WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2009

ENROLLED

Senate Bill No. 595
(By Senators Prezioso, Deem,
Plymale and Kessler)

[Passed April 9, 2009; in effect ninety days from passage.]
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AN ACT to amend and reenact §9-3-4 of the Code of West Virginia, 1931, as amended, relating to the assignment of child support; and replacing antiquated language.

Be it enacted by the Legislature of West Virginia:

That §9-3-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted 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, as a condition of receiving
5 assistance funded under this part, assign to the Depart-
6 ment of Health and Human Resources any right the family
7 member may have (on behalf of the family member or of
8 any other person for whom the family member has applied
for or is receiving such assistance) to support from any
other person, not exceeding the total amount of assistance
so paid to the family, which accrues during the period that
the family receives assistance under the program.

Each applicant for assistance subject to the assignment
established in this section 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 Health and Human Resources by the person
or persons responsible for the support and maintenance of
the child, children or caretaker in an amount equal to the
amount of assistance money paid: Provided, That the debt
is limited by the amount established in any court order or
final decree of divorce if the amount in the order or decree
is less than the amount of assistance paid.

The assignment under this section shall subrogate the
Department of Health and Human Resources 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 Health
and Human Resources may be reimbursed for moneys
expended on behalf of the child, children or caretaker.
The Department of Health and Human Resources 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, children or caretaker included within
the assignment under this section and shall be empowered
to receive money judgments and endorse any check, draft,
note or other negotiable document in payment thereof.

The assignment created under this section shall be
released upon closure of the assistance case and the
termination of assistance payments except for support and
maintenance obligations accrued and owing at the time of
closure which are necessary to reimburse the department
for any balance of assistance payments made.

The Department of Health and Human Resources 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 distrib-
ute the moneys to the caretaker, child or children.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days 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 Day of 2009.

Governor