

# 210

# WEST VIRGINIA LEGISLATURE

SECOND EXTRAORDINARY SESSION, 1986

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# ENROLLED

HOUSE BILL No. 210

(By Mr. Delegate Chambers)

— ● —

Passed July 23, 1986

In Effect From Passage

**ENROLLED**  
**H. B. 210**  
(By DELEGATE CHAMBERS)

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[Passed July 23, 1986; in effect from passage.]

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AN ACT to amend article one, chapter forty-eight-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section four; to amend and reenact section three, article three of said chapter forty-eight-a; to amend and reenact sections one, two, three, four, five, six, seven, eight, and nine, article four of said chapter forty-eight-a; to further amend said article four by adding thereto three new sections, designated sections ten, eleven and twelve; and to amend and reenact section three, article five of said chapter forty-eight-a, relating generally to establishing expedited processes to improve the establishment of, compliance with, and enforcement of child support obligations and the resolution of related domestic relations matters; providing for the severability of the provisions of said chapter; prescribing the duties of the children's advocate; providing for the appointment of family law masters by the governor; fixing the salary of the master and his or her secretary-clerk, and providing for the appointment of such secretary-clerk; providing for the geographic distribution of the offices of the family law master; describing the actions to be heard by the family law master; establishing hearing procedures; providing for the entry of default orders and temporary orders; authorizing the master to file recommended decisions; providing for orders to be entered by the circuit court with the

exception of certain pendente lite orders; providing for review of a master's action or a master's recommended decision; describing the procedure for review by the circuit court, form of petition for review, brief in opposition and review; describing when review should occur and the matters to be considered upon review; setting forth legislative findings and intent; providing for the termination of the masters system by operation of law; providing for the withholding of income of amounts payable as support; providing for a source of income to be liable to an obligee for any amount which the source of income fails to withhold; making it a misdemeanor for source of income fails to withhold; making it a misdemeanor for source of income to discharge, refuse to employ, or take disciplinary action against an obligor and setting forth the penalty therefor.

*Be it enacted by the Legislature of West Virginia:*

That article one, chapter forty-eight-a 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; that section three, article three of said chapter forty-eight-a be amended and reenacted; that sections one, two, three, four, five, six, seven, eight and nine, article four of said chapter forty-eight-a be amended and reenacted; that said article four be further amended by adding thereto three new sections, designated sections ten, eleven and twelve; and that section three, article five of said chapter forty-eight-a be amended and reenacted, all to read as follows:

#### ARTICLE 1. GENERAL PROVISIONS.

##### §48A-1-4. Severability.

1 The provisions of every section or article of this  
2 chapter, whether enacted before or subsequent to the  
3 effective date of this section, shall be severable so that  
4 if any provision of any such section or article is held  
5 unconstitutional or void, the remaining provisions of  
6 such section or article shall remain valid, unless the  
7 court finds the valid provisions are so essentially and  
8 inseparably connected with, and so dependent upon, the  
9 unconstitutional or void provision that the court cannot  
10 presume the Legislature would have enacted the

11 remaining valid provisions without the unconstitutional  
12 or void one, or unless the court finds the remaining valid  
13 provisions, standing alone, are incomplete and are  
14 incapable of being executed in accordance with the  
15 legislative intent. The provisions of this section shall be  
16 fully applicable to all future amendments or additions  
17 to this chapter, with like effect as if the provisions of  
18 this section were set forth in extenso in every such  
19 amendment or addition and were reenacted as a part  
20 thereof, unless such amendment or addition contains its  
21 own severability clause.

**ARTICLE 3. CHILDREN'S ADVOCATE.**

**§48A-3-3. Duties of the children's advocate.**

1 (a) The children's advocate shall make available to  
2 the public an informational pamphlet, designed in  
3 consultation with the director. The informational  
4 pamphlet shall explain the procedures of the court and  
5 the children's advocate; the duties of the children's  
6 advocate; the rights and responsibilities of the parties;  
7 and the availability of human services in the  
8 community. The informational pamphlet shall be  
9 provided as soon as possible after the filing of a  
10 complaint or other initiating pleading. Upon request, a  
11 party to a domestic relations proceeding shall receive an  
12 oral explanation of the informational pamphlet from the  
13 office of the children's advocate.

14 (b) At any time while a domestic relations matter is  
15 pending, the circuit court or the family law master may  
16 direct the children's advocate to investigate all relevant  
17 facts and make a written report and recommendation  
18 to the parties and to the court regarding child support,  
19 spousal support or child custody. The investigation may  
20 include reports and evaluations by outside persons or  
21 agencies if requested by the parties or the court, and  
22 shall include documentation of alleged facts, if practi-  
23 cable. The child support formula promulgated pursuant  
24 to the provisions of section eight, article two of this  
25 chapter shall be used as a guideline in recommending  
26 child support: *Provided*, That whenever the recom-  
27 mended child support falls outside the guidelines, the

28 children's advocate shall file written reviewable reasons  
29 setting forth findings of fact sufficient to justify the  
30 recommendation.

31 (c) The children's advocate shall act to establish the  
32 paternity of every child born out of wedlock for whom  
33 paternity has not been established, when such child's  
34 primary caretaker is an applicant for or recipient of aid  
35 to families with dependent children, and when such  
36 primary caretaker has assigned to the department of  
37 human services any rights to support for the child which  
38 might be forthcoming from the putative father: *Pro-*  
39 *vided*, That if the children's advocate is informed by the  
40 commissioner of the department of human services or  
41 his or her authorized employee that it has been  
42 determined that it is against the best interest of the  
43 child to establish paternity, the children's advocate shall  
44 decline to so act. The children's advocate, upon the  
45 request of any primary caretaker of a child born out of  
46 wedlock, regardless of whether such primary caretaker  
47 is an applicant or recipient of aid to families with  
48 dependent children, shall undertake to establish the  
49 paternity of such child.

50 (d) The children's advocate shall undertake to secure  
51 support for any individual who is receiving aid to  
52 families with dependent children when such individual  
53 has assigned to the department of human services any  
54 rights to support from any other person such individual  
55 may have: *Provided*, That if the children's advocate is  
56 informed by the commissioner of the department of  
57 human services or his or her authorized employee that  
58 it has been determined that it is against the best  
59 interests of a child to secure support on the child's  
60 behalf, the children's advocate shall decline to so act.  
61 The children's advocate, upon the request of any  
62 individual, regardless of whether such individual is an  
63 applicant or recipient of aid to families with dependent  
64 children, shall undertake to secure support for the  
65 individual. If circumstances require, the children's  
66 advocate shall utilize the provisions of article seven of  
67 this chapter and any other reciprocal arrangements  
68 which may be adopted with other states for the

69 establishment and enforcement of support obligations,  
70 and if such arrangements and other means have proven  
71 ineffective, the children's advocate may utilize the  
72 federal courts to obtain and enforce court orders for  
73 support.

