

ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-103

"Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 12-365, on first and second readings, December 4, 1997 and January 6, 1998, respectively. Following the signature of the Mayor on January 30, 1998, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-279, and published in the March 27, 1998, edition of the D.C. Register (Vol. 45 page 1660) and transmitted to Congress on March 10, 1998 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 12-103, effective May 8, 1998.



LINDA W. CROPP
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Mar.	10,11,12,13,16,17,18,19,20,23,24,25,26,27,30,31
Apr.	1,21,22,23,24,27,28,29,30
May	1,4,5,6,7

AN ACT

D.C. ACT 12-279

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 30, 1998

*Codification
District of
Columbia
Code
1998 Supp.*

To amend, on a temporary basis, the Medicaid Benefits Protection Act of 1994 to include requirements regarding employee health insurance coverage for a child subject to a support order; to amend the Vital Records Act of 1981 to change the procedures for establishing paternity and require Social Security numbers to be included on certain records, and to limit the circumstances under which the name of the father of a non-marital child may be recorded on a birth certificate; to amend title 16 of the District of Columbia Code to restrict the bases for challenging a paternity adjudication, to require specific notice before the signing of a voluntary paternity acknowledgment, to permit rescission of a voluntary paternity acknowledgment, to establish voluntary paternity acknowledgment programs at birthing hospitals and the birth records agency, to require medical support in all child support orders, to modify the process for adjusting support orders every 3 years, to require the Mayor to establish privacy protections and safeguards for victims of domestic violence, to permit paternity adjudications that were barred by prior statutes of limitations, to require genetic testing in certain situations, to establish responsibility for payment of genetic tests, to clarify that ex parte hearings are unnecessary before entry of a default paternity adjudication, to require inclusion of Social Security numbers in paternity and support records, and to require temporary child support in certain paternity cases; to amend An Act To require premarital examinations in the District of Columbia to require inclusion of Social Security numbers on an application for a marriage license; to amend the Child Support Enforcement Amendment Act of 1985 to alter the basis for modifying certain support orders, to require inclusion of medical support in support orders, to mandate notice concerning medical insurance coverage, to require notice that all child support orders will be reported to a consumer credit agency, to require that such reports be made to credit agencies, to clarify that hearings are not required before imposition of income withholding, to permit the IV-D agency to execute a withholding order without notice, to reduce the amount of time before a holder must withhold income, to permit application of another state's income withholding rules in interstate cases, to permit liens to arise by operation of law in support cases, to provide full faith and credit to other states' liens, to modify license denial and revocation requirements, to require parties to file and update information with the Superior Court

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and the IV-D agency, to grant the IV-D agency certain new powers to expedite paternity and support processes, to establish a District of Columbia Directory of New Hires, and to require reporting to the Directory; to amend the Cable Television Communications Act of 1981 to permit disclosure of certain customer information; to amend An Act Making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen to permit disclosure of customer information; to amend the District of Columbia Unemployment Compensation Act to permit disclosure of unemployment information; to amend Title 47 of the D.C. Code to permit disclosure of tax information, and to require inclusion of Social Security numbers on certain license applications; and to require financial institutions to conduct data matches with the IV-D agency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998".

Sec. 2. Section 3 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Code § 1-359.2), is amended as follows:

Note, Section
1-359.2

(a) Paragraph (3)(C) is amended by striking the word "and" at the end.

(b) Paragraph (4) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(c) A new paragraph (5) is added, to read as follows:

"(5) Inform the health insurance provider, upon receipt of notice from the Superior Court or the Mayor indicating that a court or administrative order has directed the parent to provide health insurance coverage for the child, that receipt of the notice by the employer operates to enroll the child in the health insurance plan, unless the parent contests the notice in accordance with rules adopted by the Mayor or the Superior Court."

Sec. 3. The Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Code § 6-201 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Code § 6-201) is amended by adding a new paragraph (7A), to read as follows:

Note, Section
6-201

"(7A) "IV-D agency" means the organizational unit of the District government, or any successor organizational unit, that is responsible for administering or supervising the administration of the District's State Plan under title IV, part D, of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of child support orders and spousal support orders in which the spouse or former spouse is living with a

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child for whom the spousal support obligor also owes support. "

(b) Section 6(e)(3) (D.C. Code § 6-205(e)(3)) is amended to read as follows:

**Note, Section
6-205**

"(3) If the mother was not married at the time of either conception or birth, or between conception and birth, the name of the father shall only be entered on the certificate if the parents have signed a voluntary acknowledgment of paternity pursuant to § 16-909.1(a)(1) (or pursuant to the laws and procedures of another state in which the voluntary acknowledgment was signed), or a court or administrative agency of competent jurisdiction has adjudicated as the father the person seeking to enter his name on the birth certificate. In such cases, upon written request to the Registrar by both parents, the surname of the child shall be entered on the certificate as that of the father."

