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WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2013



ENROLLED

Senate Bill No. 407

(BY SENATOR STOLLINGS)

[PASSED APRIL 13, 2013; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB 407

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Senate Bill No. 407

SECRETARY OF STATE

(BY SENATOR STOLLINGS)

[Passed April 13, 2013; in effect ninety days from passage.]

AN ACT to amend and reenact §48-18-132 of the Code of West Virginia, 1931, as amended, relating to child support enforcement; locating parents for the purpose of establishing paternity or for establishing support; locating parents for the purpose of modifying, enforcing or distributing proceeds from support orders; and authorizing the Bureau for Child Support Enforcement to obtain names of addresses of customers and customer employers from customer records maintained by telephone companies and cellular telephone companies by administrative subpoena.

Be it enacted by the Legislature of West Virginia:

That §48-18-132 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 18. BUREAU FOR CHILD SUPPORT
ENFORCEMENT.**

§48-18-132. Access to information.

1 (a) All state, county and municipal agencies' offices and
2 employers, including profit, nonprofit and governmental
3 employers, receiving a request for information and assistance
4 from the Bureau for Child Support Enforcement or any out-
5 of-state agency administering a program under Title IV-D of

6 the Social Security Act shall cooperate with the bureau or
7 with the out-of-state agency in the location of parents who
8 have abandoned and deserted children and shall provide the
9 bureau or the out-of-state agency with all available pertinent
10 information concerning the location, income and property of
11 those parents.

12 (b) Notwithstanding any other provision of law to the
13 contrary, any entity conducting business in this state or
14 incorporated under the laws of this state shall, upon
15 certification by the bureau or any out-of-state agency
16 administering a program under Title IV-D of the Social
17 Security Act that the information is needed to locate a parent
18 for the purpose of collecting or distributing child support,
19 provide the bureau or the out-of-state agency with the
20 following information about the parent: Full name, Social
21 Security number, date of birth, home address, wages and
22 number of dependents listed for income tax purposes:
23 *Provided*, That no entity may provide any information
24 obtained in the course of providing legal services, medical
25 treatment or medical services.

26 (c) (1) The Bureau for Child Support Enforcement shall
27 have access, subject to safeguards on privacy and information
28 security, and to the nonliability of entities that afford such
29 access under this subdivision, to information contained in the
30 following records, including automated access, in the case of
31 records maintained in automated databases:

32 (A) Records of other state and local government agencies,
33 including, but not limited to:

34 (i) Vital statistics, including records of marriage, birth
35 and divorce;

36 (ii) State and local tax and revenue records, including
37 information on residence address, employer, income and
38 assets;

39 (iii) Records concerning real and titled personal property;

40 (iv) Records of occupational and professional licenses
41 and records concerning the ownership and control of
42 corporations, partnerships and other business entities;

43 (v) Employment security records;

44 (vi) Records of agencies administering public assistance
45 programs;

46 (vii) Records of the Division of Motor Vehicles; and

47 (viii) Corrections records.

48 (B) Certain records held by private entities with respect
49 to individuals who owe or are owed support or certain
50 individuals against, or with respect to, whom a support
51 obligation is sought, consisting of:

52 (i) The names and addresses of such individuals and the
53 names and addresses of the employers of such individuals, as
54 appearing in the customer records of public utilities, cable
55 television companies, telephone companies and cellular
56 telephone companies, pursuant to an administrative subpoena
57 authorized by section one hundred twenty-three, article
58 eighteen of this chapter; and

59 (ii) Information, including information on assets and
60 liabilities, on such individuals held by financial institutions.

61 (2) Out-of-state agencies administering programs under
62 Title IV-D of the Social Security Act shall, without the need
63 for any court order, have the authority to access records in
64 this state by making a request through the Bureau for Child
65 Support Enforcement.

66 (d) All federal and state agencies conducting activities
67 under Title IV-D of the Social Security Act shall have access
68 to any system used by this state to locate an individual for
69 purposes relating to motor vehicles or law enforcement.

70 (c) Out-of-state agencies administering programs under
71 Title IV-D of the Social Security Act shall have the authority
72 and right to access and use, for the purpose of establishing or
73 enforcing a support order, the state law-enforcement and
74 motor vehicle databases.

75 (f) The Bureau for Child Support Enforcement and out-
76 of-state agencies administering programs under Title IV-D of
77 the Social Security Act shall have the authority and right to
78 access and use, for the purpose of establishing or enforcing
79 a support order, interstate networks that state law-
80 enforcement agencies and motor vehicle agencies subscribe
81 to or participate in, such as the National Law-Enforcement
82 Telecommunications System (NLETS) and the American
83 Association of Motor Vehicle Administrators (AAMVA)
84 networks.

85 (g) No state, county or municipal agency or licensing
86 board required to release information pursuant to the
87 provisions of this section to the Bureau for Child Support
88 Enforcement or to any out-of-state agency administering
89 programs under Title IV-D of the Social Security Act may
90 require the Bureau for Child Support Enforcement or any out-
91 of-state agency to obtain a court order prior to the release of
92 the information.

93 (h) Any information received pursuant to the provisions
94 of this section is subject to the confidentiality provisions set
95 forth in section 18-131 of this chapter.

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

Rocky Felam
.....
Member ~~Chairman~~ Senate Committee

Danny Walsh
.....
Chairman House Committee

SECRETARY OF STATE

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FILED

Originated in the Senate.

In effect ninety days from passage.

Joseph M. Minard
.....
Clerk of the Senate

Diana B. S.
.....
Clerk of the House of Delegates

Jeffrey K.
.....
President of the Senate

[Signature]
.....
Speaker of the House of Delegates

The within *is approved* this the *29th*
Day of *April*, 2013.

Earl Ray Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

APR 26 2013

Time 10:30 am