74 (e) The children's advocate shall pursue the enforce-  
75 ment of support orders through the withholding from  
76 income of amounts payable as support:

77 (1) Without the necessity of an application from the  
78 obligee in the case of a support obligation owed to an  
79 obligee to whom services are already being provided  
80 under the provisions of this chapter; and

81 (2) On the basis of an application for services in the  
82 case of any other support obligation arising from a  
83 support order entered by a court of competent  
84 jurisdiction.

85 (f) The children's advocate may decline to commence  
86 an action to obtain an order of support under the  
87 provisions of section one, article five of this chapter if  
88 an action for divorce, annulment, or separate mainte-  
89 nance is pending, or the filing of such action is  
90 imminent, and such action will determine the issue of  
91 support for the child: *Provided*, That such action shall  
92 be deemed to be imminent if it is proposed by the  
93 obligee to be commenced within the twenty-eight days  
94 next following a decision by the children's advocate that  
95 an action should properly be brought to obtain an order  
96 for support.

97 (g) If the child advocate office, through the children's  
98 advocate, shall undertake paternity determination  
99 services, child support collection, or support collection  
100 services for a spouse or former spouse upon the written  
101 request of an individual who is not an applicant or  
102 recipient of assistance from the department of human  
103 services, the office may impose an application fee for  
104 furnishing such services. Such application fee shall be  
105 in a reasonable amount, not to exceed twenty-five  
106 dollars, as determined by the director: *Provided*, That  
107 the director may fix such amount at a higher or lower  
108 rate which is uniform for this state and all other states

109 if the secretary of the federal department of health and  
110 human services determines that a uniform rate is  
111 appropriate for any fiscal year to reflect increases or  
112 decreases in administrative costs. Any cost in excess of  
113 the application fee so imposed may be collected from the  
114 obligor who owes the child or spousal support obligation  
115 involved.

#### ARTICLE 4. PROCEEDINGS BEFORE A MASTER.

**§48A-4-1. Appointment of family law masters; term of office; vacancy; qualifications; removal; compensation and expenses; location of offices; matters to be heard by master; fees for hearings; notice of master's hearing; content of notice; determination of issues by consent; hearing.**

1 (a) On or before the fifteenth day of September, one  
2 thousand nine hundred eighty-six, the governor shall  
3 appoint family law masters in such numbers and to  
4 serve such areas of the state as provided for under the  
5 provisions of this article, and such initial appointments  
6 of individuals as family law masters shall be for a term  
7 ending on the thirtieth day of June, one thousand nine  
8 hundred ninety. Thereafter, the length of the term of the  
9 office of family law master shall be four years, with  
10 terms commencing on the first day of July, one thousand  
11 nine hundred ninety, and on a like date in every fourth  
12 year thereafter, and ending on the thirtieth day of June,  
13 one thousand nine hundred ninety-four, and on a like  
14 date in every fourth year thereafter. Upon the expira-  
15 tion of his or her term, a family law master may  
16 continue to perform the duties of the office until his or  
17 her successor is appointed, or for sixty days after the  
18 date of the expiration of the master's term, whichever  
19 is earlier. If from any cause a vacancy shall occur in the  
20 office of family law master, the governor shall, within  
21 thirty days after such vacancy occurs, fill such vacancy  
22 by appointment for the unexpired term: *Provided, That*  
23 if the remaining portion of the unexpired term to be  
24 filled is less than one year, the governor may, in his  
25 discretion, simultaneously appoint an individual to the  
26 unexpired term and to the next succeeding full four-

27 year term. An individual may be reappointed to  
28 succeeding terms as a family law master to serve in the  
29 same or a different area of the state.

30 (b) No individual may be appointed to serve as a  
31 family law master unless he or she is a member in good  
32 standing of the West Virginia State Bar.

33 (c) Removal of a master during the term for which he  
34 or she is appointed shall be only for incompetency,  
35 misconduct, neglect of duty, or physical or mental  
36 disability.

37 (d) A family law master may not engage in any other  
38 business, occupation, or employment inconsistent with  
39 the expeditious, proper, and impartial performance of  
40 his or her duties as a judicial officer.

41 (e) All family law masters, and all necessary clerical  
42 and secretarial assistants employed in the offices of  
43 family law masters shall be deemed to be officers and  
44 employees in the judicial branch of state government.  
45 The director of the child advocate office and the  
46 commissioner of the department of human services shall  
47 enter into an agreement with the administrative office  
48 of the supreme court of appeals whereby the office and  
49 the department shall contract to pay the administrative  
50 office of the supreme court of appeals for the services  
51 of the family law masters required to be furnished  
52 under the provisions of this chapter which are not  
53 otherwise payable from the family law masters fund  
54 created under the provisions of section twenty-two,  
55 article two of this chapter. Each county commission of  
56 this state shall enter into an agreement with the  
57 administrative office of the supreme court of appeals  
58 whereby the administrative office of the supreme court  
59 of appeals shall contract to pay to the county commission  
60 a reasonable amount as rent for premises furnished by  
61 the county commission to the family law master, which  
62 premises shall be adequate for the conduct of the duties  
63 required of such master under the provisions of this  
64 chapter.

65 (f) A family law master appointed under the provi-  
66 sions of this article shall receive as full compensation for



67 his or her services an annual salary of thirty-five  
68 thousand dollars. The secretary-clerk of the family law  
69 master shall receive an annual salary of fifteen thousand  
70 dollars and shall be appointed by the family law master  
71 and serve at his or her will and pleasure. Disbursement  
72 of salaries shall be made by or pursuant to the order  
73 of the director of the administrative office of the  
74 supreme court of appeals.

75 (g) Family law masters serving under the provisions  
76 of this article shall be allowed their actual and necessary  
77 expenses incurred in the performance of their duties.  
78 Such expenses and compensation shall be determined  
79 and paid by the director of the administrative office of  
80 the supreme court of appeals under such regulations as  
81 he or she may prescribe with the approval of the  
82 supreme court of appeals.

