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SENATE BILL NO. 1209

Offered January 10, 2001

Prefiled January 10, 2001

A BILL to amend and reenact §§ 63.1-249, 63.1-250.1:3 and 63.1-274.6 of the Code of Virginia, relating to the division of child support enforcement.

Patron—Forbes

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.1-249, 63.1-250.1:3 and 63.1-274.6 of the Code of Virginia are amended and reenacted as follows:

§ 63.1-249. Purpose of chapter; powers and duties of the Department and the Committee on District Courts.

It is the purpose of this chapter to promote the efficient and accurate collection, accounting and receipt of support for financially dependent children and their custodians, and to further the effective and timely enforcement of such support while ensuring that all functions in the Department of Social Services are appropriate or necessary to comply with applicable federal law.

Support for financially dependent children and their custodians may be paid by obligors in district offices located within the Commonwealth. The Department shall have the authority to establish such additional locations within judicial districts as its resources may permit. In the implementation hereof the Department shall have authority to enter into contracts with clerks of juvenile and domestic relations district courts with the approval of the Committee on District Courts, the Department of Juvenile Justice, local departments of social services, *law-enforcement agencies* and any other appropriate public or private entities to enforce, collect, account for and disburse payments for child or spousal support.

The Division of Child Support Enforcement within the Department of Social Services shall be authorized to issue checks to implement the disbursement of funds pursuant to the provisions of this section.

§ 63.1-250.1:3. Establishment of State Case Registry.

Effective October 1, 1998, the Department shall keep and maintain a State Case Registry (Registry) that contains case records of services provided by the Division of Child Support Enforcement, as well as each support order established or modified in the Commonwealth on or after October 1, 1998. Records contained in this Registry shall be promptly updated, maintained, and regularly monitored, and shall include (i) information on administrative actions and administrative and judicial proceedings and orders relating to paternity establishment and support; (ii) information obtained from comparison with federal, state or local sources of information; (iii) information on support collections and distributions; and (iv) any other relevant information. The Supreme Court of Virginia shall report information concerning judicial proceedings and orders relating to paternity and support to the Department. The Department shall be permitted to disseminate Registry information for information comparisons with other state and federal agencies, and as may be required pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) and any regulations promulgated thereto. *Upon request of a law-enforcement agency for the purposes of enforcement of child support orders, information from the registry shall be disclosed by the Department to such law-enforcement agency.* Such information comparison activities shall include the following: (i) Federal Case Registry of Child Support Orders; (ii) Federal Parent Locator Service; (iii) temporary assistance to needy families and Medicaid; and (iv) intrastate and interstate information comparisons.

§ 63.1-274.6. Central unit for information and administration; cooperation enjoined; availability of records.

The Department of Social Services is authorized and directed to establish a central unit within the Department to administer the Title IV, D State Plan according to 45 C.F.R. 302.12. The central unit shall have the statewide jurisdiction and authority to:

1. Establish a registry for the receipt of information;
2. Answer interstate inquiries concerning responsible persons;
3. Coordinate and supervise departmental activities in relation to responsible persons to ensure effective cooperation with law-enforcement agencies; and
4. Contract and enter into cooperative agreements with individuals and agencies, *including law-enforcement agencies*, in order that they may assist the Department in its responsibilities.

The central unit within the Department shall supervise offices whose primary functions are:

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59 1. Location of absent responsible persons.

60 2. Assessment of the ability of responsible persons to pay child or child and spousal support and to
61 obtain health care coverage for dependent children.

62 3. Establishment, modification and enforcement of support obligations including health care coverage
63 for dependent children, through administrative action.

64 4. Preparation of individual cases for court action existing under all laws of the Commonwealth.

65 5. Ensuring on a consistent basis that support continues in all cases in which support is assessed
66 administratively or ordered by the court.

67 6. Provision of its services in establishing paternity and establishing and enforcing support
68 obligations equally to public-assisted and nonpublic-assisted families.

69 To effectuate the purposes of this section, the Commissioner may request and shall receive from
70 state, county and local agencies within and without the Commonwealth, including but not limited to
71 such agencies and entities responsible for vital records; tax and revenue; real and titled personal
72 property; authorizations to engage in a business, trade, profession or occupation; employment security;
73 motor vehicle licensing and registration; public assistance programs and corrections, all information and
74 assistance as authorized by this chapter. Solely for the purposes of obtaining motor vehicle licensing and
75 registration information from entities within and without the Commonwealth, the Division of Child
76 Support Enforcement shall be deemed to be a criminal justice agency. With respect to individuals who
77 owe child support or are alleged in a pending paternity proceeding to be a putative father, the
78 Commissioner may request and shall receive the names and addresses of such individuals and the names
79 and addresses of such individuals' employers as appearing in the customer records of public utilities,
80 cable television companies and financial institutions. All state, county and city agencies, officers and
81 employees shall cooperate in the location of responsible persons who have abandoned or deserted, or are
82 failing to support, children and their caretakers and shall on request supply the Department with all
83 information on hand relative to the location, income, benefits and property of such responsible persons,
84 notwithstanding any provision of law making such information confidential. A civil penalty not to
85 exceed \$1,000 may be assessed by the Commissioner for a failure to respond to a request for
86 information made in accordance with this section.

87 Any public or private person, partnership, firm, corporation or association, any financial institution
88 and any political subdivision, department or other entity of the Commonwealth who in good faith and in
89 the absence of gross negligence, willful misconduct or breach of an ethical duty, provide information
90 requested pursuant to this section shall be immune from liability, civil or criminal, that might otherwise
91 result from the release of such information to the Department.

92 Any records established pursuant to the provisions of this section shall be available only to the
93 Attorney General, prosecuting attorneys, *law-enforcement agencies* and courts of competent jurisdiction
94 and agencies in other states engaged in the enforcement of support of children and their caretakers.
95 Information pertaining to actions taken on behalf of recipients of child support services may be
96 disclosed to the recipient and other parties pursuant to State Board regulations. The State Board shall
97 promulgate regulations regarding the release of information to parties involved in administrative
98 proceedings pursuant to this chapter, taking into account the health and safety of the parties to whom
99 the information is related, and such releases of information shall be permitted, notwithstanding the
100 provisions of the Privacy Protection Act, Chapter 26 (§ 2.1-377 et seq.) of Title 2.1. Information may
101 also be disclosed to authorized persons, in accordance with 42 U.S.C. § 663, in cases of unlawful taking
102 or restraint of a child.

103 The Division of Child Support Enforcement shall provide support payment arrearage information on
104 responsible persons, as defined in § 63.1-250, to consumer credit bureaus, ~~and~~ consumer credit reporting
105 agencies *and law-enforcement agencies*. Advance notice shall be sent to the responsible person of the
106 proposed release of arrearage information. The notice shall include information on the procedures
107 available to the responsible person for contesting the accuracy of the arrearage information.