

SUPREME COURT OF APPEALS OF WEST VIRGINIA

State ex rel. West Virginia Department of Health & Human
Resources v. Lambert

State ex rel. W. Va. Dep't of Health & Hum. Res. v. Lambert, 212 W. Va. 721 (2002) · Decided December 5, 2002

SUMMARY

The West Virginia Supreme Court of Appeals reviewed a child-support reimbursement judgment of \$170,103.44 against Harry O. Lambert. The court held that Lambert was entitled to a hearing under State ex rel. Department of Human Services by Adkins v. Huffman to determine the amount of reimbursement and his ability to pay. The judgment was reversed and remanded, and collection was stayed pending that determination.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per curiam
JURISDICTION	West Virginia
DECIDED	December 5, 2002
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Lambert appealed the Kanawha County Circuit Court's adoption of a Family Law Master's recommendation imposing \$170,103.44 in child-support reimbursement liability.
STANDARD OF REVIEW	The Supreme Court reviewed the circuit court's adoption of the Family Law Master's recommendation for legal error, including compliance with the required Huffman hearing procedure.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Harry O. Lambert v. West Virginia Department of Health and Human Resources, Valerie A. McGill

TOPICS

- child support
- family law procedure
- appellate procedure
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the 1997 dismissal for failure to pay the statutory docket fee terminated or otherwise barred the appellees' reimbursement claim.
2. Whether the circuit court erred by adopting a child-support reimbursement judgment without providing Lambert a hearing to determine the correct amount owed and his ability to pay as required by State ex rel. Department of Human Services by *Adkins v. Huffman*.

HOLDINGS

1. The October 15, 1997 dismissal was inadvertent and did not defeat the appellees' child-support reimbursement claim because the parties and the courts continued actively litigating the action with full participation.
2. Before entering judgment for AFDC or child-support reimbursement, the court must provide the obligor a hearing addressing the correct amount of reimbursement and the obligor's ability to pay.

KEY QUOTATIONS

“The Department of Human Services receives only those rights to recoupment of benefits paid under the Aid to Families with Dependent Children Program (AFDC) that an AFDC recipient could assign: the recipient’s right to support and maintenance.” (at 724)

“As this Court in Huffman made abundantly clear, the determination of the obligor’s ability to pay, i.e., income and income-earning potential, must be made at some point in the proceedings to determine the appropriate level of reimbursement of AFDC benefits.” (at 725)

FACTUAL BACKGROUND

Lambert and Valerie McGill were never married, and McGill's daughter was born in 1980. West Virginia sought reimbursement for AFDC benefits paid for the child after a paternity and support action was filed. Lambert acknowledged some reimbursement liability but disputed the \$170,103.44 calculation, asserting that his financial records, disability-related lack of income, and support obligations to his estranged wife and their children had not been considered.

PROCEDURAL HISTORY

The appellees filed a Kanawha County action seeking to establish Lambert's paternity, prospective child support, and reimbursement of AFDC benefits. After multiple proceedings, the Family Law Master recommended judgment for \$170,103.44 without conducting the requested hearing concerning the amount owed and Lambert's ability to pay. The circuit court adopted that recommendation, and Lambert appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The circuit court must conduct further proceedings, including a Huffman hearing addressing the amount of reimbursement owed and Lambert's ability to pay. Collection of child-support reimbursement is stayed pending final determination of Lambert's liability.

CASES CITED

- State ex rel. Department of Human Services by Adkins v. Huffman, 175 W. Va. 401, 332 S.E.2d 866 (1985)
- State ex rel. Department of Health and Human Resources v. Carpenter, 211 W. Va. 176, 564 S.E.2d 173 (2002)
- State ex rel. Department of Health and Human Resources v. Sinclair, 210 W. Va. 354, 557 S.E.2d 761 (2001)
- Wyatt v. Wyatt, 185 W. Va. 472, 408 S.E.2d 51 (1991)
- Fenton v. Miller, 182 W. Va. 731, 391 S.E.2d 744 (1990)

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