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HOUSE BILL NO. 1819

Offered January 9, 2019

Prefiled January 1, 2019

A BILL to amend and reenact § 63.2-1904 of the Code of Virginia, relating to child support enforcement; fees.

Patron—Delaney

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1904 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1904. Administrative support remedies available for individuals not receiving public assistance; fees.

The Department shall make available to those individuals not receiving public assistance, upon receipt of an authorization to seek or enforce a support obligation the same support services provided to recipients of public assistance. These services may include, but are not limited to:

1. Locating noncustodial parents to obtain child support;

2. Establishing paternity;

3. Establishing or modifying child support obligations, that shall include a provision for health care coverage for dependent children of the parents; and

4. Enforcing and collecting child support obligations; however, the only support in arrears that may be enforced by administrative action is (i) arrearages accrued or accruing under a court order or decree or (ii) arrearages on an administrative order accruing from the entry of such administrative order.

No individual shall be required to obtain support services from the Department prior to commencing a judicial proceeding to establish, modify, enforce or collect a child support obligation.

The Board shall charge the following fees:

a. One dollar, upon application for services pursuant to this section. At the option of the Department, the fee may be paid by the Department on behalf of the applicants;

b. Twenty-five dollars, for the cost of reopening a case within six months of requesting case closure; and

c. ~~Twenty-five~~ *Thirty-five* dollars per federal fiscal year in each case of an obligee who has never received assistance pursuant to the Temporary Assistance for Needy Families ~~Program~~ *program* and for whom the Department has collected at least ~~$500~~ *$550* of child support annually. *The Department shall collect and retain such fee from the amount of child support collected annually in excess of $550.*

The Department is further designated as the public entity responsible for implementing immediate income withholding pursuant to § 466 of the Social Security Act, as amended.