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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993



ENROLLED

Com. Sub. For

HOUSE BILL No. 2185

(By Delegate *s Rutledge Brown and
Douglas*)



Passed April 10, 1993

In Effect Ninety Days From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2185
(By DELEGATES RUTLEDGE, BROWN AND DOUGLAS)

[Passed April 10, 1993; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article two, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections fifteen-a and fifteen-b, article two, chapter forty-eight of said code; to amend article two, chapter forty-eight of said code by adding thereto a new section, designated section fifteen-d; to amend and reenact section three, article one, chapter forty-eight-a of said code; and to amend and reenact section nineteen, article two of said chapter, all relating to the enforcement of support obligations generally; authorizing the insurance commissioner to enforce the provisions of the code relating to medical support; redefining the term "insurer" as applied to medical support enforcement; providing for immediate withholding from income of a support obligor under certain circumstances; allowing support to be continued beyond the date a child reaches the age of eighteen, is married or emancipated; allowing educational expenses for some children; limitations; redefining certain terms related to the enforcement of support obligations so as to expand the category of persons entitled to support enforcement services; and authorizing the promulgation of procedural rules governing the child advocate office in provid-

ing information to consumer reporting agencies.

Be it enacted by the Legislature of West Virginia:

That section three, article two, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that sections fifteen-a and fifteen-b, article two, chapter forty-eight of said code be amended and reenacted; that article two, chapter forty-eight of said code be amended by adding thereto a new section, designated section fifteen-d; that section three, article one, chapter forty-eight-a of said code be amended and reenacted; and that section nineteen, article two of said chapter be amended and reenacted, all to read as follows:

CHAPTER 33. INSURANCE COMMISSIONER.

ARTICLE 2. INSURANCE COMMISSIONER.

§33-2-3. Duties of the commissioner; employment of legal counsel.

1 (a) The commissioner shall enforce the provisions of
2 this chapter and section fifteen-a, article two of chapter
3 forty-eight and perform the duties required thereunder;
4 shall affix the commissioner's official seal to all
5 documents and papers required to be filed in other
6 states by domestic insurers and to other papers when an
7 official seal is required; and shall, on or before the tenth
8 day of each month, pay into the state treasury all fees
9 and moneys which he or she has received during the
10 preceding calendar month.

11 (b) Notwithstanding any provisions of this code to the
12 contrary, the commissioner may acquire such legal
13 services as are deemed necessary, including representa-
14 tion of the commissioner before any court or adminis-
15 trative body. Such counsel may be employed either on
16 a salaried basis or on a reasonable fee basis. In addition,
17 the commissioner may call upon the attorney general for
18 legal assistance and representation as provided by law.

CHAPTER 48. DOMESTIC RELATIONS.

ARTICLE 2. DIVORCE, ANNULMENT AND SEPARATE MAINTENANCE.

§48-2-15a. Medical support enforcement.

1 (a) For the purposes of this section:

2 (1) "Custodian for the children" means a parent, legal
3 guardian, committee or other third party appointed by
4 court order as custodian of child or children for whom
5 child support is ordered.

6 (2) "Obligated parent" means a natural or adoptive
7 parent who is required by agreement or order to pay
8 for insurance coverage and medical care, or some
9 portion thereof, for his or her child.

10 (3) "Insurance coverage" means coverage for medical,
11 dental, including orthodontic, optical, psychological,
12 psychiatric or other health care service.

13 (4) "Child" means a child to whom a duty of child
14 support is owed.

15 (5) "Medical care" means medical, dental, optical,
16 psychological, psychiatric or other health care service
17 for children in need of child support.

18 (6) "Insurer" means any company, health maintenance
19 organization, self-funded group, multiple employer
20 welfare arrangement, hospital or medical services
21 corporation, trust or other entity which provides
22 insurance coverage.

