

1 **Senate Bill No. 407**

2 (By Senator Stollings)

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4 [Introduced March 1, 2013; referred to the Committee on Health  
5 and Human Resources; and then to the Committee on the Judiciary.]

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10 A BILL to amend and reenact §48-18-132 of the Code of West  
11 Virginia, 1931, as amended, relating to locating parents for  
12 the purpose of establishing paternity, establishing or  
13 modifying a support order, enforcing support orders or  
14 distributing support; and information required from telephone  
15 and cellular telephone companies.

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

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

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

20 **§48-18-132. Access to information.**

21 (a) All state, county and municipal agencies' offices and  
22 employers, including profit, nonprofit and governmental employers,  
23 receiving a request for information and assistance from the Bureau

1 for Child Support Enforcement or any out-of-state agency  
2 administering a program under Title IV-D of the Social Security Act  
3 shall cooperate with the bureau or with the out-of-state agency in  
4 the location of parents who have abandoned and deserted children  
5 and shall provide the bureau or the out-of-state agency with all  
6 available pertinent information concerning the location, income and  
7 property of those parents.

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

20 (c) (1) The Bureau for Child Support Enforcement shall have  
21 access, subject to safeguards on privacy and information security,  
22 and to the nonliability of entities that afford such access under  
23 this subdivision, to information contained in the following

1 records, including automated access, in the case of records  
2 maintained in automated databases:

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

5 (i) Vital statistics, including records of marriage, birth and  
6 divorce;

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

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

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

13 (v) Employment security records;

14 (vi) Records of agencies administering public assistance  
15 programs;

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

17 (viii) Corrections records.

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

22 (i) The names and addresses of such individuals and the names  
23 and addresses of the employers of such individuals, as appearing in

1 the customer records of public utilities, ~~and~~ cable television  
2 companies, telephone companies and cellular telephone companies,  
3 pursuant to an administrative subpoena authorized by section one  
4 hundred twenty-three, article eighteen of this chapter; and

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

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

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

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

20 (f) The Bureau for Child Support Enforcement and out-of-state  
21 agencies administering programs under Title IV-D of the Social  
22 Security Act shall have the authority and right to access and use,  
23 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.

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(NOTE: The purpose of this bill is to require telephone companies and cellular telephone companies to provide the names, address, and telephone numbers of its customers to the Bureau for Child Support Enforcement for purposes of establishing paternity, establishing or modifying support orders, for enforcing support orders or for distributing support.

Strike-throughs indicate language that would be stricken from the present law, underscoring indicates language that would be added.)