

THE AMNESTY PROGRAM

The Amnesty Program was created by the West Virginia Legislature. The purpose of the Amnesty Program is to help people who have accumulated a large child support arrearages get the debt paid off. It requires agreement by both the person owing the support (obligor), and the person to whom the support is to be paid (obligee). There are two elements that must coexist:

- The obligor must agree to pay the entire balance of principal owed within five years, and
- The obligee must agree to waive some or all of the accrued interest.

WHERE TO START:

1. The obligor and obligee (“parties”) must reach a voluntary agreement as to what percentage of interest is to be waived.
2. Contact should be made with the local BCSE county office and an appointment scheduled with the caseworker. The caseworker will have an updated arrearage calculation and a sample agreement for the parties at the time scheduled.
3. The obligor and obligee must draft a payment plan which includes the agreed upon amount waived, as well as the payment plan for the remaining arrearage.
4. A petition to the court must be filed and the plan approved by the court before it can become effective. Your caseworker will tell you where to find the form(s) for filing a petition with the court.
5. The parties are responsible for filing the petition and the Agreement with the court. BCSE is only involved to provide up-to-date financials and a sample of the agreement. If the Obligor requests assistance, the BCSE may file the petition.

COMMON QUESTIONS:

What if the obligor cannot completely pay off the agreed payment plan?

Interest will be added back to the arrearage.

Will the obligor’s income wage withholding be increased to cover this additional payment?

No. The current income withholding will not increase or change in any way because of the Amnesty Agreement. The caseworker will provide an address to the obligor advising him/her where to send the Amnesty payment.

Will the obligation amount be changed?

No. The court ordered obligation amount will not be changed, or be modified, due to an Amnesty Agreement.