

**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.]

E N R O L L E D

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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 (e) 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.

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*Chairman Senate Committee*

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*Chairman House Committee*

Originated in the Senate.

In effect ninety days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the .....  
Day of ....., 2013.

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*Governor*