83 (h) The offices of the family law masters shall be  
84 distributed geographically so as to provide an office of  
85 the family law master for each of the following areas:

- 86 (1) The counties of Brooke, Hancock and Ohio;
- 87 (2) The counties of Marshall, Tyler and Wetzel;
- 88 (3) The counties of Pleasants, Ritchie, Wirt and Wood;
- 89 (4) The counties of Calhoun, Jackson and Roane;
- 90 (5) The counties of Mason and Putnam;
- 91 (6) The county of Cabell;
- 92 (7) The counties of McDowell and Wyoming;
- 93 (8) The counties of Logan and Mingo;
- 94 (9) The county of Kanawha;
- 95 (10) The county of Raleigh;
- 96 (11) The counties of Mercer, Monroe and Summers;
- 97 (12) The counties of Fayette and Nicholas;
- 98 (13) The counties of Greenbrier and Pocahontas;
- 99 (14) The counties of Braxton, Clay, Gilmer and  
100 Webster;

101 (15) The counties of Doddridge, Harrison, Lewis and  
102 Upshur;

103 (16) The counties of Marion and Taylor;

104 (17) The counties of Monongalia and Preston;

105 (18) The counties of Barbour, Randolph and Tucker;

106 (19) The counties of Grant, Hampshire, Hardy,  
107 Mineral and Pendleton;

108 (20) The counties of Berkeley, Jefferson and Morgan;  
109 and

110 (21) The counties of Boone, Lincoln and Wayne.

111 The governor shall appoint two masters to the office  
112 of the family law master for the area of Kanawha  
113 county. In each of the other areas defined by this  
114 subsection, the governor shall appoint one person as  
115 family law master from such area. Nothing contained  
116 herein shall prohibit the chief justice of the supreme  
117 court of appeals from temporarily assigning, from time  
118 to time as caseload may dictate, a family law master  
119 from one geographical area to another geographical  
120 area.

121 (i) A circuit court or the chief judge thereof shall  
122 refer to the master the following matters for hearing to  
123 be conducted pursuant to section two of this article:

124 (1) Actions to obtain orders of support brought under  
125 the provisions of section one, article five of this chapter  
126 and commenced after the first day of October, one  
127 thousand nine hundred eighty-six;

128 (2) All actions to establish paternity under the  
129 provisions of article six of this chapter and commenced  
130 after the first day of January, one thousand nine  
131 hundred eighty-seven: *Provided*, That all actions  
132 wherein either or both of the parties have demanded a  
133 trial by jury of the law and the facts shall be heard by  
134 the circuit court;

135 (3) All motions for pendente lite relief affecting child  
136 custody, visitation, child support or spousal support filed  
137 on or after the first day of November, one thousand nine

138 hundred eighty-six, wherein either party has requested  
139 such referral or the court on its own motion in individ-  
140 ual cases or by general order has referred such motions  
141 to the master: *Provided*, That if the circuit court  
142 determines, in its discretion, that the pleadings raise  
143 substantial issues concerning the identification of  
144 separate property or the division of marital property  
145 which may have a bearing on an award of support, the  
146 court may decline to refer a motion for support pendente  
147 lite to the family law master;

148 (4) All petitions for modification of an order involving  
149 child custody, child visitation, child support or spousal  
150 support filed after the first day of December, one  
151 thousand nine hundred eighty-six;

152 (5) After the first day of November, one thousand nine  
153 hundred eighty-six, all actions for divorce which are  
154 matured for final hearing as uncontested divorce actions  
155 wherein the defending party has failed to answer or  
156 appear, or having made an appearance has filed an  
157 answer admitting irreconcilable differences or grounds  
158 for divorce, has withdrawn his or her answer or other  
159 responsive pleading, or has filed a notice of waiver of  
160 further proceedings, and wherein all issues except the  
161 question of whether or not a divorce should be granted  
162 have been resolved;

163 (6) After the first day of October, one thousand nine  
164 hundred eighty-six, all actions wherein an obligor is  
165 contesting the enforcement of an order of support  
166 through the withholding from income of amounts  
167 payable as support or is contesting an affidavit of  
168 accrued support, filed with a circuit clerk, which seeks  
169 to collect arrearages;

170 (7) After the first day of December, one thousand nine  
171 hundred eighty-six, all actions commenced under the  
172 provisions of article seven of this chapter or under the  
173 provisions of the revised uniform reciprocal enforcement  
174 of support act of any other state;

175 (8) After the first day of January, one thousand nine  
176 hundred eighty-seven, proceedings for the enforcement  
177 of support, custody, or visitation orders, including

178 contempt, unless the alleged contemnor in such proceed-  
179 ing has a right to trial by jury which has not been  
180 waived; and

181 (9) After the first day of January, one thousand nine  
182 hundred eighty-seven, contested divorce actions ma-  
183 tured for final hearing, if in the discretion of the circuit  
184 judge such referrals are appropriate: *Provided*, That the  
185 circuit judge shall make such referrals on a case-by-case  
186 basis.

187 (j) The fees for hearings before a master shall be paid  
188 unless a party is excused from payment thereof under  
189 the provisions of section one, article two, chapter fifty-  
190 nine of this code.

191 (k) Fees for hearings before a master shall be taxed  
192 as court costs, which costs may be assessed against  
193 either party or apportioned between the parties, in the  
194 discretion of the master. The assessment of court costs  
195 shall be included as findings in each case of a master's  
196 recommended decision. The fees for hearings before a  
197 master shall be as follows:

198 (1) For an action to establish an order of support, fifty  
199 dollars;

200 (2) For an action to establish paternity, one hundred  
201 dollars;

202 (3) For a motion for pendente lite relief affecting  
203 custody, visitation, child support or spousal support,  
204 fifty dollars;

205 (4) For a petition for modification of an order  
206 involving child custody, child visitation, child support or  
207 spousal support, fifty dollars;

208 (5) For an uncontested divorce action, fifty dollars;

209 (6) For a proceeding for the enforcement of an order,  
210 fifty dollars.

211 (7) For a contested divorce action matured for final  
212 hearing, fifty dollars for the first hour or any portion  
213 thereof, and thirty dollars per hour for each subsequent  
214 hour or any portion thereof.

215 (l) Persons entitled to notice of a master's hearing  
216 shall be timely informed of:

217 (1) The time, place and nature of the hearing;

218 (2) The legal authority and jurisdiction under which  
219 the hearing is to be held; and

220 (3) The matters of fact and law asserted.

221 (m) The master shall give all interested parties  
222 opportunity for the submission and consideration of  
223 facts, arguments, offers of settlement or proposals of  
224 adjustment when time, the nature of the proceedings  
225 and the public interest permit. To the extent that the  
226 parties are unable to settle or compromise a controversy  
227 by consent, the master shall provide the parties a  
228 hearing and decision in accordance with the provisions  
229 of sections two and three of this article.

