

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED

JUL 7 4 33 PM '99

OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

Department of Health & Human Resources
AGENCY: Bureau for Child Support Enforcement TITLE NUMBER: 78

RULE TYPE: Legislative; CITE AUTHORITY 48A-2-9

AMENDMENT TO AN EXISTING RULE: YES X 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 NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS

COMMENT PERIOD WILL END ON AUG. 6 July 30, 1999 AT 4:00pm

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Bureau for Child Support Enforcement

Attn: Legal/Policy Unit

Bldg. 6, Room 817-B

State Capitol Complex

Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Jean E. Ouel

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

3.40

The rule that we seek to repeal concerns the method and policy used by our agency, the Bureau for Child Support Enforcement, to report persons who owe unpaid arrearages in child support to credit reporting agencies. Our agency is required by federal law to have the ability to report persons owing child support arrearages to a credit reporting service. Because the method for that has changed, it is necessary for us to repeal this legislative rule.

The purpose of this requested deletion of Rule 78 CSR 14 is as follows: The policy manual for the Bureau for Child Support Enforcement is a legislative rule itself. The policy and procedure contained in Legislative Rule 78 CSR 14 is in contravention to the policy and procedure set forth in our policy manual concerning this subject. This material is located in Section 08030.10 of the Policy Manual for the Bureau for Child Support Enforcement. The version contained in the Policy Manual is the current version in use within the agency.

FISCAL NOTE FOR PROPOSED RULES

Rule Title:

Type of Rule: **Legislative** **Interpretive** **Procedural**

Agency: Division of Health
 Department of Health and Human Resources

Address: Building 3, Capitol Complex
 Charleston, W. Va. 25305

1. Effect of the Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Personal Services	0	0	0	0	0
Current Expense	0	0	0	0	0
Repairs & Alterations	0	0	0	0	0
Equipment	0	0	0	0	0
Other	0	0	0	0	0
Revenue	0	0	0	0	0

2. Explanation of above estimates.

The repeal of this rule will have no effect on expenses or revenue, either for State, local, or federal government.

3. Objectives of this rule:

Procedures for submitting obligors to credit reporting agencies are already contained in the Bureau's Policy Manual (08030.10). The Bureau's Policy Manual is a legislative rule itself (78-6-1); thus, this rule is obsolete.

Rule Title: Providing Information to Credit Reporting Agencies.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens.

None.

C. Economic Impact on Citizens/Public at Large.

None.

Date: 7-8-99

Signature of Agency Head or Authorized Representative

Lena Miller

Joan E. Ohl

Joan E. Ohl, Secretary
Department of Health and Human Resources

FILED

JUL 7 4 30 PM '99

OFFICE OF THE SECRETARY OF STATE

~~78CSR14~~

~~TITLE 78
LEGISLATIVE RULES
DEPARTMENT OF HUMAN SERVICES~~

~~SERIES 14
PROVIDING INFORMATION TO CREDIT
REPORTING AGENCIES~~

~~§78-14-1. General:~~

~~1.1. Scope. - This legislative rule establishes procedures whereby the Department of Human Service 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. - W. Va. Code §48A-2-19, 42 U.S.C. §666(a)(7), 45 C.F.R. §303.105.~~

~~1.3. Filing Date. - June 3, 1989~~

~~1.4. Effective Date - June 15, 1989.~~

~~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.~~

~~§78-14-2. 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 (\$1,000.00) 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 ten days (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 one thousand dollars (\$1,000), the credit information shall not be released.~~

~~2.3. In cases in which the obligor contests the accuracy of the information, such obligor shall be afforded due process as required by the laws of this state.~~