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HOUSE BILL NO. 1401

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on February 8, 1996)

(Patron Prior to Substitute—Delegate McDonnell)

A BILL to amend and reenact § 63.1-274.10 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.1-249.1, relating to child support enforcement.

Be it enacted by the General Assembly of Virginia:

1. That § 63.1-274.10 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.1-249.1 as follows:

§ 63.1-249.1. Child support enforcement; private contracts.

A. Pursuant to the authority granted in § 63.1-249, child support enforcement fieldwork administrative functions in the Commonwealth may be performed by private entities. The Department shall supervise the administration of the child support enforcement program, let and monitor all contracts with private entities and ensure compliance with applicable state and federal laws and regulations. The Department may also enter into contracts with private collection agencies and other entities to effect the collection of child support arrearages. Contracts entered into pursuant to this section shall be in accordance with the applicable laws and regulations governing public entities pursuant to the Public Procurement Act (§11-35 et seq.). Any contract to perform child support enforcement field work administrative functions entered into by the Department shall contain a provision that the entity to whom the contract is awarded shall give employment preference to qualified persons whose employment with the Division of Child Support Enforcement is terminated as a result of the privatization of child support enforcement functions. Notwithstanding any other provision of law, when hiring to fill vacant positions within the Department, preference shall be given to qualified persons who are unable to obtain employment with an entity who is awarded a contract to perform child support enforcement field work administrative functions pursuant to this section and whose employment with the Division of Child Support Enforcement is terminated as a result of the privatization of child support enforcement functions.

B. The State Board shall establish guidelines to implement the Department's responsibilities under this section. Such guidelines shall specify procedures by which child support enforcement funding mechanisms authorized by state and federal law are allocated to fund central office and privatized child support enforcement functions.

C. The Attorney General shall provide and supervise legal services to the Division of Child Support Enforcement in child support enforcement cases to establish, obligate, enforce and collect child support. In addition to other methods of providing legal services as may be authorized by law, the Attorney General may contract with private attorneys to provide such services as special counsel pursuant to § 2.1-122 or to conduct pilot programs to evaluate the costs and benefits of the privatization of such legal services. The compensation for such special and private counsel shall be paid out of funds received by the Division of Child Support Enforcement as provided by state and federal law and such reasonable attorneys fees as may be recovered. The Attorney General may also use collection agencies as may be necessary and cost-effective to pursue fully the recovery of all costs and fees authorized by § 63.1-274.10 in proceedings to enforce child support obligations.

D. By July 1, 1997, the Department shall submit a written report to the Governor and General Assembly with a detailed summary and evaluation of pilot privatization of child support enforcement programs.

§ 63.1-274.10. Reimbursement of attorney's fees and certain costs.

The Department shall have the authority to assess and recover from the absent responsible parent in proceedings to enforce child support obligations against the absent responsible parent, reasonable attorney's fees in an amount not to exceed the amount allowed court-appointed counsel in the district courts pursuant to subdivision 1 of § 19.2-163. The Department shall also have the authority to assess and recover costs in such cases. However, the Department shall not be entitled to recover attorney's fees or costs in any case in which the absent responsible parent prevails.

The Department shall have the authority to assess and recover the actual costs of blood testing against the absent responsible parent. The blood testing costs shall be set at the rate charged the Department by the provider of blood testing services.

The Department shall have the authority to assess and recover the actual costs of intercept programs from the responsible parent. The intercept programs' costs shall be set at the rate actually charged the Department.

The fees and costs that may be recovered pursuant to this section may be collected using any

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60 mechanism provided by this chapter.