230 (n) The master who presides at the reception of  
231 evidence pursuant to section two of this article shall  
232 make the recommended decision required by section  
233 three of this article. Except to the extent required for  
234 disposition of ex parte matters as authorized by this  
235 chapter, a master may not consult a person or party on  
236 a fact in issue, unless on notice and opportunity for all  
237 parties to participate; nor shall the master attempt to  
238 supervise or direct an employee or agent engaged in the  
239 performance of investigative or prosecuting functions  
240 for a prosecuting attorney; the department of human  
241 services or any other agency or political subdivision of  
242 this state.

#### **§48A-4-2. Hearing procedures.**

1 (a) This section applies, according to the provisions  
2 thereof, to hearings required by section one of this  
3 article to be conducted in accordance with this section.

4 (b) A master appointed under the provisions of section  
5 one of this article shall preside at the taking of evidence.  
6 The functions of the master shall be conducted in an  
7 impartial manner. A master may at any time disqualify  
8 himself or herself. Upon such disqualification, or upon  
9 the filing in good faith of a timely and sufficient

10 affidavit of personal bias or other disqualification of a  
11 master, the circuit court or the chief judge thereof may  
12 appoint a temporary master or the circuit court may  
13 receive the evidence and determine the matter.

14 (c) A master presiding at a hearing under the  
15 provisions of this chapter may:

16 (1) Administer oaths and affirmations, compel the  
17 attendance of witnesses and the production of docu-  
18 ments, examine witnesses and parties, and otherwise  
19 take testimony and establish a record.

20 (2) Rule on offers of proof and receive relevant  
21 evidence;

22 (3) Take depositions or have depositions taken when  
23 the ends of justice may be served;

24 (4) Regulate the course of the hearing;

25 (5) Hold conferences for the settlement or simplifica-  
26 tion of issues by consent of the parties;

27 (6) Dispose of procedural requests or similar matters;

28 (7) Accept voluntary acknowledgments of support  
29 liability or paternity;

30 (8) Accept stipulated agreements;

31 (9) Prepare default orders for entry if the person  
32 against whom an action is brought does not respond to  
33 notice or process within the time required;

34 (10) Recommend decisions in accordance with the  
35 provisions of section three of this article; and

36 (11) Take other action authorized by general order of  
37 the circuit court or the chief judge thereof consistent  
38 with the provisions of this chapter.

39 (d) Except as otherwise provided by law, a moving  
40 party has the burden of proof on a particular question  
41 presented. Any oral or documentary evidence may be  
42 received, but the master shall exclude irrelevant,  
43 immaterial, or unduly repetitious evidence. A party is  
44 entitled to present his or her case or defense by oral or  
45 documentary evidence, to submit rebuttal evidence, and

46 to conduct such cross-examination as may be required  
47 for a full and true disclosure of the facts. In determining  
48 claims for money due or the amount of payments to be  
49 made, when a party will not be prejudiced thereby, the  
50 master may adopt procedures for the submission of all  
51 or part of the evidence in written form.

52 (e) Hearings before a master shall be recorded  
53 electronically. When requested by either of the parties,  
54 a master shall make a transcript, verified by oath, of  
55 each hearing held. Unless otherwise ordered by the  
56 court, the cost of preparing a transcript shall be paid  
57 by the party requesting the transcript.

58 (f) The recording of the hearing or the transcript of  
59 testimony, as the case may be, and the exhibits, together  
60 with all papers and requests filed in the proceeding,  
61 constitute the exclusive record for decision in accor-  
62 dance with section three of this article, and on payment  
63 of lawfully prescribed costs, shall be made available to  
64 the parties. When a master's recommended decision  
65 rests on official notice of a material fact not appearing  
66 in the evidence in the record, a party is entitled, on  
67 timely request, to an opportunity to show the contrary.

#### §48A-4-3. Default orders; temporary orders.

1 (a) In any proceeding in which the amount of support  
2 is to be established, if the obligor has been served with  
3 notice of a hearing before a master and does not enter  
4 an appearance, the family law master shall prepare a  
5 default order for entry by the circuit judge, which order  
6 shall fix support in an amount at least equal to the  
7 amount paid as public assistance under section four,  
8 article three, chapter nine of this code if the obligee or  
9 custodian receives public assistance, or in an amount at  
10 least equal to the amount that would be paid as public  
11 assistance if the obligee or custodian were eligible to  
12 receive public assistance, unless the family law master  
13 has sufficient information in the record so as to  
14 determine the amount to be fixed in accordance with the  
15 child support guidelines.

16 (b) A master who presides at a hearing under the  
17 provisions of section two of this article is authorized to

18 make and enter pendente lite support and custody  
19 orders which, when entered, shall be enforceable and  
20 have the same force and effect under law as pendente  
21 lite support orders made and entered by a judge of the  
22 circuit court, unless and until such support orders are  
23 modified, vacated, or superseded by an order of the  
24 circuit court.

25 (c) All orders prepared by a master shall provide for  
26 automatic withholding from income of the obligor if  
27 arrearages in support occur, if no such provision already  
28 exists in prior orders.

#### **§48A-4-4. Recommended decisions.**

1 (a) This section applies, according to the provisions  
2 thereof, when a hearing has been conducted in accor-  
3 dance with section two of this article.

4 (b) A master who has presided at the hearing pursu-  
5 ant to section two of this article shall recommend a  
6 decision to the circuit court within ten days following  
7 the close of the evidence. Before the recommended  
8 decision is made, the master may, in his discretion,  
9 require the parties to submit proposed findings and  
10 conclusions and the supporting reasons therefor.

11 (c) A copy of each report, recommendation, and any  
12 supporting documents or a summary of supporting  
13 documents, prepared or used by the children's advocate  
14 or an employee of the child advocate office, and all  
15 documents introduced into evidence before the master,  
16 shall be made available to the attorney for each party  
17 and to each of the parties before the circuit court takes  
18 any action on the recommendation.

19 (d) All recommended decisions of the master shall  
20 include (1) a statement of findings and conclusions, and  
21 the reasons or basis therefor, on all the material issues  
22 of fact, law, or discretion presented on the record; and  
23 (2) the proposed order embodying the appropriate  
24 sanction, relief, or denial thereof.

#### **§48A-4-5. Orders to be entered by circuit court exclusively.**



1 With the exception of pendente lite support and  
2 custody orders entered by a master in accordance with  
3 the provisions of section three of this article, an order  
4 imposing sanctions or granting or denying relief may  
5 not be made and entered except by a circuit court within  
6 the jurisdiction of said court and as authorized by law.