(c) Section 12(i) (D.C. Code § 6-211(i)) is amended by striking the phrase "pronouncement of death section and a medical certification of cause of death section." and inserting the phrase "pronouncement of death section, a medical certification of cause of death section, and the Social Security number of the deceased." in its place.

**Note, Section
6-211**

(d) Section 17 (D.C. Code § 6-216) is amended by adding a new subsection (c), to read as follows:

**Note, Section
6-216**

"(c) The Social Security number of each individual who is subject to the divorce or annulment decree shall be included in the records of the Superior Court and Registrar concerning the divorce or annulment."

(e) Section 21 (D.C. Code § 6-220) is amended by adding a new subsection (h), to read as follows:

**Note, Section
6-220**

"(h) The Registrar shall disclose information contained in vital records, or copies of vital records, to the IV-D agency or the Corporation Counsel upon request, for purposes directly related to paternity establishment or the establishment, modification, or enforcement of a child support order or a spousal support order for a custodial parent, that is being sought, or was established, in conjunction with a child support order."

Sec. 4. Section 6a(b) of the Vital Records Act of 1981, effective July 25, 1990 (D.C. Law 8-150; D.C. Code § 6-205.1(b)), is amended as follows:

**Note, Section
6-205.1**

(a) By striking the phrase "Department of Human Services Office of Paternity and Child Support Enforcement" and inserting the phrase "the IV-D agency" in its place;

(b) By striking the word "Civil" and inserting the phrase "Family Services" in its place;
and

(c) By inserting the phrase "establishment of paternity and the establishment, modification, and" before the word "enforcement".

Sec. 5. Title 16 of the District of Columbia Code is amended as follows:

(a) The table of contents for Chapter 9 is amended as follows:

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(1) New phrases are added before the phrase "16-910", to read as follows:

"16-909.3. Voluntary paternity acknowledgment program for birthing hospitals.

"16-909.4. Voluntary paternity acknowledgment program for birth records agency."

(2) A new phrase is added at the end to read as follows:

"16-925. Privacy; protection for victims of domestic violence."

(b) Section 16-901(2) is amended to read as follows:

**Note, Section
16-901**

"(2) "IV-D agency" means the organizational unit of the District government, or any successor organizational unit, that is responsible for administering or supervising the administration of the District's State Plan under title IV, part D, of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of child support orders and spousal support orders in which the spouse or former spouse is living with a child for whom the spousal support obligor also owes support."

(c) Section 16-909 is amended as follows:

**Note, Section
16-909**

(1) Subsection (c) is amended to read as follows:

"(c) The parent-child relationship is conclusively established:

"(1) Upon a determination of the parentage of a child by:

"(A) The Superior Court of the District of Columbia under the provisions of subchapter II of Chapter 23 of this title or subsection (b) of this section;

"(B) Any other court of competent jurisdiction;

"(C) The IV-D agency of another state, in compliance with jurisdictional and procedural requirements of that state; or

"(D) Any entity of another state authorized to determine parentage, in compliance with jurisdictional and procedural requirements of that state;

"(2) By a voluntary acknowledgment of paternity pursuant to section 16-909.1(a)(1), unless either signatory rescinds the acknowledgment pursuant to section 16-909.1(a-1); or

"(3) By a voluntary acknowledgment of paternity in another state pursuant to the laws and procedures of that state, unless either signatory rescinds the acknowledgment pursuant to the laws and procedures of that state."

(2) A new subsection (c-1) is added to read as follows:

"(c-1) A parent-child relationship that has been established pursuant to subsection (b-1)(1) of this section may be challenged upon the same grounds and through the same procedures as are applicable to a final judgment of the Superior Court. A parent-child relationship that has been established pursuant to section 16-909(b-1)(2) or section 16-909.1(a)(1) may be challenged in the Superior Court after the rescission period provided by section 16-909.1(a-1) through the same procedures as are applicable to a final judgment of the Superior Court, but only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenging party. The legal responsibilities (including child support obligations) of any signatory arising

from the acknowledgment of parentage may not be suspended during the challenge, except for good cause shown."

