note or other negotiable document in payment thereof.

41 The assignment created under this section shall be
42 released upon closure of the assistance case and the
43 termination of assistance payments except for support and

44 maintenance obligations accrued and owing at the time of
45 closure which are necessary to reimburse the department
46 for any balance of assistance payments made.

47 The Department of Health and Human Resources may,
48 at the election of the recipient, continue to receive support
49 and maintenance moneys on behalf of the recipient
50 following closure of the assistance case and shall distrib-
51 ute the moneys to the caretaker, child or children.

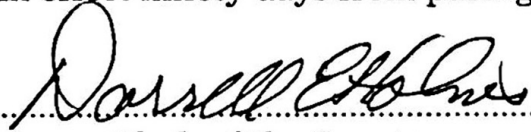
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


.....
Chairman Senate Committee

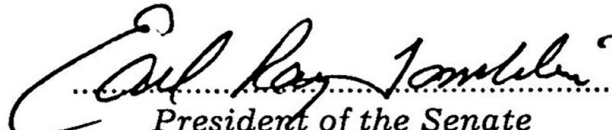

.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.


.....
Clerk of the Senate


.....
Clerk of the House of Delegates


.....
President of the Senate


.....
Speaker House of Delegates

The within *is approved* this the *30*
Day of *May*, 2009.


.....
Governor

PRESENTED TO THE
GOVERNOR

MAY 6 2009

Time 11:00am