**§48A-4-6. Circuit court review of master's action or recommended decision.**

1 A person who alleges that he or she will be adversely  
2 affected or aggrieved by a recommended decision of a  
3 master is entitled to review of the proceedings. The  
4 recommended decision of the master is the subject of  
5 review by the circuit court, and a preliminary or  
6 procedural action or ruling not directly reviewable is  
7 subject to review only upon the review of the  
8 recommended decision by the circuit court.

**§48A-4-7. Procedure for review by circuit court.**

1 (a) Within ten days after the recommended decision  
2 of a master is returned and filed, any party may file  
3 exceptions thereto in a petition requesting that the  
4 action be reviewed by the circuit court upon the master's  
5 report. At the time of filing the petition, a copy of the  
6 petition for review shall be served on all parties to the  
7 proceeding, in the same manner as pleadings subse-  
8 quent to an original complaint are served under rule  
9 five of the rules of civil procedure for trial courts of  
10 record.

11 (b) Not more than ten days after the filing of the  
12 petition for review, a responding party wishing to file  
13 a cross-petition that would otherwise be untimely may  
14 file, with proof of service on all parties, a cross-petition  
15 for review.

**§48A-4-8. Form of petition for review.**

1 The petition for review shall contain, in the order  
2 indicated:

3 (a) A list of exceptions in the form of questions  
4 presented for review, expressed in the terms and  
5 circumstances of the case, designating and pointing out

6 the errors complained of with reasonable certainty, so  
7 as to direct the attention of the circuit court specifically  
8 to them, but without unnecessary detail. The statement  
9 of questions should be short and concise and should not  
10 be argumentative or repetitious. The statement of a  
11 question presented will be deemed to comprise every  
12 subsidiary question fairly included therein. Only the  
13 questions set forth in the petition or fairly included  
14 therein will be considered by the court. Parts of the  
15 master's report not excepted to are admitted to be  
16 correct, not only as regards the principles, but as to the  
17 evidence, upon which they are founded.

18 (b) A concise statement of the case containing the  
19 facts material to a consideration of the questions  
20 presented.

21 (c) A direct and concise argument amplifying the  
22 reasons relied upon for modification of the master's  
23 recommended decision and citing the constitutional  
24 provisions, statutes and regulations which are applica-  
25 ble.

**§48A-4-9. Brief in opposition to a petition for review.**

1 (a) A respondent shall have ten days after the filing  
2 of a petition within which to file an opposing brief  
3 disclosing any matter or ground why the recommended  
4 decision of the master should not be modified by the  
5 court in the manner sought by the petition.

6 (b) No motion by a respondent to dismiss a petition  
7 for review will be received.

8 (c) Any party may file a supplemental brief at any  
9 time while a petition for review is pending, calling  
10 attention to new cases or legislation or other intervening  
11 matter not available at the time of the party's last filing.

**§48A-4-10. Circuit court review of master's recommended decision.**

1 (a) The circuit court shall proceed to a review of the  
2 recommended decision of the master when:

3 (1) No petition has been filed within the time allowed,  
4 or the parties have expressly waived the right to file a

5 petition;

6 (2) A petition and brief in opposition have been filed,  
7 or the time for filing a brief in opposition has expired,  
8 or the parties have expressly waived the right to file a  
9 brief in opposition, as the case may be.

10 (b) To the extent necessary for decision and when  
11 presented, the circuit court shall decide all relevant  
12 questions of law, interpret constitutional and statutory  
13 provisions, and determine the appropriateness of the  
14 terms of the recommended decision of the master.

15 (c) The circuit court shall examine the recommended  
16 decision of the master, along with the findings and  
17 conclusions of the master, and may enter an order in  
18 conformance with the recommended decision, may  
19 recommit the case, with instructions, for further  
20 hearing before the master or may, in its discretion, enter  
21 an order upon different terms, as the ends of justice may  
22 require. The circuit court shall not follow the recom-  
23 mendation, findings, and conclusions of a master found  
24 to be:

25 (1) Arbitrary, capricious, an abuse of discretion, or  
26 otherwise not in conformance with the law;

27 (2) Contrary to constitutional right, power, privilege,  
28 or immunity;

29 (3) In excess of statutory jurisdiction, authority, or  
30 limitations, or short of statutory right;

31 (4) Without observance of procedure required by law;

32 (5) Unsupported by substantial evidence; or

33 (6) Unwarranted by the facts.

34 (d) In making its determinations under this section,  
35 the circuit court shall review the whole record or those  
36 parts of it cited by a party. If the circuit court finds that  
37 a master's recommended decision is deficient as to  
38 matters which might be affected by evidence not  
39 considered or inadequately developed in the master's  
40 recommended decision, the court may recommit the  
41 recommended decision to the master, with instructions

42 indicating the court's opinion, or the circuit court may  
43 proceed to take such evidence without recommitting the  
44 matter.

45 (e) The order of the circuit court entered pursuant to  
46 the provisions of subsection (d) of this section shall be  
47 entered not later than ten days after the time for filing  
48 pleadings or briefs has expired or after the filing of a  
49 notice or notices waiving the right to file such pleading  
50 or brief.

51 (f) If a case is recommitted by the circuit court, the  
52 master shall retry the matter within twenty days.

53 (g) At the time a case is recommitted, the circuit  
54 court shall enter appropriate pendente lite orders  
55 awarding custody, visitation, child support, spousal  
56 support or such other temporary relief as the circum-  
57 stances of the parties may require.

#### **§48A-4-11. Legislative findings and intent.**

1 In enacting the provisions of this article during the  
2 second extraordinary session of the Legislature, one  
3 thousand nine hundred eighty-six, the Legislature  
4 makes its findings of fact and asserts its statements of  
5 purposes and intent as follows:

6 During the regular session of the Legislature, one  
7 thousand nine hundred eighty-six, the Legislature  
8 enacted Enrolled House Bill 2094, a comprehensive act  
9 which dealt with domestic relations law generally and  
10 child support and other related issues specifically. In  
11 that legislation, the Legislature provided for expedited  
12 procedures in actions involving child support and  
13 related domestic relations matters.

14 Since the passage of said Enrolled House Bill 2094,  
15 the expedited procedures established by the Legislature  
16 have been found by the supreme court of appeals to be  
17 unconstitutional on the grounds that the legislation  
18 attempted to divest the circuit courts of this state of  
19 their constitutional jurisdiction for divorce and other  
20 domestic matters.

21 In order to comply with federal law regarding child

22 support enforcement, it is incumbent upon the Legisla-  
23 ture to create an expedited process for obtaining and  
24 enforcing child support orders. Failure to meet federal  
25 standards poses a threat to the state in the form of a  
26 loss of public assistance funds and the unavailability of  
27 incentive payments based on support collections.