(d) Section 16-909.1 is amended as follows:

(1) Subsection (a)(1) is amended to read as follows:

"(1) A written statement of the father and mother signed under oath (which may include signature in the presence of a notary) that acknowledges paternity, provided that before the parents sign the acknowledgment, both have been given written and oral notice of the alternatives to, legal consequences of, and the rights and responsibilities that arise from signing the acknowledgment. Oral notice may be given through videotape or audiotape. The acknowledgment shall include the full name, Social Security number, and date of birth of the mother, father, and child; address of the mother and father; birthplace of the child; an explanation of the legal consequences of signing the affidavit; a statement indicating that both parents understand their rights, responsibilities, and the alternatives and consequences of signing the affidavit; the place the affidavit was completed; and signature lines for the parents. Nothing in this paragraph shall affect the validity of a voluntary acknowledgment of paternity executed before the effective date of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997, or preclude the submission of an acknowledgment of paternity that does not comply with the requirements of this paragraph as evidence of paternity in a judicial or administrative proceeding; or".

(2) A new subsection (a-1) is added to read as follows:

"(a-1) A signatory to a voluntary acknowledgment of paternity pursuant to subsection (a)(1) of this section may rescind the acknowledgment within the earlier of 60 days or the date of an administrative or judicial proceeding relating to the child in which the signatory is a party."

(3) Subsection (b) is amended by inserting the phrase ", which has not been rescinded pursuant to section 16-909.1(a-1)," after the phrase "section 16-909.1(a)(1)".

(e) A new section 16-909.3 is added, to read as follows:

"§ 16-909.3. Paternity acknowledgment program for birthing hospitals.

"(a) For the purposes of this section, the term "birthing hospital" means a hospital that has an obstetric care unit or provides obstetric services, or a birthing center.

"(b)(1) Each public and private birthing hospital in the District of Columbia shall operate a program that, immediately before and after the birth of a child, provides to each unmarried woman who gives birth at the hospital and the putative father, if present in the hospital:

"(A) Written materials concerning paternity establishment;

"(B) Forms necessary to acknowledge paternity voluntarily;

"(C) A written and oral description (the oral description may be videotaped or audiotaped) of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from, signing a voluntary acknowledgment of paternity;

"(D) Written notice that a voluntary acknowledgment of paternity form is not effectuated unless the mother and putative father each sign the form, and a notary or witness

Note, Section
16-909.1

Note,
New Section
16-909.3

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authenticates the signatures;

"(E) The opportunity to speak, either by telephone or in person, with hospital or IV-D agency staff who are trained to clarify information and answer questions about paternity establishment;

"(F) Access to the services of a notary on the premises of the birthing hospital; and

"(G) The opportunity to acknowledge paternity voluntarily in the hospital.

"(2) The Mayor shall provide to each birthing hospital the materials described in paragraph (1)(A) through (D) of this subsection, in sufficient amounts to be distributed to each unmarried mother giving birth in the hospital and to each putative father present in the hospital.

"(c) The birthing hospital shall transmit each completed voluntary acknowledgment of paternity form to the Mayor within 14 days of completion. The Mayor shall promptly record identifying information from the form and permit the IV-D agency timely access to the identifying information and any other documentation recorded from the form that the IV-D agency needs to determine if a voluntary acknowledgment of paternity has been recorded and to seek a support order on the basis of the recorded voluntary acknowledgment of paternity.

"(d) The Mayor shall provide to the staff of each birthing hospital training, guidance, and written instructions necessary to operate the paternity acknowledgment program required by this section.

"(e) The Mayor shall assess the program of each birthing hospital each year."

(f) A new section 16-909.4 is added to read as follows:

"§ 16-909.4. Voluntary paternity acknowledgment program for birth records agency.

"(a) The Registrar of Vital Records shall offer to any person seeking to file or amend a birth certificate that does not include a father's name:

"(1) Written materials concerning paternity establishment;

"(2) Forms necessary to acknowledge paternity voluntarily;

"(3) A written and oral description of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from, signing a voluntary acknowledgment of paternity. The oral description may be videotaped or audiotaped;

"(4) Written notice that a voluntary acknowledgment of paternity form is not effectuated unless the mother and putative father each sign it and a notary or witness authenticates their signatures;

"(5) The services of a notary on the premises;

"(6) The opportunity to speak, by telephone or in person, with staff of the IV-D agency or Registrar who are trained to clarify information and answer questions about paternity establishment; and

"(7) The opportunity to acknowledge paternity voluntarily at the birth records agency.

"(b) The Registrar of Vital Records shall establish procedures for the recording in the

Note,
New Section
16-909.4

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records of the Registrar, and for the transmittal to the Superior Court or the IV-D agency of completed voluntary acknowledgments of paternity, and of information contained in an acknowledgment that may be used in the establishment or enforcement of a child support order."

(g) Section 16-911(a)(5)(O) is amended by striking the phrase "Aid to Families with Dependent Children" and inserting the phrase "Temporary Assistance for Needy Families" in its place.