23 (b) In every action to establish or modify an order
24 which requires the payment of child support, the court
25 shall ascertain the ability of each parent to provide
26 medical care for the children of the parties. In any
27 temporary or final order establishing an award of child
28 support or any temporary or final order modifying a
29 prior order establishing an award of child support, the
30 court shall order one or more of the following:

31 (1) The court shall order either parent or both parents
32 to provide insurance coverage for a child, if such
33 insurance coverage is available to that parent on a group
34 basis through an employer or through an employee's
35 union. If similar insurance coverage is available to both
36 parents, the court shall order the child to be insured
37 under the insurance coverage which provides more
38 comprehensive benefits. If such insurance coverage is

39 not available at the time of the entry of the order, the
40 order shall require that if such coverage thereafter
41 becomes available to either party, that party shall
42 promptly notify the other party of the availability of
43 insurance coverage for the child.

44 (2) If the court finds that insurance coverage is not
45 available to either parent on a group basis through an
46 employer, multi-employer trust or employees' union, or
47 that the group insurer is not accessible to the parties,
48 the court may order either parent or both parents to
49 obtain insurance coverage which is otherwise available
50 at a reasonable cost.

51 (3) Based upon the respective ability of the parents to
52 pay, the court may order either parent or both parents
53 to be liable for reasonable and necessary medical care
54 for a child. The court shall specify the proportion of the
55 medical care for which each party shall be responsible.

56 (4) If insurance coverage is available, the court shall
57 also determine the amount of the annual deductible on
58 insurance coverage which is attributable to the children
59 and designate the proportion of the deductible which
60 each party shall pay.

61 (5) The order shall require the obligor to continue to
62 provide the child advocate office with information as to
63 his or her employer's name and address and information
64 as to the availability of employer-related insurance
65 programs providing medical care coverage so long as
66 the child continues to be eligible to receive support.

67 (c) The cost of insurance coverage shall be considered
68 by the court in applying the child support guidelines
69 provided for in section eight, article two, chapter forty-
70 eight-a of this code.

71 (d) Within thirty days after the entry of an order
72 requiring the obligated parent to provide insurance
73 coverage for the children, that parent shall submit to the
74 custodian for the child written proof that the insurance
75 has been obtained or that an application for insurance
76 has been made. Such proof of insurance coverage shall
77 consist of, at a minimum:

- 78 (1) The name of the insurer;
- 79 (2) The policy number;
- 80 (3) An insurance card;
- 81 (4) The address to which all claims should be mailed;
- 82 (5) A description of any restrictions on usage, such as
83 prior approval for hospital admission, and the manner
84 in which to obtain such approval;
- 85 (6) A description of all deductibles; and
- 86 (7) Five copies of claim forms.
- 87 (e) The custodian for the child shall send the insurer
88 or the obligated parent's employer the children's address
89 and notice that the custodian will be submitting claims
90 on behalf of the children. Upon receipt of such notice,
91 or an order for insurance coverage under this section,
92 the obligated parent's employer, multi-employer trust or
93 union shall, upon the request of the custodian for the
94 child, release information on the coverage for the
95 children, including the name of the insurer.
- 96 (f) A copy of the court order for insurance coverage
97 shall not be provided to the obligated parent's employer
98 or union or the insurer unless ordered by the court, or
99 unless:
- 100 (1) The obligated parent, within thirty days of
101 receiving effective notice of the court order, fails to
102 provide to the custodian for the child written proof that
103 the insurance has been obtained or that an application
104 for insurance has been made;
- 105 (2) The custodian for the child serves written notice
106 by mail at the obligated parent's last known address of
107 intention to enforce the order requiring insurance
108 coverage for the child; and
- 109 (3) The obligated parent fails within fifteen days after
110 the mailing of the notice to provide written proof to the
111 custodian for the child that the child has insurance
112 coverage.
- 113 (g) (1) Upon service of the order requiring insurance

114 coverage for the children, the employer, multi-employer
115 trust or union shall enroll the child as a beneficiary in
116 the group insurance plan and withhold any required
117 premium from the obligated parent's income or wages.

