

BCSE Customer Services

 1-800-249-3778

304-558-4665

(BCSE Customer Service in
Kanawha County Only)
304-558-3515, TDD for the
hearing impaired

 On the Web at
www.dhhr.wv.gov/bcse

WEST VIRGINIA
Department of

 **Health
&
Human
Resources**

Bureau for Child Support Enforcement
350 Capitol Street, Room 147
Charleston, WV 25301-3703

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Bureau for Child Support Enforcement

KIDS NEED LOVE



AND CHILD SUPPORT

WEST VIRGINIA
Department of

 **Health
&
Human
Resources**

WV BCSE County Office Phone Directory

All services are free and available to both parents. For more information about BCSE Services or to make an appointment, call your local Child Support Office.

Barbour 304-367-2771	Mineral....304-788-4150
Berkeley ... 304-267-0110	Mingo 304-235-4680
Boone 304-369-7817	Monongalia304-285-3218
Braxton 304-765-0430	Monroe... 304-647-7476
Brooke 304-794-3070	Morgan... 304-267.0110
Cabell..... 304-528-5818	Nicholas . 304-872-0803
Calhoun ... 304-269-6820	Ohio 304-232-4417
Clay..... 304-765-0430	Pendleton304-358-2305
Doddridge 304-627-2295	Pleasants304-420-4980
Fayette 304-465-9613	Pocahontas 304-647-7476
Gilmer 304-269-6820	Preston... 304-329-4340
Grant..... 304-538-2391	Putnam... 304-586-1520
Greenbrier 304-647-7476	Raleigh... 304-256-6973
Hampshire 304-822-6900	Randolph 304-637-5560
Hancock... 304-794-3070	Ritchie 304-420-4980
Hardy 304-538-2391	Roane 304-927-0956
Harrison ... 304-627-2295	Summers 304-466-2807
Jackson.... 304-373-2560	Taylor..... 304-367-2771
Jefferson .. 304-724-2600	Tucker 304-637-5560
Kanawha .. 304-347-8688	Tyler 304-455-0920
Lewis..... 304-269-6820	Upshur ... 304-269-6820
Lincoln 304-824-5811	Wayne 304-272-6311
Logan 304-792-7079	Webster.. 304-765-0430
McDowell . 304-436-8302	Wetzel 304-455-0920
Marion..... 304-367-2771	Wirt..... 304-420-4980
Marshall ... 304-843-4120	Wood..... 304-420-4980
Mason 304-373-2560	Wyoming 304-732-6900
Mercer..... 304-425-8738	

Questions?

1. Contact the **BCSE Customer Service** staff
From **8:30 am to 5:00 pm Call:**
1 (800) 249-3778 (for all counties other than Kanawha
and out-of-state)
(304) 558-4665 (for Kanawha County local call only); or
(304) 558-3515 (TDD-for the hearing impaired)

Or use the website: www.dhhr.wv.gov/bcse
2. If you need more information or wish to make a complaint
about a BCSE office, call or write to :
Commissioner
Bureau for Child Support Enforcement
350 Capitol Street, Room 147
Charleston, WV 25301-3703
(304) 558-3780 (local to Charleston, WV)
3. To ask about the processing of a support check, call:
1-800-249-3778 (for all counties other than Kanawha)
(304) 558-4665 (for Kanawha County only)

Or use the website: www.dhhr.wv.gov/bcse
The same PIN number works for both the website and the
Interactive Voice Response system.
Use the website to sign up for text or email notifications.
4. If you have a problem or question regarding the WV Family
Courts, you may write or call:

Director of Family Court
West Virginia Supreme Court of Appeals
1900 Kanawha Blvd., E.
Building 1, Room E-100
(304) 558-0145

The West Virginia Department of Health and Human Resources (WV DHHR) does not discriminate in its employment practices or in its programs for clientele on the basis of sex, race, color, national origin, religion, age, political affiliation, sexual orientation or disability. If you have a disability that prevents you from visiting your local county office, then please contact a staff person for help in getting transportation or scheduling a visit in your home.

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Purpose of the Bureau for Child Support Enforcement (BCSE)

The Bureau for Child Support Enforcement (BCSE) is the State agency responsible for establishment, collection and distribution of child support. The BCSE is a bureau within the West Virginia Department of Health and Human Resources. The BCSE assists parents and other caretakers of children to locate parents, establish paternity, and to establish and modify support orders.