Note, Section
16-911

(h) Section 16-914(a)(3)(P) is amended by striking the phrase "Aid to Families with Dependent Children" and inserting the phrase "Temporary Assistance for Needy Families" in its place.

Note, Section
16-914

(i) Section 16-916 is amended as follows:

Note, Section
16-916

(1) Subsection (a) is amended by inserting the phrase "that either or both parents shall pay for the unreimbursed medical expenses of the child, and that a parent shall obtain medical insurance for the child whenever that insurance is available at a reasonable cost," before the phrase "and the court may decree".

(2) Subsection (c) is amended by inserting the phrase "that either or both parents pay for the unreimbursed medical expenses of the child," before the phrase "that the parent obtain medical insurance".

(j) Section 16-916.1 is amended as follows:

Note, Section
16-916.1

(1) Subsection (b)(7) is amended by striking the phrase "Aid to Families with Dependent Children ("AFDC")" and inserting the phrase "Temporary Assistance for Needy Families" in its place.

(2) Subsection (i) is amended by striking the phrase "absent an agreement between the parties" and inserting in its place the phrase "if payment of such expenses has not been addressed in the support order or in an agreement between the parties".

(3) Subsection (o) is amended as follows:

(A) Paragraph (2) is amended to read as follows:

"(2) Every 3 years, in cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), the IV-D agency shall notify both the non-custodial and the custodial parent of the right to a review, and, if appropriate, a modification of their child support order under the guideline. The IV-D agency and the Child Support Section of the Family Services Division of the Office of the Corporation Counsel shall establish a procedure for informing the non-custodial and custodial parent if a modification is warranted under the guideline. Upon the request of either parent or, if the obligee receives public assistance, upon the request of either parent or the IV-D agency, the Superior Court shall modify a child support order without requiring any showing of a change in circumstances, notwithstanding any other provision of law, if the order differs by 15% or more from the central guideline figure calculated by applying the guideline to the parties' current circumstances. Nothing in this paragraph shall be construed to limit the ability of a party to seek

a modification of a child support order upon a showing of a material and substantial change in the needs of the child or the ability of the obligor to pay."

(k) A new section 16-925 is added to read as follows:

"§ 16-925. Privacy; protection for victims of domestic violence.

Note,
New Section
16-925

"(a) The Mayor shall promulgate rules and establish procedures to implement safeguards, applicable to all confidential information possessed by the IV-D agency or executive branch agencies in cooperative agreements with the IV-D agency, to protect the privacy rights of parties in IV-D agency proceedings. These safeguards shall include:

"(1) Prohibitions against unauthorized use or disclosure of information relating to paternity, support, or custody actions in IV-D agency proceedings;

"(2) Prohibitions against release of information concerning the whereabouts of one party or the child to another party, if a protection order has been entered (in the District or in another jurisdiction) to protect the party or the child whose whereabouts are being sought from the party seeking disclosure;

"(3) Prohibitions against release of information concerning the whereabouts of one party or the child to another party if the Mayor has reason to believe that the release of the information may result in physical or emotional harm to the party or the child whose whereabouts are being sought; and

"(4) Requirements to notify the Secretary of the U.S. Department of Health and Human Services when the Mayor has reasonable evidence of domestic violence or child abuse against a party or the child, and that the disclosure of information concerning the whereabouts of the party or the child could be harmful to the party or the child.

"(b) The Superior Court shall establish procedures to implement safeguards, applicable to all confidential information possessed by the Superior Court, to protect the privacy rights of parties in paternity or support proceedings. These safeguards shall include:

"(1) Prohibitions against unauthorized use or disclosure of information relating to paternity, support, or custody actions in Superior Court proceedings;

"(2) Prohibitions against release of information concerning the whereabouts of one party or the child to another party, if a protection order has been entered (in the District or in another jurisdiction) to protect the party or the child whose whereabouts are being sought from the party seeking disclosure;

"(3) Prohibitions against release of information concerning the whereabouts of one party or the child to another party if the Superior Court has reason to believe that the release of the information may result in physical or emotional harm to the party or the child whose whereabouts are being sought;

"(4) Requirements to notify the Secretary of the U.S. Department of Health and Human Services when the Superior Court has reasonable evidence of domestic violence or child abuse against a party or the child, and that the disclosure of information concerning the whereabouts of the party or the child could be harmful to the party or the child; and

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"(5) In cases in which the Secretary of the U.S. Department of Health and Human Services has informed the Superior Court that it was notified that there is reasonable evidence of domestic violence or child abuse, requirements to determine whether disclosure of information concerning a party's or child's whereabouts to any other person would be harmful to a party or the child, and if so, to prohibit the disclosure."

(l) The table of contents for chapter 23 is amended by adding new phrases at the end of subchapter II, to read as follows:

"16-2349. Inclusion of Social Security numbers in paternity records.

