WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1979

ENROLLED
SENATE BILL NO. 317

(By Mr. Patum)

PASSED March 7, 1979

In Effect from Passage

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-28-79
Time 8:10 A.M.
AN ACT to amend article three, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section four, relating to the assignment of child support obligations to the department; creation of debt owed to state; subrogation of the department of welfare to rights of recipient; and providing for release of assignment.

Be it enacted by the Legislature of West Virginia:

That article three, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section four, to read as follows:

ARTICLE 3. APPLICATION FOR AND GRANTING OF ASSISTANCE.

§3-3-4. Assignment of support obligations.

1 Any recipient of financial assistance under the program of state and federal assistance established by Title IV of the federal Social Security Act of 1965, as amended, or any successor act thereto, shall, upon receipt of such assistance be deemed to have assigned to the West Virginia department of welfare all rights, title and interest such recipient may have to the receipt of support and maintenance moneys from any person responsible for the support and maintenance of any member of the benefit group. Persons responsible for support and maintenance shall include all persons who under the laws of the state of West Virginia owe obligations of support or mainte-
nance to a child or to the caretaker of a child. The assignment contemplated herein shall include all amounts of support and maintenance which shall be accrued to the recipient of assistance and not received and all amounts of support and maintenance which shall accrue during recipient's period of eligibility: Provided, That, subject to applicable federal and state laws, the department of welfare shall be entitled to retain only so much of the support and maintenance as is necessary to reimburse the public assistance actually paid.

Each applicant for assistance subject to the assignment established herein shall (during the application process) be informed in writing of the nature of the assignment.

Any payment of federal and state assistance made to or for the benefit of any child or children or the caretaker of a child or children creates a debt due and owing to the department of welfare by the person or persons who are responsible for the support and maintenance of such child, children or caretaker in an amount equal to the amount of assistance money paid: Provided, however, that the debt shall be limited by the amount established in any court order or final decree of divorce if the amount in such order or decree is less than the amount of assistance paid.

The assignment hereunder shall subrogate the department of welfare to the rights of the child, children or caretaker to the prosecution or maintenance of any action or procedure existing under law providing a remedy whereby the department of welfare may be reimbursed for moneys expended on behalf of the child, children or caretaker. The department of welfare shall further be subrogated to the debt created by any order or decree awarding support and maintenance to or for the benefit of any child, child or caretaker included within the assignment hereunder and shall be empowered to receive such money judgments and endorse any check, draft, note or other negotiable document in payment thereof.

The debt created under this section shall not be incurred by nor at any time be collected from a responsible person who is a recipient of federal and state assistance.
moneys for the benefit of any child for the period such
person or persons remain in such state.

The assignment created hereunder shall be released
upon closure of the assistance case and the termination of
assistance payments except for such support and main-
tenance obligations accrued and owing at the time of
closure which shall be necessary to reimburse the de-
partment for any balance of assistance payments made.
The department of welfare may, at the election of the
recipient, continue to receive support and maintenance
moneys on behalf of the recipient following closure of the
assistance case and shall distribute such moneys to the
caretaker, child or children. The department of welfare
shall notify in writing all appropriate persons of the
terms of the release of assignment hereunder.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 25th day of March, 1979.

Governor