

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-28-79

Time 8:10 A.M.

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1979



ENROLLED

SENATE BILL NO. 317

(By Mr. Palumbo)

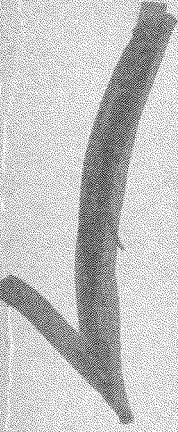


PASSED March 7 1979

In Effect from Passage



No. 317



ENROLLED
Senate Bill No. 317
(By MR. PALUMBO)

[Passed March 7, 1979; in effect from passage.]

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.

§9-3-4. Assignment of support obligations.

1 Any recipient of financial assistance under the program
2 of state and federal assistance established by Title IV of
3 the federal Social Security Act of 1965, as amended, or
4 any successor act thereto, shall, upon receipt of such
5 assistance be deemed to have assigned to the West Vir-
6 ginia department of welfare all rights, title and interest
7 such recipient may have to the receipt of support and
8 maintenance moneys from any person responsible for the
9 support and maintenance of any member of the benefit
10 group. Persons responsible for support and maintenance
11 shall include all persons who under the laws of the state
12 of West Virginia owe obligations of support or mainte-

13 nance to a child or to the caretaker of a child. The assign-
14 ment contemplated herein shall include all amounts of
15 support and maintenance which shall be accrued to the
16 recipient of assistance and not received and all amounts
17 of support and maintenance which shall accrue during
18 recipient's period of eligibility: *Provided*, That, subject
19 to applicable federal and state laws, the department of
20 welfare shall be entitled to retain only so much of the
21 support and maintenance as is necessary to reimburse
22 the public assistance actually paid.

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

26 Any payment of federal and state assistance made to or
27 for the benefit of any child or children or the caretaker of
28 a child or children creates a debt due and owing to the
29 department of welfare by the person or persons who are
30 responsible for the support and maintenance of such
31 child, children or caretaker in an amount equal to the
32 amount of assistance money paid: *Provided, however*,
33 That the debt shall be limited by the amount established
34 in any court order or final decree of divorce if the amount
35 in such order or decree is less than the amount of assis-
36 tance paid.

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

50 The debt created under this section shall not be in-
51 curred by nor at any time be collected from a responsible
52 person who is a recipient of federal and state assistance

53 moneys for the benefit of any child for the period such
54 person or persons remain in such state.

55 The assignment created hereunder shall be released
56 upon closure of the assistance case and the termination of
57 assistance payments except for such support and main-
58 tenance obligations accrued and owing at the time of
59 closure which shall be necessary to reimburse the de-
60 partment for any balance of assistance payments made.
61 The department of welfare may, at the election of the
62 recipient, continue to receive support and maintenance
63 moneys on behalf of the recipient following closure of the
64 assistance case and shall distribute such moneys to the
65 caretaker, child or children. The department of welfare
66 shall notify in writing all appropriate persons of the
67 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

James C. Thurston
Chairman House Committee

Originated in the Senate.

To take effect from passage.

J. C. Shelton
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

J. B. Burdette
President of the Senate

W. M. Rife
Speaker House of Delegates

The within is approved this the 28
day of March 1979.

John D. Ralston
Governor

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