"16-2349.1. Child support pendente lite."

(m) Section 16-2342 is amended by inserting the following sentence at the end: "This section shall apply, as of August 16, 1984, to the establishment of paternity of a child for whom paternity has not been established or for whom a paternity action was brought but dismissed because a statute of limitations of less than 21 years was then in effect in the jurisdiction in which the action was brought."

**Note, Section
16-2342**

(n) Section 16-2343 is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) When the Division has jurisdiction of actions or proceedings under section 11-1101, the court, on its own motion, may require, or, on the motion of a party, shall require, the child and all other parties to submit to medical or genetic tests, unless:

**Note, Section
16-2343**

"(1) A party has established or is awaiting determination of a claim of good cause for failure to cooperate with paternity establishment pursuant to section 3-217.9;

"(2) A legal finding of paternity has been made by a court or administrative entity of competent jurisdiction and has not been overturned on appeal, unless a party has made a showing pursuant to Superior Court Domestic Relations Rule 60(b) or section 16-909(c-1) (or the applicable rule of another jurisdiction, if the finding was made in another state) that supports setting aside the judgment, and genetic or medical testing would aid in resolving whether the judgment should be set aside;

"(3) The parties have signed a voluntary acknowledgment of paternity pursuant to section 16-909.1(a) or the law and procedures of another state, after the effective date of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 and have not made a legally-effective rescission of the acknowledgment; or

"(4) The child's mother and putative father are or have been married and the child was born during the marriage, and no showing has been made pursuant to section 16-909(b) to overcome the rebuttable presumption of paternity."

(2) A new subsection (a-1) is added, to read as follows:

"(a-1)(1) The IV-D agency shall require the child and all other parties to submit to medical or genetic tests, subject to exemptions for good cause pursuant to section 3-217.9, if:

"(A) A party submits a sworn statement alleging paternity and setting forth facts establishing a reasonable possibility of the requisite sexual contact between the

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parties, or denying paternity and setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties; or

"(B) A party contests an original test result and seeks additional testing, upon request and advance payment by the contestant.

"(2) In all other cases, the IV-D agency may require the child and all other parties to submit to medical or genetic tests when paternity is contested, subject to exemptions for good cause pursuant to section 3-217.9."

(3) Subsection (b)(2) is amended by inserting the phrase ", the IV-D agency," after the word "court".

(4) Subsection (c)(1) is amended to read as follows:

"(1) Except as provided pursuant to subsection (a-1)(1)(B) of this section, the costs of any medical or genetic tests ordered by the IV-D agency shall be paid by the IV-D agency, subject to recoupment from the putative father if paternity is established. The costs of any medical or genetic tests not ordered by the IV-D agency, and the costs of any expert witness appointed by the court shall be paid by the parties."

(o) Section 16-2343.3 is amended to read as follows:

**Note, Section
16-2343.3**

"§ 16-2343.3. If a putative father fails to appear at a hearing in any case in which paternity is at issue, a default order shall be entered upon a showing that the putative father was served with notice of the action by any method permitted pursuant to section 30-506(b), and that the putative father received actual notice of the hearing which he failed to attend. An *ex parte* hearing shall not be required before the entry of a default order."

(p) Section 16-2348(a) is amended as follows:

**Note, Section
16-2348**

(1) By inserting the sentence, "Any inspection shall be subject to the safeguards provided by section 16-925." after the first sentence;

(2) By inserting the phrase "the IV-D agency," before the phrase "or authorized professional staff of the Superior Court."; and

(3) By inserting the phrase "the IV-D agency and" before the phrase "the Corporation Counsel".

(q) A new section 16-2349 is added, to read as follows:

"§ 16-2349. Inclusion of Social Security numbers in paternity records.

**Note,
New Section
16-2349**

"(a) The Social Security number of the mother, father, and child who are parties to a paternity determination or acknowledgment shall be included in the Superior Court and IV-D agency records relating to the determination or acknowledgment."

(r) A new section 16-2349.1 is added, to read as follows:

"§ 16-2349.1. Child support pendente lite.

**Note,
New Section
16-2349.1**

"Upon motion of a party in a paternity or support action or proceeding, the Superior Court shall issue an order of child support pending a determination of parentage if there is clear and convincing evidence of paternity. Evidence of paternity may include a genetic test result that does not create a conclusive presumption of paternity pursuant to section 16-909(b-1)(1)."

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Sec. 6. An Act To require premarital examinations in the District of Columbia, and for other purposes, approved October 15, 1966 (80 Stat. 959; D.C. Code § 30-116 *et seq.*) is amended as follows:

(a) Section 1 (D.C. Code § 30-116) is amended by striking the word "records" and inserting the phrase "records, except as limited by section 1a" in its place.