Some Important Legal Terms

The following words are terms that will be used in this brochure to help you understand the BCSE.

1. The person **who receives support** is called the:
 - Obligee
 - Custodial parent, or
 - Caretaker
2. The person **who owes support** is called the:
 - Obligor, or
 - Non-custodial parent
3. **Support** is money ordered by the court to be paid by an obligor or former spouse.
4. Past due support is called an **arrearage**.
5. **Paternity** is the establishment of a legal father for a child. The BCSE helps establish paternity for a child born to a couple who are not married to each other or for a child who does not have a legal father.

The BCSE Helps

The BCSE helps obligees locate obligors, establish paternity, obtain support orders, and collect support. For more information about BCSE's services, call or visit your local BCSE office in the county where you live. See page 12 for a listing of county offices. The BCSE will collect and record support payments from those who must pay support. The BCSE will then send the payment to those who are to receive it.

Tips to Help Us Help You

To help the BCSE help you, remember the following:

1. Keep appointments with the BCSE or take the time to cancel and make a new one.
2. Come to the office prepared. Bring with you any court orders, birth certificates, income or tax records, documents to establish ownership of property, payment records, and any other documents which show the whereabouts, income and assets of the obligor.
3. If the BCSE is locating an obligor, write down any information you may have about the obligor. Share any additional information on a regular basis about where the parent may be, who the parent may be associating with, where the parent may be working or going to school, and any plans that may affect the parent's work, future, income or assets.
4. Inform your local Child Support Office, in writing, if possible, of any changes in:
 - Address, phone number, or email address;
 - Pay or income;
 - How or where you get your money or income;
 - If a child leaves your home;
 - Shared parenting arrangements; and
 - Your child support order.
5. If there is an order for support, follow the written order exactly. Do not make alternate arrangement with the other parent without getting the court order changed.
6. Remember, gifts to a child from the obligor cannot be counted as support payments.
7. If the BCSE is helping your family, send any payment you received directly from the obligor to the BCSE for proper processing.
8. Keep good, complete records of all payments made or received.
9. Always provide accurate, up-to-date information about your case.

Customer Services

The BCSE has an automated hotline where you can check to see if payments have been received in your case and get general information regarding child support and BCSE Services. This information is also available on our website www.dhhr.wv.gov/bcse. You will be issued a PIN to access your “information” on both systems.



The BCSE also has a central customer service unit.

BCSE Customer Services will:

- Try to answer your questions about general processes;
- Help if you have questions about your case;
- Answer questions about the status of a case;
- Answer questions about the collection and distribution of support payments; and
- Help you if you have any complaints about the BCSE.

The central customer service unit is located at the State Office at 350 Capitol Street, Room 147, Charleston, WV 25301-3703. Customer Service Representatives may be reached at 1-800-249-3778, Monday through Friday, 8:30-5:00. If you live in Kanawha County, please call 304-558-4665.

Fair Hearings

If you are receiving services from the BCSE and are not satisfied with how your case is being handled, you have the right to request a Fair Hearing. A Fair Hearing is an administrative proceeding that allows you to ask for an impartial review to determine whether the BCSE has followed policy in processing your case. An Administrative Fair Hearing is held within the WV Department of Health and Human Resources to appeal actions taken or not taken in your case. To request a Fair Hearing, contact your local office.

The BCSE is required, by law, to help you get child support if:

- You received TANF (Temporary Assistance to Needy Families also known as WV Works);
- Your child is in foster care; or
- You have a medical card from the Medicaid program.

The only time that the BCSE will not try to get support from the obligor is when there is “good cause.” “Good cause” would be if you fear the obligor and have proof that the obligor has been, or would be, violent if support were to be collected.

Also, persons who do not receive public assistance may apply for child support services from the BCSE. The BCSE helps a man who wants to establish that he is the father of the child. An obligor may also request to make payments through the BCSE.

Everyone who receives a new or modified support order will be referred by the court to the BCSE for immediate income withholding. At that time, the obligee may choose to receive all of BCSE’s services or just income withholding.