28 In West Virginia, as in other states, numerous  
29 problems arise out of establishing and enforcing child  
30 support orders through the traditional court system. As  
31 the volume of support cases has grown and the use of  
32 courts in general to resolve disputes has increased, the  
33 result has been lengthy delays in resolving child support  
34 cases. In some cases, resolution of the issues is never  
35 attempted or resolved. In divorce cases, the not infre-  
36 quent use of appointed commissioners, while easing the  
37 workload of the circuit court, can result in fees which  
38 are not reasonable and payment to a commissioner  
39 which is an undue financial burden. Further, jurisdic-  
40 tion and authority over support issues have been divided  
41 among the various personnel and officials who prepare  
42 and decide child support matters. There has been a lack  
43 of uniformity in the establishment of appropriate  
44 support amounts. Use of the traditional court system to  
45 determine and enforce child support obligations has  
46 exacerbated the adversarial nature of the proceedings,  
47 and furthered the division between parents, often  
48 diminishing the desire to meet such obligations.

49 It is the intention of the Legislature, with the passage  
50 of this legislation, to reconcile the requirements of  
51 federal law, the ruling of the supreme court of appeals  
52 as to the constitutional jurisdiction of the circuit courts,  
53 and the needs of this state. The Legislature desires to  
54 fully protect the constitutional jurisdiction of the courts  
55 while complying with applicable federal law and  
56 creating in this state a unified set of family law  
57 remedies to eliminate the problems identified herein.

58 If, in fact, the ruling of the supreme court of appeals  
59 as to the jurisdiction of the circuit courts precludes the  
60 use of any expedited process, administrative or quasi-  
61 judicial, in which the presiding officer is not a judge,  
62 then compliance with federal law would be impossible,

63 absent an amendment to the Constitution of the state.  
64 Accordingly, the Legislature has adopted the approach  
65 embodied in this legislation to avoid that drastic action.

66 The expedited process set forth herein is modeled  
67 upon traditional equity practice in this state which has  
68 utilized commissioners in chancery, masters, master's  
69 reports and recommended decisions, authoritative  
70 review by the circuit courts and other devices of an  
71 equitable nature.

72 Further, the Legislature anticipates that the proced-  
73 ural rule-making power of the supreme court of appeals  
74 provided for in the Judicial Reorganization Amendment  
75 of 1974 to the West Virginia Constitution and in section  
76 four, article one, chapter fifty-one of this code may be  
77 utilized, so that the portions of this legislation relating  
78 to pleading, practice and procedure shall have force and  
79 effect only as rules of court and remain in effect unless  
80 and until modified, suspended or annulled by rules  
81 promulgated by the supreme court of appeals.

**§48A-4-12. Termination of family law masters system by law.**

1 The family law masters system shall be terminated on  
2 the first day of July, one thousand nine hundred ninety-  
3 one, unless review of its functions shall be undertaken  
4 pursuant to the provisions of sections nine, ten, and  
5 eleven, article ten, chapter four of this code.

**ARTICLE 5. REMEDIES FOR THE ENFORCEMENT OF SUPPORT OBLIGATIONS AND VISITATION.**

**§48A-5-3. Withholding from income of amounts payable as support.**

1 (a) An order which provides for the withholding of  
2 amounts payable as support shall be enforced by the  
3 children's advocate in accordance with the provisions of  
4 this section. Every support order entered by a circuit  
5 court or a magistrate of this state prior to the first day  
6 of July, one thousand nine hundred eighty-six, and every  
7 support order entered by a court of competent jurisdic-  
8 tion of another state shall be considered to provide for  
9 an order of income withholding by operation of law,

10 notwithstanding the fact that such support order does  
11 not in fact provide for such an order of withholding.  
12 Under such orders, income withholding shall be imple-  
13 mented under the same circumstances and enforced in  
14 the same manner as in the case of orders of withholding  
15 which are included in support orders entered on or after  
16 the first day of July, one thousand nine hundred eighty-  
17 six.

18 (b)(1) When required to pursue the enforcement of an  
19 order of support through the withholding of income in  
20 accordance with the provisions of subsection (e), section  
21 three, article three of this chapter, the children's  
22 advocate shall cause the mailing of a notice pursuant to  
23 this section when the support payments required by the  
24 order are in arrears a specific number of days, as  
25 follows:

26 (A) If the order requires support to be paid in  
27 monthly installments, the notice shall be sent on the day  
28 when the support payments are thirty days in arrears;  
29 or

30 (B) If the order requires support to be paid in weekly  
31 or bi-weekly installments, the notice shall be sent on the  
32 day when the support payments are twenty-eight days  
33 in arrears.

34 (2) The number of days support payments are in  
35 arrears shall be considered to be the total cumulative  
36 number of days during which payments required by a  
37 court order have been delinquent, whether or not such  
38 days are consecutive.

39 (c) When the required payments are in arrears the  
40 requisite number of days in a case, the children's  
41 advocate shall immediately do the following:

42 (1) If there is an existing support order which has  
43 been entered by a court of competent jurisdiction so that  
44 withholding can occur without the need for any amend-  
45 ment to the support order or for any further action by  
46 a court, the children's advocate shall send the notice  
47 prescribed by the provisions of subsection (d) of this  
48 section; or

49       (2) If there is no existing support order upon which  
50 withholding can be based, either by its terms or by  
51 operation of law, the children's advocate shall commence  
52 an action to obtain a support order in accordance with  
53 the provisions of section one of this article, so as to  
54 establish a support order which provides for  
55 withholding.

56       (d) If notice required by subsection (b) of this section  
57 is appropriate, the children's advocate shall determine  
58 the time for a meeting between the obligor and the  
59 children's advocate and the time for a hearing before the  
60 family law master, and shall then set forth in such  
61 notice the times and places at which the meeting and  
62 hearing will be held if withholding is contested. The  
63 meeting and hearing may be scheduled on the same  
64 date, but in no case shall the meeting with the advocate  
65 be scheduled less than fifteen days after the date the  
66 notice is mailed nor shall the hearing before the master  
67 be scheduled more than twenty-one days after the date  
68 the notice is mailed. The children's advocate shall send  
69 such notice by first class mail to the delinquent obligor.  
70 The notice shall inform the delinquent obligor of the  
71 following:

72       (1) The amount owed;

73       (2) That it is proposed that there be withholding from  
74 the obligor's income of amounts payable as support, and  
75 that if withholding is uncontested, or is contested but  
76 determined appropriate, the amount withheld will be  
77 equal to the amount required under the terms of the  
78 current support order, plus amounts for any outstanding  
79 arrearages;