Note, Section 30-116

(b) A new section 1a is added to read as follows:

"Sec. 1a. Social Security numbers to be filed with application.

Note, New Section 30-116.1

"(a) Each applicant for a marriage license shall record on the application each Social Security number assigned to the applicant. The page containing the Social Security number shall be separate from the remainder of the application.

"(b) The page of the application containing the Social Security number shall be disclosed only:

"(1) For a purpose directly related to the establishment of paternity, or the establishment, modification, or enforcement of a child or spousal support order; and

"(2) To the applicant, the other spouse, the child of the applicant or spouse, their attorneys of record, the IV-D agency, a District agency that has entered into a cooperative agreement with the IV-D agency, the IV-D agency of another state, or a private entity with which the District has contracted regarding paternity and child support services."

Sec. 7. The District of Columbia Child Support Enforcement Amendment Act of 1985, approved February 24, 1987 (D.C. Law 6-166; D.C. Code § 30-501 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Code § 30-501) is amended as follows:

Note, Section 30-501

(1) The existing paragraph (1) is redesignated as paragraph (1A).

(2) A new paragraph (1) is added to read as follows:

"(1) "Business day" means Monday through Friday, excluding District and federal holidays."

(3) New paragraphs (8A) and (8B) are added, to read as follows:

"(8A) "Entity" means a partnership, firm, association, corporation, sole proprietorship, company, organization, or other business, including governmental and non-profit organizations.

"(8B) "IV-D agency" means the organizational unit of the District government, or any successor organizational unit, that is responsible for administering or supervising the administration of the District's State Plan under title IV, part D, of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of child support orders and spousal support orders in which the spouse or former spouse is living with a child for whom the spousal support obligor also owes support."

(4) Paragraph (13) is amended by striking the phrase "assistance granted under

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the District's Aid to Families with Dependent Children program pursuant to section 201(4) of the 1982 Public Assistance Act (D.C. Code, sec. 3-202(a)(4))" and inserting the phrase "aid as defined by section 101(6) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code § 3-201.1(6))" in its place.

(5) A new paragraph (15A) is added to read as follows:

"(15A) "Spousal support" means a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child for whom the individual also owes support and that is sought, established, modified, or enforced by the IV-D agency."

(b) Section 5(a) (D.C. Code § 30-504(a)) is amended by adding at the end the following sentence: "A showing or proof of a change in circumstances shall not be required to modify a child support order that is being reviewed pursuant to § 16-916.1(o)(2)."

Note, Section
30-504

(c) Section 6 (D.C. Code § 30-505) is amended as follows:

Note, Section
30-505

(1) Paragraph (3) is amended to read as follows:

"(3) A provision that directs the parties to file and update with the IV-D agency (if the IV-D agency is assisting in the establishment of paternity or the establishment, modification or enforcement of support) and with the Superior Court, the information required by section 27b."

(2) New paragraphs (4), (5), and (6) are added to read as follows:

"(4) Terms providing for the payment of the child's medical expenses, whether or not health insurance is available to pay for those expenses. These terms shall include a provision directing the obligor and obligee to notify the IV-D agency, if the order is being enforced by the IV-D agency, or the Superior Court, if the order is being enforced by the Superior Court, of:

"(A) Any change in either his or her access to health insurance coverage for the child or the reasonableness of the costs of coverage; and

"(B) All health insurance policy information necessary to enroll the child in the health insurance to which the obligor or obligee has access.

"(5) Notice that if the obligor provides health insurance coverage for the child and changes to another employer that provides health care coverage, the IV-D agency or the Superior Court will notify the new employer of the health insurance coverage provision in the child support order. Receipt of the notice by the employer shall operate to enroll the child in the obligor's health plan with his new employer, unless the obligor contests the notice in accordance with rules adopted by the Mayor or the Superior Court, as appropriate.

"(6) Notice that the amount and name of the obligor and obligee of all child or spousal support obligations entered, modified, registered, or enforced in the District after the effective date of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 shall be reported to a consumer credit reporting agency, if the obligor's support obligations are over 30 days past due."

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(d) A new section 6a is added, to read as follows:

"Sec. 6a. Inclusion of Social Security numbers in child or spousal support records.

"(a) The Social Security number of each individual who is party to a order of child or spousal support shall be included in the Superior Court and IV-D agency records relating to the order."

**Note,
New Section
30-505.1**

(e) Section 8(b) (D.C. Code § 30-507(b)) is amended as follows:

(1) Paragraph (4)(B) is amended by striking the word "and" at the end.

