

Questions?

1. Please visit the BCSE website:
dhhr.wv.gov/bcse



2. If your sentence is LESS than one year, you may qualify for another kind of modification. Talk to your counselor or call the BCSE field office in the county your child support order came from.



3. Call BCSE's toll-free hotline:
1-800--249-3778;

in Kanawha County:
558-4665

Bureau for
Child Support Enforcement
350 Capitol Street, Room 147
Charleston, WV 25301



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Administrative Modification of Child Support Orders

Working for
West Virginia
Inmates and
Their Families



West Virginia Department of
Health and Human Services

Bureau for Child
Support Enforcement

dhhr.wv.gov/bcse

The West Virginia Bureau for Child Support Enforcement is committed to helping West Virginia families by assisting in the request for modification of child support orders to reflect current income and circumstances of incarcerated parents ordered to pay child support.

What is Administrative Modification of Child Support Orders?

Any inmate incarcerated for a year or more and with a child support order may ask their county BCSE field office to help with a modification of child support. The BCSE will examine the inmate application, prepare and present a Petition for Modification and a Proposed Order to the Family Court. BCSE will pay the filing fee of \$35 for all Administrative Modification Petitions.

Definitions:

1. BCSE is the WVDHHR Bureau for Child Support Enforcement.
2. Substantial Change of Circumstances is an increase or decrease in your income due to the loss of a job or a new job or promotion; due to increased expenses for the child; or due to the child's moving from the person originally receiving child support payments.
3. Obligor is the paying parent; the noncustodial parent with the child support obligation.
4. Obligee is the parent or other caretaker to whom child support is paid.

How Do I Use the Administrative Modification Process?

1. If your sentence is one year or longer, ask your case manager or counselor for an administrative modification packet of forms and instructions.
2. After you read all the directions, completely fill out the forms. Ask your case manager for help if you need it.
3. If you do not completely fill out all the forms, BCSE will not take action on your request.
4. BCSE notifies the second parent or caretaker of your request and sends him or her a copy. The caretaker/obligee will be asked to fill out the same financial forms you have completed.
5. If the caretaker/obligee does not respond, BCSE will use your information and any other available information to decide if a substantial change in circumstances has occurred.
6. Either party may ask for a meeting with BCSE to discuss the modification request. This meeting may be conducted by phone.
7. This meeting is for BCSE's information only. It is NOT a hearing.
8. BCSE recalculates the child support obligation according to the child support guidelines.
9. If the change in support or circumstances is not sufficient for modification, BCSE will notify you and the caretaker that no modification will occur.
10. If the parties disagree with BCSE's decision, they may file on their own a modification petition with the Family Court.
11. If the change in support or circumstances is enough to justify modification, BCSE will file a Petition for Modification and submit an Order for the Family Court Judge to sign.
12. The Circuit Clerk, who accepts the petition, will serve copies of the petition on you and the caretaker and inform both of you that you have 20 days from receiving the Petition and Proposed Order to file an objection with the Family Court.
13. If 20 days pass with no objection, the Family Court Judge will either sign the Order or set a hearing.
14. If either party objects to the Proposed Order, the Family Court will set a hearing.
15. You may ask the Judge to allow you to attend by telephone or television. The Family Court Judge will consider evidence presented by you and the caretaker, and then the Judge will make a decision.
16. The decision will be written into an Order and copies will be sent to you and the caretaker.