80       (3) An identification of the type or types of income  
81 from which amounts payable as support will be with-  
82 held, and a statement of the amounts proposed to be  
83 withheld, expressed in meaningful terminology such as  
84 dollar amounts or a percentage of disposable earnings,  
85 as may be appropriate for the type of income involved;

86       (4) That the withholding will apply to the obligor's  
87 present source of income and to any future source of  
88 income;



89       (5) That any action by the obligor to purposefully  
90 minimize his or her income will result in the enforce-  
91 ment of support being based upon potential and not just  
92 actual earnings;

93       (6) That payment of the arrearage after the date of  
94 the notice is not a bar to such withholding;

95       (7) That if the obligor wishes to agree to withholding  
96 that he or she should notify the children's advocate, in  
97 writing, within fourteen days from the date of the notice  
98 in order to cancel a scheduled meeting with the office  
99 of the children's advocate and a hearing with the family  
100 law master;

101       (8) That if the obligor fails to respond to the notice  
102 or fails to appear at the meeting or hearing after  
103 responding to the notice, withholding will automatically  
104 occur as described in the notice;

105       (9) That if the obligor desires to contest the withhold-  
106 ing on the grounds that the amount to be withheld is  
107 incorrect or that withholding is not proper because of  
108 mistakes of fact, he or she must, within fourteen days  
109 of the date of the notice, inform the children's advocate  
110 in writing of the reasons why the proposed withholding  
111 is contested;

112       (10) That a mistake of fact exists only when there is  
113 an error in the amount of current or overdue support  
114 claimed in the notice, there is a mistake as to the  
115 identity of the obligor, or the amount of the proposed  
116 withholding exceeds the amount permitted to be  
117 withheld under applicable federal or state law;

118       (11) That matters such as lack of visitation,  
119 inappropriateness of the support award, or changed  
120 financial circumstances of the obligee or the obligor will  
121 not be considered at any hearing held pursuant to the  
122 notice, but may be raised by the filing of a separate  
123 petition;

124       (12) That if the obligor contests the withholding, in  
125 writing, a meeting with the children's advocate will be  
126 held at a time and place set forth in the notice, for the  
127 purpose of attempting to settle any issues which are

128 contested;

129 (13) That if the meeting with the childrens' advocate  
130 fails to resolve the issues being contested, a hearing  
131 before the family law master will be held at a time and  
132 place set forth in the notice, and that following such  
133 hearing, the master will make a recommended decision  
134 to the circuit court; and

135 (14) That a master's recommended decision as to  
136 withholding will become effective when it is confirmed  
137 and an order is entered by the circuit court, and that  
138 if the obligor disagrees with the master's recommended  
139 decision, he or she will be given the opportunity to make  
140 objections known to the circuit court.

141 (e) After a final determination that withholding  
142 should occur, the children's advocate shall proceed to  
143 withhold so much of the obligor's income as is necessary  
144 to comply with the order authorizing such withholding,  
145 up to the maximum amount permitted under applicable  
146 law. Such withholding, unless otherwise terminated  
147 under the provisions of this section, shall apply to any  
148 subsequent source of income or any subsequent period  
149 of time during which income is received by the obligor.

150 (f) Notwithstanding any other provision of this code  
151 to the contrary which provides for a limitation upon the  
152 amount which may be withheld from earnings through  
153 legal process, the amount of an obligor's aggregate  
154 disposable earnings for any given workweek which can  
155 be withheld as support payments is to be determined in  
156 accordance with the provisions of this subsection, as  
157 follows:

158 (1) After ascertaining the status of the payment  
159 record of the obligor under the terms of the support  
160 order, the payment record shall be examined to deter-  
161 mine whether any arrearages are due for amounts  
162 which should have been paid prior to a twelve week  
163 period which ends with the workweek for which  
164 withholding is sought to be enforced.

165 (2) If none of the withholding is for amounts which  
166 came due prior to such twelve week period, then:

167 (A) When the obligor is supporting another spouse or  
168 dependent child other than the spouse or child for whom  
169 the proposed withholding is being sought, the amount  
170 withheld may not exceed fifty percent of the obligor's  
171 disposable earnings for that week; and

172 (B) When the obligor is not supporting another spouse  
173 or dependent child as described in paragraph (A) of this  
174 subdivision, the amount withheld may not exceed sixty  
175 percent of the obligor's disposable earnings for that  
176 week.

177 (3) If a part of the withholding is for amounts which  
178 came due prior to such twelve week period, then:

179 (A) Where the obligor is supporting another spouse or  
180 dependent child other than the spouse or child for whom  
181 the proposed withholding is being sought, the amount  
182 withheld may not exceed fifty-five percent of the  
183 obligor's disposable earnings for that week; and

184 (B) Where the obligor is not supporting another  
185 spouse or dependent child as described in paragraph  
186 (A) of this subdivision, the amount withheld may not  
187 exceed sixty-five percent of the obligor's disposable  
188 earnings for that week.

189 (4) In addition to the percentage limitations set forth  
190 in subdivisions (2) and (3) of this subsection, it shall be  
191 a further limitation that in no case shall the total  
192 amounts withheld for current payments plus arrearages  
193 exceed the amounts withheld for current payments by  
194 an amount greater than ten percent of the obligor's  
195 disposable income.

196 (5) The provisions of this subsection shall apply  
197 directly to the withholding of disposable earnings of an  
198 obligor regardless of whether the obligor is paid on a  
199 weekly, biweekly, monthly or other basis.

200 (6) If an obligor acts so as to purposefully minimize  
201 his or her income and to thereby circumvent the  
202 provisions of this section which provide for withholding  
203 from income of amounts payable as support, the amount  
204 to be withheld as support payments may be based upon  
205 the obligor's potential earnings rather than his or her

206 actual earnings, and such obligor may not rely upon the  
207 percentage limitations set forth in this subsection which  
208 limit the amount to be withheld from disposable  
209 earnings.

