

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.