WEST VIRGINIA CODE CHAPTER 48 ARTICLE 17

WV Legislature

§48-17-101. Creation of Support Enforcement Commission; number of members.

The West Virginia Support Enforcement Commission, consisting of nine members, is hereby created in the Department of Human Services and may use the administrative support and services of that department. The commission is not subject to control, supervision or direction by the Department of Human Services, but is an independent, self-sustaining commission that shall have the powers and duties specified in this chapter.

The commission is a part-time commission whose members perform such duties as specified in this chapter. The ministerial duties of the commission shall be administered and carried out by the Commissioner of the Bureau for Child Support Enforcement, with the assistance of such staff of the Department of Human Services as the secretary may assign.

Each member of the commission shall devote the time necessary to carry out the duties and obligations of the office and the seven members appointed by the Governor may pursue and engage in another business, occupation or gainful employment that is not in conflict with the duties of the commission.

While the commission is self-sustaining and independent, it, its members, its employees and the commissioner are subject to article nine-a, chapter six of this code, chapter six-b of this code, chapter twenty-nine-a of this code and chapter twenty-nine-b of this code.

WV Legislature

§48-17-102. Appointment of members of Support Enforcement Commission; qualifications and eligibility.

(a) Of the nine members of the commission, seven members are to be appointed by the Governor: *Provided*, That no more than five members of the commission may belong to the same political party.

(1) One member is to be a lawyer licensed by, and in good standing with, the West Virginia State Bar, with at least five years of professional experience in domestic relations law and the establishment and enforcement of support obligations;

(2) One member is to be a person experienced as a public administrator in the supervision and regulation of a governmental agency;

(3) One member is to be an employer experienced in withholding support payments from the earnings of obligors;

(4) One member is to be a practicing family court judge, as an ex officio member, who will serve in an advisory capacity, without compensation or voting rights; and

(5) Three members are to be representatives of the public at large, with at least one being an obligor and one being an obligee.

(b) One member is to be the Commissioner of the Bureau for Children and Families, or his or her designee.

(c) The Commissioner of the Bureau for Child Support Enforcement, or his or her designee, is an ex officio nonvoting member of the commission.

(d) Each member of the commission is to be a citizen of the United States, a resident of the State of West Virginia and at least twenty-one years of age.

WV Legislature

§48-17-103. Terms of commission members; conditions of membership.

(a) Beginning June 1, 2008, and every four years thereafter, the Governor shall convene the commission to review the child support guidelines, in accordance with the Code of Federal Regulations, Part 45, Section 302.56(C)(3)(e).

(b) The Governor shall make appointments by June 1, 2008, and on June 1 every four years thereafter.

(c) The commissioner shall report the commission's findings and recommendations to the Legislative Oversight Commission on Health and Human Resources Accountability by July 1, 2009, and by July 1, every four years thereafter.

(d) The commissioners' terms shall expire on July 1, in the year in which they submit the required report to the Legislature as set forth in subsection (c) of this section.

WV Legislature

§48-17-104. Oath.

Before entering upon the discharge of the duties as commissioner, each commissioner shall take and subscribe to the oath of office prescribed in section five, article IV of the Constitution of West Virginia.

WV Legislature

§48-17-105. Commission chairman.

The Commissioner of the Bureau for Child Support Enforcement shall serve as the chair of the commission.

WV Legislature

§48-17-106. Compensation of members; reimbursement for expenses.

(a) Each voting member of the commission shall receive $100 for each day or portion thereof spent in the discharge of his or her official duties.

(b) Each member of the commission shall be reimbursed for all actual and necessary expenses and disbursements involved in the execution of official duties.

WV Legislature

§48-17-107. Meeting requirements.

(a) The commission shall meet at least twice during the one-year term for the sole purpose of reviewing the child support guidelines set forth in article thirteen of this chapter. The commission may determine if it needs to convene more frequently to effectively study the guidelines, but shall not meet more than eight times during the one-year term.

(b) Four voting members of the commission are a quorum for the transaction of any business and for the performance of any duty.

(c) A majority vote of the voting members present is required for any final determination by the commission.

(d) The commission may elect to meet in executive session after an affirmative vote of a majority of its members present according to section four, article nine-a, chapter six of this code.

(e) The commission shall keep a complete and accurate record of all its meetings according to section five, article nine-a, chapter six of this code.

WV Legislature

§48-17-108. Removal of commission members.

Notwithstanding the provisions of section four, article six, chapter six of this code, the Governor may remove any commission member for incompetence, misconduct, gross immorality, misfeasance, malfeasance or nonfeasance in office.

WV Legislature

§48-17-109. General duties of support enforcement commission.

(a) Federal law requires that each state periodically review the formula used to set child support obligations to determine appropriate awards for the support of children. States are required to consider current research and data on the costs of and expenditures necessary for rearing children. A process for review of the guidelines should be established to ensure the integrity of the formula and reviews undertaken to comply with federal law.

(b) The commission shall review and analyze:

(1) The current child support guidelines;

(2) Relevant research and data regarding the cost of child rearing;

(3) Research and data on the application of, and deviations from, the child support guidelines;

(4) Current law, administrative rules and practices regarding child support; and

(5) Any other data the commission deems relevant to the review of the current child support guidelines.

WV Legislature

§48-17-110.

Repealed.

Acts, 2003 Reg. Sess., Ch. 62.

WV Legislature

§48-17-111.

Repealed.

Acts, 2003 Reg. Sess., Ch. 62.

WV Legislature