210 (g) The source of income of any obligor who is subject  
211 to withholding, upon being given notice of withholding,  
212 shall withhold from such obligor's income the amount  
213 specified by the notice and pay such amount to the child  
214 advocate office for distribution in accordance with the  
215 provisions of section four, article three of this chapter.  
216 The notice given to the source of income shall contain  
217 only such information as may be necessary for the  
218 source of income to comply with the withholding order.  
219 Such notice to the source of income shall include, at a  
220 minimum, the following:

221 (1) The amount to be withheld from the obligor's  
222 income, and a statement that the amount to be withheld  
223 for support and other purposes, including the fee  
224 specified under subdivision (3) of this subsection, may  
225 not be in excess of the maximum amounts permitted  
226 under section 303(b) of the Federal Consumer Credit  
227 Protection Act or limitations imposed under the provi-  
228 sions of this code;

229 (2) That the source of income must send the amount  
230 to be withheld from the obligor's income to the child  
231 advocate office within ten days of the date the obligor  
232 is paid;

233 (3) That, in addition to the amount withheld under the  
234 provisions of subdivision (1) of this subsection, the  
235 source of income may deduct a fee, not to exceed fifty  
236 cents, for administrative costs incurred by the source of  
237 income, for each withholding;

238 (4) That withholding is binding on the source of  
239 income until further notice by the child advocate office;

240 (5) That the source of income is subject to a fine for  
241 discharging an obligor from employment, refusing to  
242 employ, or taking disciplinary action against any obligor  
243 because of the withholding;

244 (6) That if the source of income fails to withhold

245 income in accordance with the provisions of the notice,  
246 the source of income is liable for the accumulated  
247 amount the source of income should have withheld from  
248 the obligor's income;

249 (7) That the withholding under the provisions of this  
250 section shall have priority over any other legal process  
251 under the laws of this state against the same income;

252 (8) That the source of income may combine withheld  
253 amounts from obligors' income in a single payment to  
254 the child advocate office and separately identify the  
255 portion of the single payment which is attributable to  
256 each obligor;

257 (9) That the source of income must implement with-  
258 holding no later than the first pay period or first date  
259 for payment of income that occurs after fourteen days  
260 following the date the notice to the source of income was  
261 mailed; and

262 (10) That the source of income must notify the child  
263 advocate office promptly when the obligor terminates  
264 his or her employment or otherwise ceases receiving  
265 income from the source of income, and must provide the  
266 obligor's last known address and the name and address  
267 of the obligor's new source of income, if known.

268 (h) The director shall, by administrative rule, estab-  
269 lish procedures for promptly refunding to obligors  
270 amounts which have been improperly withheld under  
271 the provisions of this section.

272 (i) A source of income must send the amount to be  
273 withheld from the obligor's income to the child advocate  
274 office within ten days of the date the obligor is paid.

275 (j) In addition to any amounts payable as support  
276 withheld from the obligor's income, the source of income  
277 may deduct a fee, not to exceed fifty cents, for admi-  
278 nistrative costs incurred by the source of income, for  
279 each withholding.

280 (k) Withholding of amounts payable as support under  
281 the provisions of this section is binding on the source of  
282 income until further notice by the child advocate office.

283 (l) Every source of income who receives a notice of  
284 withholding under the provisions of this section shall  
285 implement withholding no later than the first pay  
286 period or first date for the payment of income which  
287 occurs after fourteen days following the date the notice  
288 to the source of income was mailed.

289 (m) A source of income who employs or otherwise  
290 pays income to an obligor who is subject to withholding  
291 under the provisions of this section must notify the child  
292 advocate office promptly when the obligor terminates  
293 employment or otherwise ceases receiving income from  
294 the source of income, and must provide the office with  
295 the obligor's last known address and the name and  
296 address of the obligor's new source of income, if known.

297 (n) A source of income who has more than a single  
298 obligor who is subject to withholding from income under  
299 the provisions of this article may combine all withheld  
300 amounts into a single payment to the child advocate  
301 office, with the portion thereof which is attributable to  
302 each obligor being separately designated.

303 (o) A source of income is liable to an obligee, includ-  
304 ing the state of West Virginia or the department of  
305 human services where appropriate, for any amount  
306 which the source of income fails to withhold from  
307 income due an obligor following receipt by such source  
308 of income of proper notice under subsection (h) of this  
309 section: *Provided*, That a source of income shall not be  
310 required to vary the normal pay and disbursement  
311 cycles in order to comply with the provisions of this  
312 section.

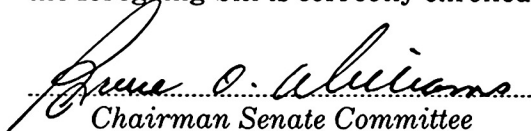
313 (p) Support collection under the provisions of this  
314 article shall have priority over any other legal process  
315 under state law against the same wages.

316 (q) Any source of income who discharges from  
317 employment, refuses to employ, or takes disciplinary  
318 action against any obligor subject to income withholding  
319 required by this section because of the existence of such  
320 withholding and the obligations or additional obligations  
321 which it imposes on the source of income, shall be guilty  
322 of a misdemeanor, and, upon conviction thereof, shall be

323 fined not less than five hundred dollars nor more than  
324 one thousand dollars.

325 (r) At any time following a period of eighteen months  
326 during which the obligor has owed no arrearages to the  
327 obligee or to the state of West Virginia or any other  
328 state, if the obligee and obligor agree to the termination  
329 of withholding and demonstrate to the children's  
330 advocate that there is a reliable alternative method by  
331 which to make the support payments, they may request  
332 the children's advocate to terminate withholding and  
333 such withholding from income may cease until such  
334 time as further withholding is required by law. The  
335 director of the child advocate office shall, by legislative  
336 rule, establish state termination standards which will  
337 ensure, at a minimum, that withholding will not be  
338 terminated where there are indications that it is  
339 unlikely that support will continue without such  
340 withholding. The mere fact that all arrearages have  
341 been paid shall not be a sufficient ground for the  
342 termination of withholding.

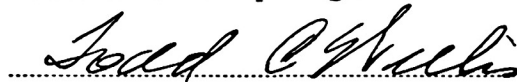
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

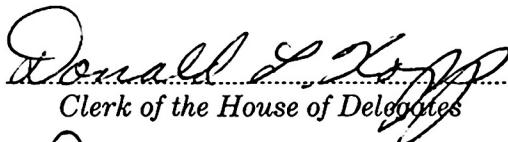
  
Chairman Senate Committee

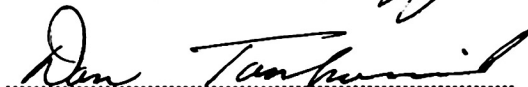
  
Chairman House Committee

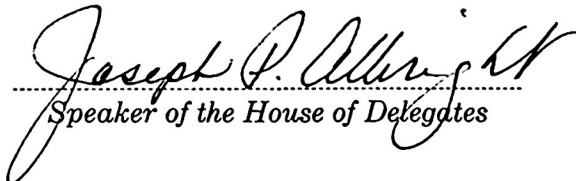
Originating in the House.

Takes effect from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within  this the 29th  
day of July, 1986.

  
Governor



PRESENTED TO THE

GOVERNOR

Date 2:53 p.m.

Time 7/25/86

THE UNIVERSITY OF CHICAGO

CHICAGO, ILL. 60637

CHICAGO