(2) Paragraph (5) is amended to read as follows:

**Note, Section
30-507**

"(5) Terms providing for the payment of the child's medical expenses, whether or not health insurance is available to pay for those expenses. These terms shall include a provision directing the obligor and obligee to notify the IV-D agency, if the order is being enforced by the IV-D agency, or the Superior Court, if the order is being enforced by the Superior Court, of:

"(A) Any change in either his or her access to health insurance coverage for the child or in the reasonableness of the costs of coverage; and

"(B) All health insurance policy information necessary to enroll the child in the health insurance to which the obligor or obligee has access;"

(3) New paragraphs (6), (7), and (8) are added to read as follows:

"(6) Notice that if the obligor provides health insurance coverage for the child and changes to another employer that provides health care coverage, the IV-D agency or the Superior Court will notify the new employer of the health insurance coverage provision in the child support order; receipt of the notice by the employer from the IV-D agency shall operate to enroll the child in the obligor's health plan with the new employer, unless the obligor contests the notice in accordance with rules adopted by the Mayor or the Superior Court, as appropriate;

"(7) Notice that the amount and name of the obligor and obligee of all child or spousal support obligations entered, modified, registered, or enforced in the District after the effective date of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997 shall be reported to a consumer credit reporting agency, if the obligor's support obligations are over 30 days past due; and

"(8) A provision that directs the parties to file and update with the Superior Court and with the IV-D agency (if the IV-D agency is assisting in the establishment of paternity or the establishment, modification or enforcement of support) and with the Superior Court the information required by section 36 of the Child Support Enforcement Amendment Act of 1985."

(f) Section 9 (D.C. Code § 30-508) is amended by adding a new subsection (d), to read as follows:

"(d) Nothing in this act shall be construed to require a judicial or administrative hearing before initiation of withholding if there are arrearages equal to 30 days of support, except as may be required pursuant to section 11 to resolve a properly filed objection to a notice of intent to withhold."

**Note, Section
30-508**

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(g) Section 10(c)(7) (D.C. Code § 30-509(c)(7)) is amended as follows:

**Note, Section
30-509**

(4) Subparagraph (B) is amended as follows:

(A) By striking the word "home" and inserting the phrase "residential and mailing" in its place; and

(B) By striking the word "and".

(5) Subparagraph (C) is amended to read as follows:

"(C) Name, address, and telephone number of all employers, including all names under which each employer does business, and, if the party is self-employed, the party's business address and all names under which the party does business; and".

(6) A new subparagraph (D) is added to read as follows:

"(D) Driver's license number; and".

(h) Section 12 (D.C. Code § 30-511) is amended as follows:

**Note, Section
30-511**

(1) A new subsection (a-2) is added, to read as follows:

"(a-2) Notwithstanding subsection (a) of this section, the Superior Court and IV-D agency may execute a withholding order by issuing to the holder a notice to withhold, including issuing the notice electronically, without providing prior notice to the child support or spousal support obligor in a case in which an original support order or a modification of a support order is effective after the effective date of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997."

(2) Subsection (b) is amended as follows:

(A) The lead-in language is amended by striking the phrase "(a) and (a-1)" and inserting the phrase "(a), (a-1), and (a-2)" in its place.

(B) Paragraph (2) is amended by inserting the phrase ", except as provided in section 13(a) and (e)" before the semi-colon.

(C) Paragraph (3) is amended by inserting the phrase "or, if applicable, an amount permitted under section 13(e)" before the semi-colon.

(i) Section 13 (D.C. Code § 30-512) is amended as follows:

**Note, Section
30-512**

(1) Subsection (a) is amended to read as follows:

"(a) A holder required to withhold income shall withhold and make the first payment to the Court no later than 7 business days after the date the amount would have been paid or credited to the obligor. Thereafter, the holder shall send the required withholding to the Court on the same date that the obligor is compensated."

(2) A new subsection (e) is added to read as follows:

"(e) Notwithstanding any other provision of this act, if an employer receives an income withholding order issued by another state, the employer shall apply the income withholding law of the state of the obligor's principal place of employment in determining:

"(1) The employer's fee for processing an income withholding order;

"(2) The maximum amount permitted to be withheld from the obligor's income;

"(3) The time periods within which the employer must implement the income

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withholding order and forward the child support payment;

"(4) The priorities for withholding and allocating income withheld for multiple child support obligees; and

"(5) Any withholding terms or conditions not specified in the order."

(j) Section 17(b) (D.C. Code § 30-516(b)) is amended by striking the phrase "the Court" and inserting in its place the phrase "or within 2 business days after the date information regarding the obligor is entered into the District of Columbia Directory of New Hires pursuant to section 27e, whichever comes first, the Court or IV-D agency".