118 (2) If more than one plan is offered by the employer,
119 multi-employer trust or union, the child shall be
120 enrolled in the most comprehensive plan otherwise
121 available to the obligated parent at a reasonable cost.

122 (3) Insurance coverage for the child which is ordered
123 pursuant to the provisions of this section shall not be
124 terminated except as provided in subsection (i) of this
125 section.

126 (h) (1) The signature of the custodian for the child
127 shall constitute a valid authorization to the insurer for
128 the purposes of processing an insurance payment to the
129 provider of medical care for the child.

130 (2) No insurer, employer or multi-employer trust in
131 this state may refuse to honor a claim for a covered
132 service when the custodian for the child or the obligated
133 parent submits proof of payment for medical bills for
134 the child.

135 (3) The insurer shall reimburse the custodian for the
136 child or the obligated parent who submits copies of
137 medical bills for the child with proof of payment.

138 (4) All insurers in this state shall provide insurance
139 coverage for the child of a covered employee notwith-
140 standing the amount of support otherwise ordered by
141 the court and regardless of the fact that the child may
142 not be living in the home of the covered employee.

143 (i) When an order for insurance coverage for a child
144 pursuant to this section is in effect and the obligated
145 parent's employment is terminated, or the insurance
146 coverage for the child is denied, modified or terminated,
147 the insurer shall, within ten days after the notice of
148 change in coverage is sent to the covered employee,
149 notify the custodian for the child and provide an
150 explanation of any conversion privileges available from
151 the insurer.

152 (j) A child of an obligated parent shall remain eligible
153 for insurance coverage until the child is emancipated or
154 until the insurer under the terms of the applicable
155 insurance policy terminates said child from coverage,
156 whichever is later in time, or until further order of the
157 court.

158 (k) If the obligated parent fails to comply with the
159 order to provide insurance coverage for the child, the
160 court shall:

161 (1) Hold the obligated parent in contempt for failing
162 or refusing to provide the insurance coverage, or for
163 failing or refusing to provide the information required
164 in subsection (d) of this section;

165 (2) Enter an order for a sum certain against the
166 obligated parent for the cost of medical care for the
167 child, and any insurance premiums paid or provided for
168 the child during any period in which the obligated
169 parent failed to provide the required coverage; and

170 (3) In the alternative, other enforcement remedies
171 available under sections two and three, article five,
172 chapter forty-eight-a of this code, or otherwise available
173 under law, may be used to recover from the obligated
174 parent the cost of medical care or insurance coverage
175 for the child.

176 (l) Proof of failure to maintain court ordered insu-
177 rance coverage for the child constitutes a showing of
178 substantial change in circumstances or increased need
179 pursuant to section fifteen of this article, and provides
180 a basis for modification of the child support order.

§48-2-15b. Withholding from income.

1 (a) Every order entered or modified under the
2 provisions of this article, not described in subsection (d)
3 of this section, which requires the payment of child
4 support or spousal support shall include a provision for
5 automatic withholding from income of the obligor, in
6 order to facilitate income withholding as a means of
7 collecting support.

8 (b) Every such order as described in subsection (a) of

9 this section shall contain language authorizing income
10 withholding to commence without further court action,
11 as follows:

12 (1) The order shall provide that income withholding
13 will begin immediately, without regard to whether there
14 is an arrearage: (A) When a child for whom support is
15 ordered is included or becomes included in a grant of
16 assistance from the division of human services or a
17 similar agency of a sister state for aid to families with
18 dependent children benefits, medical assistance only
19 benefits, or foster care benefits; or (B) when the support
20 obligee has applied for services from the child advocate
21 office or the support enforcement agency of another
22 state or is otherwise receiving services from the child
23 advocate office as provided for in chapter forty-eight-a
24 of this code. In any case where one of the parties
25 demonstrates, and the court finds, that there is good
26 cause not to require immediate income withholding, or
27 in any case where there is filed with the court a written
28 agreement between the parties which provides for an
29 alternative arrangement, such order shall not provide
30 for income withholding to begin immediately.

