

# WEST VIRGINIA CODE: §48-16-401

## PART IV. ESTABLISHMENT OF SUPPORT ORDER.

### §48-16-401. PETITION TO ESTABLISH SUPPORT ORDER.

(a) If a support order entitled to recognition under this article has not been issued, a responding tribunal of this state with personal jurisdiction over the parties may issue a support order if:

- (1) The individual seeking the order resides outside this state; or
- (2) The support enforcement agency seeking the order is located outside this state.

(b) The tribunal may issue a temporary child support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is:

- (1) A presumed father of the child;
- (2) Petitioning to have his paternity adjudicated;
- (3) Identified as the father of the child through genetic testing;
- (4) An alleged father who has declined to submit to genetic testing;
- (5) Shown by clear and convincing evidence to be the father of the child;
- (6) An acknowledged father as provided by applicable state law;
- (7) The mother of the child; or
- (8) An individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

(c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 16-305 [§48-16-305].