

LD5343813

HOUSE BILL NO. 1095

House Amendments in [] — February 15, 1994

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

Patrons—Orrock, Albo, Crouch, Dudley, Fisher, Howell, Ingram, Katzen, Kidd, Morgan, O'Brien, Reid, Sherwood, Way and Wilkins; Senators: Bell, Chichester and Woods

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 63.1-274.6 of the Code of Virginia is amended and reenacted as follows:

§ 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 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 in order that they may assist the Department in its responsibilities.

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

1. Location of absent responsible persons.
2. Assessment of the ability of responsible persons to pay child or child and spousal support and to obtain health care coverage for dependent children.
3. Establishment, modification and enforcement of support obligations including health care coverage for dependent children, through administrative action.
4. Preparation of individual cases for court action existing under all laws of the Commonwealth.
5. Ensuring on a consistent basis that support continues in all cases in which support is assessed administratively or ordered by the court.

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

To effectuate the purposes of this section, the Commissioner may request from state, county and local agencies all information and assistance as authorized by this chapter. All state, county and city agencies, officers and employees shall cooperate in the location of responsible persons who have abandoned or deserted, or are failing to support, children and their caretakers and shall on request supply the Department with all information on hand relative to the location, income and property of such responsible persons, notwithstanding any provision of law making such information confidential.

Any public or private person, partnership, firm, corporation, association, political subdivision, department or other entity of the Commonwealth who in good faith [and in the absence of gross negligence or willful misconduct,] provides information requested pursuant to this section shall be immune from liability, civil or criminal, that might otherwise result from the release of such information to the Department.

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

The Division of Child Support Enforcement shall provide support payment arrearage information on responsible persons, as defined in § 63.1-250, to consumer credit bureaus and consumer credit reporting agencies, upon their request, provided that the accumulated arrearage is at least \$1,000. Advance notice

ENGROSSED

HB1095E

60 shall be sent to the responsible person of the proposed release of arrearage information. The notice shall
61 include information on the procedures available to the responsible person for contesting the accuracy of
62 the arrearage information.