31 (2) The order shall also provide that income withhold-
32 ing will begin immediately upon the occurrence of any
33 of the following:

34 (A) When the payments which the obligor has failed
35 to make under the order are at least equal to the support
36 payable for one month, if the order requires support to
37 be paid in monthly installments;

38 (B) When the payments which the obligor has failed
39 to make under the order are at least equal to the support
40 payable for four weeks, if the order requires support to
41 be paid in weekly or biweekly installments;

42 (C) When the obligor requests the child advocate office
43 to commence income withholding; or

44 (D) When the obligee requests that such withholding
45 begin, if the request is approved by the court in
46 accordance with procedures and standards established
47 by rules and regulations promulgated by the director of

48 the child advocate office.

49 (d) On and after the first day of January, one thousand
50 nine hundred ninety-four, the wages of an obligor shall
51 be subject to withholding, regardless of whether child
52 support payments are in arrears, on the date the order
53 for child support is entered: *Provided*, That where one
54 of the parties demonstrates, and the court finds, that
55 there is good cause not to require immediate income
56 withholding, or in any case where there is filed with the
57 court a written agreement between the parties which
58 provides for an alternative arrangement, such order
59 shall not provide for income withholding to begin
60 immediately: *Provided, however*, That this subsection
61 shall have no force and effect, if prior to the first day
62 of January, one thousand nine hundred ninety-four, the
63 requirements regarding wage withholding imposed by
64 42 U.S.C. §666 are substantially modified by federal
65 statute or regulation.

66 (e) The supreme court of appeals shall make available
67 to the circuit courts standard language to be included
68 in all such orders, so as to conform such orders to the
69 applicable requirements of state and federal law
70 regarding the withholding from income of amounts
71 payable as support.

72 (f) Every support order entered by a circuit court of
73 this state prior to the effective date of this section shall
74 be considered to provide for an order of income
75 withholding, by operation of law, which complies with
76 the provisions of this section, notwithstanding the fact
77 that such support order does not in fact provide for such
78 order of withholding.

79 (g) The court shall consider the best interests of the
80 child in determining whether "good cause" exists under
81 this section. The court may also consider the obligor's
82 payment record in making child support payments in
83 making this determination.

**§48-2-15d. Child support beyond age eighteen; educa-
tional expenses.**

1 (a) An order for child support entered pursuant to

2 sections thirteen and fifteen of this article may provide
3 that payments of such support continue beyond the date
4 when the child reaches the age of eighteen, marries or
5 is sooner emancipated, so long as the child is making
6 substantial progress towards a degree and is enrolled as
7 a full-time student in a secondary school or vocational
8 school: *Provided*, That such payments may not extend
9 past the date that the child reaches the age of twenty.

10 (b) The court may make an award for educational and
11 related expenses for an adult child up to the age of
12 twenty-three who has been accepted or is enrolled and
13 making satisfactory progress in an educational program
14 at a certified or accredited college. The amount of these
15 payments shall be related to the ability of the parent to
16 make the payments. The payments shall be made to the
17 custodial parent when the adult child is residing with
18 that parent or to a third party as designated by the
19 court. If the child is not residing with a parent, the
20 payments shall be paid to the child or to such third
21 parties as so designated by the court.

CHAPTER 48A. ENFORCEMENT OF FAMILY OBLIGATIONS.

ARTICLE 1. GENERAL PROVISIONS.

§48A-1-3. Definitions.

