

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **Senate Bill 35**

BY SENATORS TARR AND SWOPE

[Introduced February 10, 2021; referred  
to the Committee on Health and Human Resources;  
and then to the Committee on the Judiciary]

1 A BILL to amend and reenact §9-8-4 of the Code of West Virginia, 1931, as amended, relating to  
 2 requiring paternity be established prior to the award of public benefits; requiring DNA test  
 3 be conducted to establish paternity and referral for criminal prosecution if paternity is  
 4 inappropriately denied and support is not timely paid; providing that state benefits paid on  
 5 behalf of the child will be reduced from any state benefits paid to nonsupport-paying  
 6 parent; and providing that nonsupporting parent is required to reimburse the state for any  
 7 assistance paid to support the child.

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

**ARTICLE 8. ELIGIBILITY AND FRAUD REQUIREMENTS FOR PUBLIC ASSISTANCE.**

**§9-8-4. Eligibility verification.**

1 All applications for benefits ~~must~~ shall be processed through a system as set forth in this  
 2 article. Complete applications, including the interview, shall be processed within 10 days of receipt  
 3 or the maximum period required by federal law. Prior to determining eligibility, the department  
 4 shall access information for every applicant from federal, state, and other sources: *Provided*, That  
 5 ~~such~~ this access does not violate any federal law: *Provided, however*, That the department shall  
 6 require that paternity be established prior to the award of public benefits subject to this chapter  
 7 and requiring a deoxyribonucleic acid ("DNA") test to be conducted if paternity is denied. If  
 8 paternity is established, and paternity was inappropriately denied, and support was not timely  
 9 paid, a referral for prosecution shall be made. The amount of the state benefits paid to support  
 10 the child shall be reduced from any state benefits paid to the nonsupport paying parent and the  
 11 nonsupporting parent shall reimburse the state for any assistance paid to support the child to the  
 12 extent that these provisions do not conflict with federal law.

NOTE: The purpose of this bill is to require that paternity be established prior to the award of any DHHR benefit subject to this chapter and to require that a DNA test be conducted if paternity is denied. if paternity is inappropriately denied, and support was not timely paid a referral for prosecution shall be made. The amount of benefits paid to support the child shall be reduced from any state benefits paid to the nonsupport paying parents. The bill

also requires nonsupporting parent to reimburse the state to the extent that these provisions do not conflict with federal law.

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