

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5546

By Delegates Steele and Crouse

[Introduced February 09, 2024; Referred 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 conditions for eligibility for certain applicants for public assistance that are non-custodial
 3 parents and custodial parents; and authorizing rulemaking.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. ELIGIBILITY AND FRAUD REQUIREMENTS FOR PUBLIC ASSISTANCE.

§9-8-4. Eligibility verification.

1 (a) All applications for benefits must 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 shall
 4 access information for every applicant from federal, state, and other sources: *Provided*, That such
 5 access does not violate any federal law.

1 (b) The department shall require individuals who are non-custodial parents to cooperate
 2 with child support enforcement as a condition of eligibility, pursuant to 7 C.F.R. §273.11(p), and
 3 shall promulgate rules, consistent with this requirement, for legislative approval in accordance with
 4 §29A-3-1 et seq. of this code.

5 (c) The department shall disqualify individuals who are non-custodial parents during any
 6 month in which the individual is delinquent in any payment due under a court order for the support
 7 of a child pursuant to 7 CFR 273.11(q).

8 (d) The department shall request individuals who are custodial parents to cooperate with
 9 child support enforcement in establishing paternity as a condition of eligibility, pursuant to 7 C.F.R.
 10 §273.11(o), and shall promulgate rules, consistent with this requirement, for legislative approval in
 11 accordance with §29A-3-1 et seq. of this code: *Provided*, That the custodial parent shall not be
 12 required to conduct any investigative activities pertaining to the non-custodial parent.

13 (e) The department shall promulgate rules to implement this section.

14 (f) This section shall be effective January 1, 2024, or in coordination with the department's
 15 transition to the new enhanced eligibility verification system, whichever is earlier.

NOTE: The purpose of this bill is to require non-custodial parents to cooperate with child support enforcement as a condition of eligibility for public assistance, as well as custodial parents to cooperate with child support enforcement in establishing paternity as a condition of eligibility for public assistance,

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