

# Bureau for Child Support Enforcement

KIDS NEED LOVE



AND CHILD SUPPORT



WEST VIRGINIA DEPARTMENT OF

**HUMAN  
SERVICES**

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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 establishing, collecting, and distributing child support. The BCSE is a bureau within the West Virginia Department of Health Services. 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 are 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 or administratively to be paid by an obligor or former spouse.
4. Past-due support is called an **arrearage** or **arrears**.
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 our [website for a list of county offices](#). The BCSE collects and maintains a financial record of support payments from those who must pay support through the BCSE. The BCSE sends the payment to the person or entity who should receive the support.

The BCSE is required, by law, to open a child support case if:

- You receive TANF (Temporary Assistance to Needy Families, also known as WV Works), or
- Your child is in foster care.

The only time that the BCSE will not proceed with opening a child support case 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 send payments through the BCSE.

The court will refer everyone who receives a new or modified support order 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 selected, the BCSE will collect and send all the support paid through the income withholding to the family. If “full services” is selected, the BCSE, among other things, will collect and send to the family all support paid through an income withholding or any other means. The tax-intercept process and other services listed in the next section are only available to an applicant who applied for “full services” with the BCSE.

## **Services of the BCSE**

The BCSE services are available to everyone who has a support order for a child. Currently, there is no charge for the 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 Human Services or BCSE office in the county where you live.

## **The Application Process**

To speed up the application process, you can apply online or personally visit a local BCSE office.

### **If you already have a Child Support Order:**

- Bring copies or upload copies of all your court orders.
- Bring a copy or upload a copy of the child's birth certificate and social security number.
- Provide 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, provide as much information as you can about that person.
- Provide 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.

### **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 establish paternity legally. The legal document is called a Declaration of Paternity Affidavit. It may be picked up at your local county DoHS 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 available at any birthing hospital or birthing center in West

Virginia at the time of the child's birth. However, court actions are 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 requests 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 for the initial support order.

The time it takes to establish a support order varies and will depend on the parent's circumstances. If everyone is in West Virginia, the process is much quicker. Generally, from the date of the application, you should expect three 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 months to one year to obtain a support order.

The amount of time needed to establish a support order will also depend upon whether the obligor's location is known. If the obligor's location is unknown, the first step will be to locate the obligor. The time it takes to locate the obligor depends on the amount of information provided by the obligee and information the BCSE can obtain through other resources. The obligee is our best resource for information when attempting to locate an obligor. For in-state cases, it generally takes about 30 to 45 days to locate the obligor. For out-of-state cases, it could take three to six months or even longer to locate the obligor. After locating the obligor, the BCSE proceeds to establish 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 into 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. The BCSE loads any support payments received onto the debit card.

## **Locating Parents Who Owe Support**

The BCSE diligently attempts to find parents who do not pay child support. The BCSE searches for parents using the following:

- 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 BCSE cannot locate the parent in West Virginia, it searches all other appropriate states.

## **Receiving Support from Parents Living in Another State**

If a parent lives in another state, the BCSE assists in establishing and enforcing an order for support. The process is different depending upon the state in which the obligor lives. The BCSE handles each case individually and does 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 pays 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 paycheck. 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.

An obligor may ask the BCSE to withhold income at any time and have the money automatically forwarded to the BCSE. Then, the BCSE sends the money to the obligee, assuring that support payments are paid timely.

If the obligor's employer's name and address are known, you should generally expect to receive support from the income withholding in approximately 30 days from the time the BCSE receives the order, and an income withholding is sent to the obligor's employer. 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, request an offset from any federal or state income tax refunds that are due. Offset means that the IRS and WV Tax Department will send the obligor's refund checks to the BCSE. The State may retain the offset from the IRS or WV Tax Department to reimburse for past public assistance payments if the obligee receives or received such assistance.

## **Civil and Criminal Contempt of Court**

If an obligor has the ability to pay support and willfully chooses not to, the BCSE may ask the Court 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, issue an arrest warrant, or have the obligor incarcerated.

## **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.
- Filing lawsuits 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 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 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 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 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](#).

## **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: [dhhr.wv.gov/bcse](http://dhhr.wv.gov/bcse). You will be issued a PIN to access your “information” on both systems.

The BCSE also has a customer service unit. BCSE’s Customer Service Hotline 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
- Helps you with any issue you have 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 am - 5:00 pm. If you live in Kanawha County, please call 304-558-4665.

## **Fair Hearings**

If you are not satisfied with how the BCSE has handled your case while receiving their services, 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.

## 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 do NOT count 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.

## Questions?

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

**Use the website:**     [dhhr.wv.gov/bcse](https://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 email notifications.

2. If more information is needed or you 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. 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  
Charleston, WV 25305  
304-558-0145

**BCSE Website Information**

All services are free and available to both parents, caretakers, and guardians of a minor child.

For more information about the BCSE services or to make an appointment, call your local Child Support Office. Local office information is available on the BCSE Website:

<https://dhhr.wv.gov/bcse/Pages/Find-Local-Office.aspx>

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The West Virginia Department of Human Services (WV DoHS) 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 to your home.

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