1 As used in this chapter:

2 (1) "Automatic data processing and retrieval system"
3 means a computerized data processing system designed
4 to do the following:

5 (A) To control, account for and monitor all of the
6 factors in the support enforcement collection and
7 paternity determination process, including, but not
8 limited to:

9 (i) Identifiable correlation factors (such as social
10 security numbers, names, dates of birth, home addresses
11 and mailing addresses of any individual with respect to
12 whom support obligations are sought to be established
13 or enforced and with respect to any person to whom such
14 support obligations are owing) to assure sufficient

15 compatibility among the systems of different jurisdic-
16 tions to permit periodic screenings to determine
17 whether such individual is paying or is obligated to pay
18 support in more than one jurisdiction;

19 (ii) Checking of records of such individuals on a
20 periodic basis with federal, interstate, intrastate and
21 local agencies;

22 (iii) Maintaining the data necessary to meet applicable
23 federal reporting requirements on a timely basis; and

24 (iv) Delinquency and enforcement activities;

25 (B) To control, account for and monitor the collection
26 and distribution of support payments (both interstate
27 and intrastate), the determination, collection and
28 distribution of incentive payments (both interstate and
29 intrastate), and the maintenance of accounts receivable
30 on all amounts owed, collected and distributed;

31 (C) To control, account for and monitor the costs of all
32 services rendered, either directly or by exchanging
33 information with state agencies responsible for main-
34 taining financial management and expenditure
35 information;

36 (D) To provide access to the records of the department
37 of health and human resources or aid to families with
38 dependent children in order to determine if a collection
39 of a support payment causes a change affecting eligibil-
40 ity for or the amount of aid under such program;

41 (E) To provide for security against unauthorized
42 access to, or use of, the data in such system;

43 (F) To facilitate the development and improvement of
44 the income withholding and other procedures designed
45 to improve the effectiveness of support enforcement
46 through the monitoring of support payments, the
47 maintenance of accurate records regarding the payment
48 of support, and the prompt provision of notice to
49 appropriate officials with respect to any arrearages in
50 support payments which may occur; and

51 (G) To provide management information on all cases
52 from initial referral or application through collection

53 and enforcement.

54 (2) “Chief judge” means the following:

55 (A) The circuit judge in a judicial circuit having only
56 one circuit judge; or

57 (B) The chief judge of the circuit court in a judicial
58 circuit having two or more circuit judges.

59 (3) “Child advocate office” means the office within the
60 department of health and human resources created
61 under the provisions of article two of this chapter,
62 intended by the Legislature to be the single and separate
63 organizational unit of state government administering
64 programs of child and spousal support enforcement and
65 meeting the staffing and organizational requirements of
66 the secretary of the federal department of health and
67 human services.

68 (4) “Children’s advocate” or “advocate” means a person
69 appointed to such position under the provisions of
70 section two, article three of this chapter. The children’s
71 advocate may be empowered to prosecute an action
72 brought pursuant to section twenty-nine, article five,
73 chapter sixty-one of this code when appointed by a
74 circuit judge pursuant to section eight, article seven,
75 chapter seven of this code.

76 (5) “Court” means a circuit court of this state, unless
77 the context in which such term is used clearly indicates
78 that reference to some other court is intended.

79 (6) “Court of competent jurisdiction” means a circuit
80 court within this state, or a court or administrative
81 agency of another state having jurisdiction and due legal
82 authority to deal with the subject matter of the
83 establishment and enforcement of support obligations.
84 Whenever in this chapter reference is made to an order
85 of a court of competent jurisdiction, or similar wording,
86 such language shall be interpreted so as to include
87 orders of an administrative agency entered in a state
88 where enforceable orders may by law be properly made
89 and entered by such administrative agency.

90 (7) “Custodial parent” or “custodial parent of a child”

91 means a parent who has been granted custody of a child
92 by a court of competent jurisdiction. "Noncustodial
93 parent" means a parent of a child with respect to whom
94 custody has been adjudicated with the result that such
95 parent has not been granted custody of the child.

96 (8) "Domestic relations matter" means any circuit
97 court proceeding involving child custody, child visita-
98 tion, child support or alimony.