If “income withholding only” is chosen, the BCSE will collect and send all the support paid through the income withholding to the family. If the person chooses to receive full services from the BCSE, among other things, the BCSE will collect and send to the family all support paid through the income withholding or any other means. The tax-intercept process and other services listed in the next section are only available to the “full service” obligee.

Services of the BCSE

BCSE services are available to everyone who is to receive support for a child at this time. There is no charge for BCSE services. However, this may change in the future. Contact your local county BCSE staff to learn if there are any fees for the BCSE services.

The BCSE offers many different services:

- Establishing paternity;
- Establishing support;
- Collecting and distributing support payments;
- Locating parents;
- Collecting support from parents who live in another state;

- Reviewing and modifying support orders; and
- Enforcing the payment of support (collection methods):
 - Income withholding;
 - Tax refund intercepts;
 - Civil and criminal contempt of court; and
 - Other enforcement measures.

To learn more, call or visit your local Department of Health and Human Resources or BCSE office in the county where you live.

The Application Process

To speed up the application process, there are some things you can do before coming to the office.

If you already have a Child Support Order:

- Bring copies of all your court orders.
- Bring a copy of the child's birth certificate and social security number.
- Write down the payment history (or as much of it as you can remember). This may include a payment history for medical bills. Find any receipts and other proof of payment you may have.
- If you do not know where the obligee or obligor is, bring as much information as you can about that person.
- Bring the obligee or obligor's social security number, if possible.

Cases Without Child Support Orders

- Bring a copy of the child's birth certificate and social security number.
- Bring the obligor's social security number.
- If you do not know where the obligee or obligor is, bring in as much information as you can about that person.

Establishing a Legal Father for the Child

If a child is born to parents who are not married, the man must be legally established as the father before child support can be obtained. This process is called establishing paternity. The BCSE will assist the mother and/or child in establishing paternity and child support. The BCSE will also help a man establish paternity if a child has no legal father and the man claims to be the child's father.

- Filing law suits to recover assets that are transferred from the obligor to another individual in an attempt to avoid paying child support.
- Criminal sanctions.

Reviewing and Modifying Support Orders

The BCSE will review your case at least once every three (3) years upon request. At the time of the review, staff will look to see if any changes in the amount of monthly child support are appropriate. The BCSE will examine the child's needs and the income and finances of both parents. They will then use the established child support guidelines to determine if there is a change needed in the child support amount. If it has been three (3) years or more since the order was changed or reviewed, there needs to be at least a 10 percent change in the support amount before the BCSE will ask the court to change the order. If it has been less than three (3) years since your order was changed or reviewed, there must be at least a 15 percent change in the support amount or some other substantial change in circumstances before the BCSE will ask the court to change the order. If a Petition for Modification is filed, it may take three (3) months or longer to schedule a hearing.

Moving Child Policy

When you have legal custody of a child(ren) and the child(ren) goes to live with another individual, possibly the other parent, friend, grandparent or other relative, the BCSE can assist with redirecting the child support so that the person who is now responsible for the child(ren) will receive the money. For more information, please contact your local BCSE office. Telephone numbers are listed on the last page in this book.



An obligor may ask the BCSE to withhold income at any time and have the money automatically forwarded to the BCSE. The BCSE then gives the money to the person who is to receive the support. This assures that support payments are paid on time.

From the time the BCSE receives the order and an income withholding is sent to the obligor's employer, if the obligor's employer name and address is known, you should generally expect to receive support from the income withholding in approximately 30 days. This process is available even if the obligor is not living in WV.

Income Tax Refund Intercepts

If an obligor fails to pay child support and owes an arrearage, the BCSE may, in some situations, take any federal or state income tax refunds that are due. This means that the IRS and WV Tax Department will send the obligor's refund checks to the BCSE. If the obligee receives or received any public assistance, the refund check from the IRS or the WV Tax Department may be retained by the State to reimburse for past public assistance payments

Civil and Criminal Contempt of Court

If an obligor has the ability to pay support and willfully chooses not to, the BCSE may ask a Circuit Court Judge to find the obligor in contempt of court for failing to comply with a child support order. If the court finds the obligor in contempt, the Judge may impose a fine or put the obligor in jail.

