

No. 380

RECEIVED
1989 APR 27 PM 12:29
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989



ENROLLED

SENATE BILL NO. 380

(By Senator Tucker, Mr. President, et al)



PASSED April 8, 1989
In Effect from Passage

ENROLLED
Senate Bill No. 380

(BY SENATORS TUCKER, MR. PRESIDENT, AND HARMAN,
BY REQUEST OF THE EXECUTIVE)

[Passed April 8, 1989; in effect from passage.]

AN ACT to amend article three, 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 three-a; and to amend and reenact sections twelve, eighteen, thirty-six and thirty-seven, article seven of said chapter, all relating to whom the children's advocate represents.

Be it enacted by the Legislature of West Virginia:

That article three, 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 three-a; and that sections twelve, eighteen, thirty-six and thirty-seven, article seven of said chapter be amended and reenacted, all to read as follows:

ARTICLE 3. CHILDREN'S ADVOCATE.

§48A-3-3a. Representation by the children's advocate.

1 Unless otherwise specifically provided, the children's
2 advocate shall represent only the child when
3 participating in any civil action pursuant to the duties
4 of the children's advocate under the provisions of this
5 chapter or chapter forty-eight of this code. The
6 pleadings shall indicate that the children's advocate

7 represents only the child.

**ARTICLE 7. REVISED UNIFORM RECIPROCAL ENFORCEMENT OF
SUPPORT ACT.**

§48A-7-12. Children's advocate to represent child.

1 If this state is acting as an initiating state, the
2 children's advocate shall represent the child in any
3 proceedings under this article.

**§48A-7-18. Duty of court and officials of this state as
responding state.**

1 (a) After a circuit court of this state, acting as the
2 responding court, receives copies of the petition or
3 complaint, certificate and act from the initiating court
4 of another state, the clerk of the circuit court shall
5 docket the case and notify the children's advocate of
6 such action.

7 (b) The children's advocate shall prosecute the case
8 diligently in the best interests of the child. He or she
9 shall take all action necessary in accordance with the
10 laws of this state to enable the court to obtain jurisdic-
11 tion over the obligor or his property and shall request
12 the court to set a time and place for a hearing and give
13 notice thereof to the obligor in accordance with law.

§48A-7-36. Children's advocate to represent child.

1 If this state is acting either as a rendering or a
2 registering state, the children's advocate shall repre-
3 sent the child in proceedings under sections thirty-
4 three through thirty-eight of this article.

**§48A-7-37. Registration procedure; notice; children's advo-
cate to enforce order.**

1 (a) An obligee seeking to register a foreign support
2 order in a circuit court of this state shall transmit to
3 the clerk of the court (1) three certified copies of the
4 order with all modifications thereof, (2) one copy of
5 the reciprocal enforcement of support law of the state
6 in which the order was made, and (3) a statement
7 verified and signed by the obligee, showing the post-
8 office address of the obligee, the last known place of

9 residence and post-office address of the obligor, the
10 amount of support remaining unpaid, a description
11 and the location of any property of the obligor avail-
12 able upon execution, and a list of the states in which
13 the order is registered. Upon receipt of these
14 documents the clerk of the court, without payment of
15 a filing fee or other cost to the obligee, shall file them
16 in the registry of foreign support orders. The filing
17 constitutes registration under this article.

18 (b) Promptly upon registration the clerk of the court
19 shall send by certified or registered mail to the obligor
20 at the address given a notice of the registration with
21 a copy of the registered support order and the post-
22 office address of the obligee. He shall also docket the
23 case and notify the children's advocate of his action.
24 The children's advocate shall proceed diligently to
25 enforce the order in the best interests of the child.

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

Frederick L. Parke
.....
Chairman Senate Committee

J. L. Satter
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Walter A. Miller
.....
Clerk of the Senate

Donald L. Kipp
.....
Clerk of the House of Delegates

Sam D. Tucker
.....
President of the Senate

W. H. Cull
.....
Speaker House of Delegates

The within *is approved* this the *27th*
day of *April* 1989.
Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/24/89

Time 2:35