

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Enrolled**

### **Senate Bill 768**

By Senators Trump, Woelfel, Deeds, Rucker, and

Stuart

[Passed March 8, 2024; in effect 90 days from  
passage]

1 AN ACT to amend and reenact §49-6-110 of the Code of West Virginia, 1931, as amended,  
2 relating to the confidentiality of child welfare records; and providing exception for sharing  
3 confidential information with law-enforcement agencies and the National Center for  
4 Missing and Exploited Children.

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

**ARTICLE 6. MISSING CHILDREN INFORMATION ACT.**

**§49-6-110. Confidentiality of records; rulemaking; requirements.**

1 (a) The State Police shall promulgate rules according §29A-3-1 *et seq.* of this code to  
2 provide for the classification of information and records as confidential that:

3 (1) Are otherwise confidential under state or federal law or rules promulgated pursuant to  
4 state or federal law;

5 (2) Are related to the investigation by a law-enforcement agency of a missing child, a  
6 missing and endangered child, or an unidentified body, if the State Police, in consultation with the  
7 law-enforcement agency, determines that release of the information would be deleterious to the  
8 investigation;

9 (3) Are records or notations that the clearinghouse maintains for internal use in matters  
10 relating to missing children or missing and endangered children and unidentified bodies and the  
11 State Police determines that release of the internal documents might interfere with an  
12 investigation by a law-enforcement agency in West Virginia or any other jurisdiction; or

13 (4) Are records or information that the State Police determines might interfere with an  
14 investigation or otherwise harm a child or custodian.

15 (b) The rules may provide for the sharing of confidential information with the custodian of  
16 the missing child or missing and endangered child: *Provided*, That confidential information, which  
17 is not believed to jeopardize an investigation, must be shared with the custodian when the legal  
18 custodian is the Department of Human Services.

19 (c) Notwithstanding any other provision of this code to the contrary, the Department of

20 Human Services may share confidential information with any law-enforcement agency and the  
21 National Center for Missing and Exploited Children in the case of a child who runs away from  
22 home or is determined missing.