Some Other Enforcement Measures Include:

- Intercepting checks due to the obligor, such as Workers' Compensation and Unemployment Compensation and lottery winnings.
- Placing liens against real estate or personal property, such as cars and boats. Property may also be attached to prevent the obligor from selling or removing it from the state.
- Collecting from third parties, such as banks, who are holding money or assets belonging to the obligor or who owe money to the obligor.
- Reporting verified child support arrearages to credit reporting agencies (Credit Bureau) as an unpaid debt.

Methods of Establishing Paternity

Both parents may sign a legal document stating they are the child's mother and father and no further action is needed to legally establish paternity. The legal document is called a Declaration of Paternity Affidavit and may be picked up your local county DHHR office, BCSE office, County Clerk's office or the Vital Registration Office at 350 Capitol Street, Room 152, Charleston, WV 25301-3703, or by calling 1-800-558-2931. Paternity Affidavits are also be available at any birthing



hospital or birthing center in West Virginia at the time of the child's birth. However, court actions will still be necessary to establish an order for support.

Paternity may also be established through a court order. In a paternity action, the

mother, the alleged father of the child, or the BCSE may request genetic testing. The mother, child and the alleged father will all need to take the test. Even if the man lives in another state, a paternity action may be started in West Virginia. If a man is determined to be the legal father of a child, he may have to:

- Pay child support;
- Get medical insurance to cover the child; and
- Help pay any medical and hospital expenses related to the birth of the child.

Establishing Support Orders

The BCSE will ask the court to establish a child support order if none exists. An order sets a monthly amount of money owed by an obligor for the support of a child. The amount of support is determined by a formula called the child support guidelines. The BCSE will also try to establish medical support such as health insurance coverage.

The BCSE may request the court order child support to be paid past the age of 18 (but not past age 20) if the child stays in high school or attends vocational school.

How much time it will take to establish a support order will depend upon a number of things. If everyone is in West Virginia, the process is much quicker. Generally, from the date of the application, you should expect three (3) months or longer to get a court date. If the parent is not in West Virginia, the case may have to be sent to the other state and it may take up to six (6) months to one (1) year to get an order for support.

The amount of time needed to establish an order for support will also depend upon whether the obligor's location is known. If the location is unknown, the first step will be to locate the parent. This will depend upon how much information is provided by the applicant for services. The applicant is our best resource in attempting to locate a parent. For in-state cases, it generally takes about 30 days to 45 days to locate the parent. For out-of-state cases, it could take three (3) to six (6) months or maybe longer to locate the parent. After the parent is located, the BCSE will proceed with establishing paternity or support, or enforcing an existing order for support.

Receiving Child Support

You will need to decide how you wish to receive your support. If you have an existing checking or savings account, the BCSE can deposit your support directly in your account. You will need to complete an authorization form. If you do not have an account or if you choose not to have direct deposit, you will be issued a debit card. Your support will then be loaded onto the debit card as it is received.



Locating Parents Who Owe Support

When a parent who should be paying child support cannot be found, the BCSE will try to find that person. The BCSE has the ability to search for parents using:

- Driver's license records;
- Vehicle registration records;
- Tax records;

- Employment security records (which show whether a person is on any employer's payroll);
- Records that show if a person is receiving any public benefit, such as an unemployment check or Workers' Compensation; and
- National Directory of New Hires.

If the parent cannot be located in West Virginia, the BCSE will search all other appropriate states.

Receiving Support from Parents Living in Another State

If a parent who owes support lives in another state, the BCSE will assist in establishing and enforcing an order for support. The process is different depending upon the state in which the obligor lives. The BCSE will handle each case individually and do whatever is necessary to establish and collect the support for the obligee.

The BCSE will contact the employer to automatically withhold support from the employee's pay. The employer will forward the support payments to the BCSE. In turn, the BCSE will send the support payments to the obligee or retain them if the obligee is receiving public assistance in West Virginia.

Enforcing the Payment of Support (Collection Methods)

The BCSE will use all remedies it determines necessary to help you get your support payments. These actions include:

Income Withholding

Income withholding occurs when an obligor's employer (or anyone else who owes money to the obligor) is required to withhold the amount of child support that is due from that parent's pay. This is done before the obligor receives the pay check. All new or modified support orders include an order for withholding a person's income to pay what is due in child support.

Income withholding is available only through the BCSE. Employers in West Virginia must, by law, withhold support payments from their employee's income when notified by the BCSE to do so. The employer will forward the support payments to the BCSE for proper handling.