

1 **ENROLLED**

2 **Senate Bill No. 407**

3 (BY SENATOR STOLLINGS)

4 _____
5 [Passed April 13, 2013; in effect ninety days from passage.]
6 _____

7
8
9
10 AN ACT to amend and reenact §48-18-132 of the Code of West
11 Virginia, 1931, as amended, relating to child support
12 enforcement; locating parents for the purpose of establishing
13 paternity or for establishing support; locating parents for
14 the purpose of modifying, enforcing or distributing proceeds
15 from support orders; and authorizing the Bureau for Child
16 Support Enforcement to obtain names of addresses of customers
17 and customer employers from customer records maintained by
18 telephone companies and cellular telephone companies by
19 administrative subpoena.

20 *Be it enacted by the Legislature of West Virginia:*

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

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

24 **§48-18-132. Access to information.**

1 (a) All state, county and municipal agencies' offices and
2 employers, including profit, nonprofit and governmental employers,
3 receiving a request for information and assistance from the Bureau
4 for Child Support Enforcement or any out-of-state agency
5 administering a program under Title IV-D of the Social Security Act
6 shall cooperate with the bureau or with the out-of-state agency in
7 the location of parents who have abandoned and deserted children
8 and shall provide the bureau or the out-of-state agency with all
9 available pertinent information concerning the location, income and
10 property of those parents.

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

23 (c) (1) The Bureau for Child Support Enforcement shall have
24 access, subject to safeguards on privacy and information security,

1 and to the nonliability of entities that afford such access under
2 this subdivision, to information contained in the following
3 records, including automated access, in the case of records
4 maintained in automated databases:

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

7 (i) Vital statistics, including records of marriage, birth and
8 divorce;

9 (ii) State and local tax and revenue records, including
10 information on residence address, employer, income and assets;

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

12 (iv) Records of occupational and professional licenses and
13 records concerning the ownership and control of corporations,
14 partnerships and other business entities;

15 (v) Employment security records;

16 (vi) Records of agencies administering public assistance
17 programs;

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

19 (viii) Corrections records.

20 (B) Certain records held by private entities with respect to
21 individuals who owe or are owed support or certain individuals
22 against, or with respect to, whom a support obligation is sought,
23 consisting of:

24 (i) The names and addresses of such individuals and the names

1 and addresses of the employers of such individuals, as appearing in
2 the customer records of public utilities, cable television
3 companies, telephone companies and cellular telephone companies,
4 pursuant to an administrative subpoena authorized by section one
5 hundred twenty-three, article eighteen of this chapter; and

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

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

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

16 (e) Out-of-state agencies administering programs under Title
17 IV-D of the Social Security Act shall have the authority and right
18 to access and use, for the purpose of establishing or enforcing a
19 support order, the state law-enforcement and motor vehicle
20 databases.

21 (f) The Bureau for Child Support Enforcement and out-of-state
22 agencies administering programs under Title IV-D of the Social
23 Security Act shall have the authority and right to access and use,
24 for the purpose of establishing or enforcing a support order,

1 interstate networks that state law-enforcement agencies and motor
2 vehicle agencies subscribe to or participate in, such as the
3 National Law-Enforcement Telecommunications System (NLETS) and the
4 American Association of Motor Vehicle Administrators (AAMVA)
5 networks.

6 (g) No state, county or municipal agency or licensing board
7 required to release information pursuant to the provisions of this
8 section to the Bureau for Child Support Enforcement or to any out-
9 of-state agency administering programs under Title IV-D of the
10 Social Security Act may require the Bureau for Child Support
11 Enforcement or any out-of-state agency to obtain a court order
12 prior to the release of the information.

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