

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Introduced**

**House Bill 4817**

BY DELEGATE WALKER

[Introduced February 15, 2022; Referred to the Committee  
on Senior, Children, and Family Issues then the Judiciary]

1 A BILL to amend and reenact §48-18-108 of the Code of West Virginia, 1931, as amended,  
2 relating to fees for collection of child support; and providing that fees may not be assessed  
3 to an employer of an obligor, whether transfer by the employer is electronic or by check.

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

## **ARTICLE 18. BUREAU FOR CHILD SUPPORT ENFORCEMENT.**

### **§48-18-108. Fees.**

1 (a) When the Bureau for Child Support Enforcement provides child support collection  
2 services either to a public assistance recipient or to a party who does not receive public  
3 assistance, the Bureau for Child Support Enforcement shall, upon written notice to the obligor,  
4 charge a monthly collection fee equivalent to the full monthly cost of the services, in addition to  
5 the amount of child support which was ordered by the court. The fee shall be deposited in the  
6 Child Support Enforcement Fund. The service fee assessed may not exceed 10 percent of the  
7 monthly court-ordered child support and may not be assessed against any obligor who is current  
8 in payment of the monthly court-ordered child support payments: *Provided*, That this fee may not  
9 be assessed when the obligor is also a recipient of public assistance: *Provided, however, That*  
10 this fee may not be assessed to an employer of the obligor who transfers child support which was  
11 ordered by the court by electronic means, nor may the fee be assessed to an employer of the  
12 obligor who transfers these payments by check.

13 (b) Except for those persons applying for services provided by the Bureau for Child  
14 Support Enforcement who are applying for or receiving public assistance from the Division of  
15 Human Services or persons for whom fees are waived pursuant to a legislative rule promulgated  
16 pursuant to this section, all applicants shall pay an application fee of \$25.

17 (c) Fees imposed by state and federal tax agencies for collection of overdue support shall  
18 be imposed on the person for whom these services are provided. Upon written notice to the  
19 obligee, the Bureau for Child Support Enforcement shall assess a fee of \$25 to any person not  
20 receiving public assistance for each successful federal tax interception. The fee shall be withheld

21 prior to the assistance for each successful federal tax interception. The fee shall be withheld prior  
22 to the release of the funds received from each interception and deposited in the Child Support  
23 Enforcement Fund established pursuant to section 18-107.

24 (d) In any action brought by the Bureau for Child Support Enforcement, the court shall  
25 order that the obligor shall pay attorney fees for the services of the attorney representing the  
26 Bureau for Child Support Enforcement in an amount calculated at a rate similar to the rate paid  
27 to court-appointed attorneys paid pursuant to section thirteen-a, article twenty-one, chapter  
28 twenty-nine of this code and all court costs associated with the action: *Provided*, That no such  
29 award shall be made when the court finds that the award of attorney's fees would create a  
30 substantial financial hardship on the obligor or when the obligor is a recipient of public assistance.  
31 Further, the Bureau for Child Support Enforcement may not collect such fees until the obligor is  
32 current in the payment of child support. No court may order the Bureau for Child Support  
33 Enforcement to pay attorney's fees to any party in any action brought pursuant to this chapter.

34 (e) This section shall not apply to the extent it is inconsistent with the requirements of  
35 federal law for receiving funds for the program under Title IV-A and Title IV-D of the Social Security  
36 Act, United States Code, article three, Title 42, Sections 601 to 613 and United States Code, Title  
37 42, Sections 651 to 662.

NOTE: The purpose of this bill is to provide that fees for collection of child support may not be assessed to an employer of an obligor, whether transfer by the employer is electronic or by check.

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