

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

Do Not Mark In This Box

Aug 6 4 39 PM '99

OFFICE OF THE SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

Department of Health and Human Resources

AGENCY: Bureau for Child Support Enforcement TITLE NUMBER: 78

CITE AUTHORITY W. Va. Code § 48A-2-9

AMENDMENT TO AN EXISTING RULE: YES NO (a repeal)

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 14

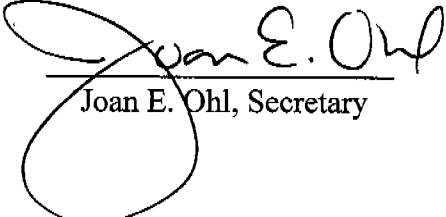
TITLE OF RULE BEING AMENDED: Providing Information to Credit

Reporting Agencies

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Joan E. Ohl, Secretary

\$4.00

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.

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period, Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: August 4, 1999

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency name, Address & Phone No.) Department of Health and Human Resources
Bureau for Child Support Enforcement

State Capitol Complex, Building 3, Room 265, Charleston, WV 25305

Telephone: (304) 558-5598

LEGISLATIVE RULE TITLE: Providing Information to Credit Reporting Agencies,

78csr14

1. Authorizing statute(s) citation: WV Code § 48A-2-9

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

July 7, 1999

b. What other notice, including advertising, did you give of the hearing?

None

c. Date of Public Hearing(s) or Public Comment Period ended:

August 6, 1999

- d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing (be exact):

August 6, 1999

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule (please type):

Beth Marquart, Director, Office of Regulatory Development

Department of Health and Human Resources

Building 3, Room 265, Capitol Complex

Charleston, West Virginia 25305

(304) 558-5598 FAX: (304) 558-6051 bethmarquart@wvdhhr.org

- g. IF DIFFERENT FROM ITEM 'f', please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule (please type):

Legal/Policy Unit

Bureau for Child Support Enforcement

Building 6, Room 817-B

State Capitol Complex

Charleston, West Virginia 25305 (304) 558-0909

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place a hearing for the taking of evidence and a general

description of the issues to be decided.

N/A

b. Date of hearing or comment period:

N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefore?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

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

[Handwritten Signature]

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

FILED

AUG 6 4 29 PM '99

OFFICE OF THE CLERK OF THE SENATE
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.~~