

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #7

Do Not Mark in this box

1988 FEB 20 11 00

NOTICE OF AN EMERGENCY RULE

AGENCY: Department of Human Services TITLE NUMBER: 78

CITE AUTHORITY: WVC §48A-2-19, 42 USC §666(a)(7), 45 CFR §303.105

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 14

TITLE OF RULE BEING AMENDED: Providing Information to Credit Reporting Agencies

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: _____

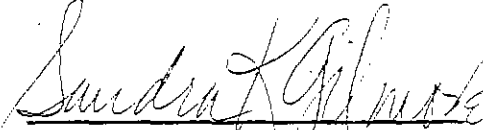
TITLE OF RULE BEING FILED AS AN EMERGENCY: _____

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE UPON FILING.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

The existant legislative rule may have been filed erroneously as a "receipt of public assistance" exemption to legislative rule-making and, accordingly, may be susceptible to legal challenge as to its authorization. This emergency rule is filed to alleviate this potential problem so that the Child Advocate Office can have valid procedures in place to serve the best interests of children by providing information to credit reporting agencies, upon request, of support amounts owed by obligors

Use Additional Sheets If Necessary.


Sandra K. Gilmore, Director
Child Advocate Office

WEST VIRGINIA LEGISLATIVE RULE
DEPARTMENT OF HUMAN SERVICES
CHAPTER 48A-2-19
SERIES 14

Title: Providing Information to Credit Reporting Agencies

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WEST VIRGINIA LEGISLATIVE RULE
DEPARTMENT OF HUMAN SERVICES
CHAPTER 48A-2-19
SERIES 14

Title: Providing Information to Credit Reporting Agencies

Section 1. General

- 1.1 Scope--This legislative rule establishes procedures whereby the Department of Human Services Child Advocate Office regarding the amount of overdue support owed by an obligor residing in this state to any consumer reporting agency upon its request.
- 1.2 Authority and Related Code Citation--West Virginia Code §48A-2-19, 42 U.S.C. §666(a)(7), 45 C.F.R §303.105.
- 1.3 Filing Date--
- 1.4 Effective Date--
- 1.5 Repeal of Former Rule--This legislative rule repeals the following West Virginia Legislative Rule: "Department of Human Services, Series 14, Providing Information to Credit Reporting Agencies," filed July 1, 1986.

Section 2. Providing Information to Credit Reporting Agencies

- 2.1 Past due support owed by an obligor residing in this State will be made available to any consumer reporting agency upon the request of the agency if the amount of overdue support is one thousand dollars (\$1,000) or more. However, this information will be made available only after proper notice of the proposed action has been sent to the obligor, and the obligor has been given 10 days to contest the accuracy of the information. In such cases, Form CAO-30 must be sent to the obligor prior to releasing the information. After the 10 day time period, if the obligor has not contested, the Central CAO will forward the information to the Consumer Reporting Agency.
- 2.2 In cases in which the amount of past due support is less than \$1,000, the credit information shall not be released.