99 (9) "Earnings" means compensation paid or payable
100 for personal services, whether denominated as wages,
101 salary, commission, bonus, or otherwise, and includes
102 periodic payments pursuant to a pension or retirement
103 program. "Disposable earnings" means that part of the
104 earnings of any individual remaining after the deduc-
105 tion from those earnings of any amounts required by law
106 to be withheld.

107 (10) "Employer" means any individual, sole proprie-
108 torship, partnership, association, public or private
109 corporation, the United States or any federal agency,
110 this state or any political subdivision of this state, any
111 other state or a political subdivision of another state, and
112 any other legal entity which hires and pays an individ-
113 ual for his services.

114 (11) "Guardian of the property of a child" means a
115 person lawfully invested with the power, and charged
116 with the duty, of managing and controlling the estate
117 of a child.

118 (12) "Income" includes, but is not limited to, the
119 following:

120 (A) Commissions, earnings, salaries, wages and other
121 income due or to be due in the future to an obligor from
122 his employer and successor employers;

123 (B) Any payment due or to be due in the future to an
124 obligor from a profit-sharing plan, a pension plan, an
125 insurance contract, an annuity, social security, unem-
126 ployment compensation, supplemental employment
127 benefits, workers' compensation benefits, state lottery
128 winnings and prizes, and overtime pay;

129 (C) Any amount of money which is owing to the
130 obligor as a debt from an individual, partnership,
131 association, public or private corporation, the United
132 States or any federal agency, this state or any political
133 subdivision of this state, any other state or a political
134 subdivision of another state, or any other legal entity
135 which is indebted to the obligor.

136 (13) "Individual entitled to support enforcement
137 services under the provisions of this chapter and the
138 provisions of Title IV-D of the Federal Social Security
139 Act" means:

140 (A) An individual who has applied for or is receiving
141 services from the child advocate office and who is the
142 custodial parent of a child, or the primary caretaker of
143 a child, or the guardian of the property of a child when:

144 (i) Such child has a parent and child relationship with
145 an obligor who is not such custodial parent, primary
146 caretaker or guardian; and

147 (ii) The obligor with whom the child has a parent and
148 child relationship is not meeting an obligation to support
149 the child, or has not met such obligation in the past; or

150 (B) An individual who has applied for or is receiving
151 services from the child advocate office and who is an
152 adult or an emancipated minor whose spouse or former
153 spouse has been ordered by a court of competent
154 jurisdiction to pay spousal support to the individual,
155 whether such support is denominated alimony or
156 separate maintenance, or is identified by some other
157 terminology, thus establishing a support obligation with
158 respect to such spouse, when the obligor required to pay
159 such spousal support is not meeting the obligation, or
160 has not met such obligation in the past; or

161 (C) Any individual who is an obligee in a support
162 order, entered by a court of competent jurisdiction after
163 the thirty-first day of December, one thousand nine
164 hundred ninety-three.

165 (14) "Master" or "family law master" means a person
166 appointed to such position under the provisions of
167 section one, article four of this chapter.

168 (15) "Obligee" means an individual to whom a duty of
169 support is owed, or the state of West Virginia or the
170 department of health and human resources, if support
171 has been assigned to the state or department.

172 (16) "Obligor" means a person who owes a legal duty
173 to support another person.

174 (17) "Office of the children's advocate" means the
175 office created in section two, article three of this
176 chapter.

177 (18) "Primary caretaker of a child" means a parent or
178 other person having actual physical custody of a child
179 without a court order granting such custody, and who
180 has been primarily responsible for exercising parental
181 rights and responsibilities with regard to such child.

182 (19) "Source of income" means an employer or
183 successor employer or any other person who owes or will
184 owe income to an obligor.

