

1 **H. B. 4521**

2
3 (By Delegates Poore, Hunt, Moore, Mahan, Guthrie,
4 Ireland, Wells, Miley, Michael, Frazier and White)

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

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §48-13-703, relating
12 to permitting the restructuring of child support payments of
13 an inmate who is released from the custody of the Division of
14 Corrections or United States Bureau of Prisons under certain
15 circumstances; and providing that one judge may assume
16 authority over all child support obligations of the former
17 inmate.

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

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

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

23 **§48-13-703. Restructuring of payments upon release of inmate.**

24 Upon his or her release from the custody of the Division of
25 Corrections or the United States Bureau of Prisons, a person who is

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