185 (20) "Support" means the payment of money including
186 interest:

187 (A) For a child or spouse, ordered by a court of
188 competent jurisdiction, whether the payment is ordered
189 in an emergency, temporary, permanent or modified
190 order, decree or judgment of such court, and the amount
191 of unpaid support shall bear interest from the date it
192 accrued, at a rate of ten dollars upon one hundred
193 dollars per annum, and proportionately for a greater or
194 lesser sum, or for a longer or shorter time;

195 (B) To third parties on behalf of a child or spouse,
196 including, but not limited to, payments to medical,
197 dental or educational providers, payments to insurers
198 for health and hospitalization insurance, payments of
199 residential rent or mortgage payments, payments on an
200 automobile, or payments for day care; and/or

201 (C) For a mother, ordered by a court of competent
202 jurisdiction, for the necessary expenses incurred by or
203 for the mother in connection with her confinement or of
204 other expenses in connection with the pregnancy of the
205 mother.

206 (21) "Support order" means any order of a court of
207 competent jurisdiction for the payment of support,
208 whether or not for a sum certain.

ARTICLE 2. WEST VIRGINIA CHILD ADVOCATE OFFICE.

§48A-2-19. Providing information to consumer reporting agencies.

1 (a) For purposes of this section, the term "consumer
2 reporting agency" means any person who, for monetary
3 fees, dues, or on a cooperative nonprofit basis, regularly
4 engages in whole or in part in the practice of assembling
5 or evaluating consumer credit information or other
6 information on consumers for the purpose of furnishing
7 consumer reports to third parties.

8 (b) The director shall propose and adopt a procedural
9 rule in accordance with the provisions of sections four
10 and eight, article three, chapter twenty-nine of this code,
11 establishing procedures whereby information regarding
12 the amount of overdue support owed by an obligor
13 residing in this state will be made available by the office
14 to any consumer reporting agency, upon the request of
15 such consumer reporting agency.

16 (c) (1) If the amount of any overdue support is equal
17 to or less than the amount of arrearage which would
18 cause the mailing of a notice as provided for in
19 subsection (b), section three, article five of this chapter,
20 information regarding such amount may not be made
21 available;

22 (2) If the amount of any overdue support exceeds the
23 amount of arrearage which would cause the mailing of
24 a notice as provided for in subsection (b), section three,
25 article five of this chapter, information regarding such
26 amount shall be made available.

27 (d) The procedural rule proposed and adopted shall
28 provide that any information with respect to an obligor
29 shall be made available only after notice has been sent
30 to such obligor of the proposed action, and such obligor
31 has been given a reasonable opportunity to contest the
32 accuracy of such information.

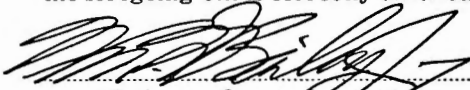
33 (e) The procedural rule proposed and adopted shall
34 afford the obligor with procedural due process prior to
35 making information available with respect to the
36 obligor.

37 (f) The information made available to the requesting
38 consumer reporting agency regarding overdue support
39 may be in the same form as information submitted to
40 the secretary of the treasury of the United States in
41 accordance with the provisions of section fifteen, article
42 two of this chapter.

43 (g) The office may impose a fee for furnishing such
44 information, not to exceed the actual cost thereof.

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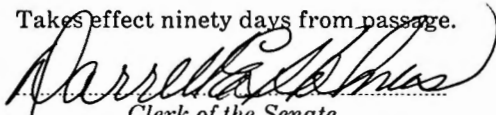
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

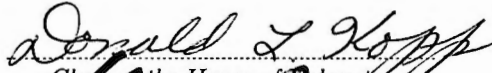

Chairman Senate Committee


Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

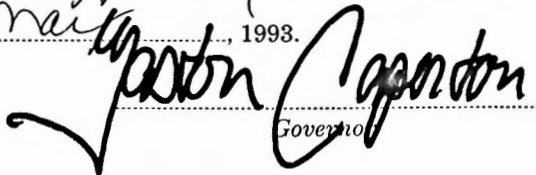

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within *is approved* this the *5th*
day of *March*, 1993.


Governor

PRESENTED TO THE

GOVERNOR

Date 4/27/93

Time 2:20 PM