Note, Section 30-516

(k) Section 25 (D.C. Code § 30-524) is amended by adding new subsections (c) and (d) to read as follows:

Note, Section 30-524

"(c) A lien shall arise by operation of law against the real and personal property of a child support or spousal support obligor who resides or owns property in the District for amounts of overdue support, as defined by section 466(e) of the Social Security Act, approved August 16, 1984 (98 Stat. 1306; 42 U.S.C. sec. 666(e)), that are owed by the obligor. The lien shall be enforceable from the date the lien is filed and recorded in the Office of the Recorder of Deeds of the District of Columbia.

"(d) The District shall accord full faith and credit to liens described in subsection (c) of this section that arise in another state, if the other state's IV-D agency, a party to a support action, or other entity seeking to enforce such a lien complies with the procedural rules relating to recording or serving liens that arise in the District, except that judicial notice or hearing prior to enforcement of the lien shall not be required."

(l) Section 26 (D.C. Code § 30-525) is amended as follows:

Note, Section 30-525

(1) Subsection (a) is amended to read as follows:

"(a) The IV-D agency shall report to a consumer credit reporting agency, as defined in 15 U.S.C. § 1681a(f), each child and spousal support obligation that was entered, modified, registered, or is being enforced in the District, if the obligor's support obligations are over 30 days past due."

(2) New subsections (a-1) through (a-3) are added, to read as follows:

"(a-1) The IV-D agency shall develop standards for consumer credit reporting that shall be consistent with credit reporting industry standards and reporting format.

"(a-2) A report of a support obligation shall include, at a minimum, the amount of the obligation, the amount paid, the amount overdue (if any), and the names of the obligor and obligee. The IV-D agency shall update this information on a quarterly basis.

"(a-3) The IV-D agency is responsible for the accuracy of information provided pursuant to this section. The information shall be based upon the data available at the time the information is provided to a consumer credit reporting agency. The IV-D agency and the credit reporting agency shall follow reasonable procedures to ensure accuracy of the information provided. The IV-D agency shall not be liable for any consequences of the failure of an obligor or the obligee to contest the accuracy of the information within the time allowed under

subsection (c) of this section."

(3) Subsection (c) is amended to read as follows:

"(c) The IV-D agency shall send notice of the publication or initial consumer credit report by first class mail to the last known addresses of the obligor and obligee at least 30 days before the publication or initial report. The notice shall inform the obligor and obligee of their right to contest the accuracy of the information to be released."

(4) New subsections (d), (e), (f), and (g) are added to read as follows:

"(d) The IV-D agency shall provide the obligor and the obligee with an opportunity to contest in writing the accuracy of the information in a consumer credit report or publication. If the IV-D agency receives a written objection contesting the accuracy of the information, the IV-D agency shall request the credit reporting agency receiving the information to note on the report that the information is being disputed, until the IV-D agency determines the accuracy of the information.

"(e) The only grounds for contesting the accuracy of the information in a consumer credit report or publication are as follows: errors in the identities of the obligor or obligee; the amount of the support order; the amount of payment or arrears; or any other fact reported to the credit reporting agency.

"(f) The IV-D agency may enter into a cooperative agreement with another District government agency, the Superior Court, or a private entity to carry out all or part of the functions required of the IV-D agency under this section.

"(g) Subsections (a) and (c) through (f) shall become effective 60 days after the effective date of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1997."

(m) Section 26a (D.C. Code § 30-525.1) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) By inserting the phrase "to an obligor who fails to comply with a subpoena or warrant relating to paternity or child support proceedings after receiving notice, or " before the phrase "to an obligor who is receiving income" in the first and second sentences; and

(B) By striking the word "A" from the beginning of the second sentence and inserting the phrase "Notwithstanding any other law or regulation, a" in its place.

(2) Subsection (b) is amended to read as follows:

"(b) Notwithstanding any other law or regulation, no professional, business, recreational, or sporting license shall be renewed or issued in the District to an obligor who fails to comply with a subpoena or warrant relating to paternity or child support proceedings after receiving notice, or to an obligor who is receiving income and who owes overdue child support in an amount equal to at least 60 days of support payments. Notwithstanding any other law or regulation, a professional, business, recreational, or sporting license that has been issued to an obligor who fails to comply with a subpoena or warrant relating to paternity or child support proceedings after receiving notice, or to an obligor who is receiving income and who owes

Note, Section
30-525.1

overdue child support in an amount equal to at least 60 days of support payments, shall be revoked. As used in this subsection, the terms "professional license" and "business license" include any approval, certificate, registration, permit, statutory exemption, or other form of permission to practice a profession or trade, or to operate a business, as granted by a commission, agency, or a professional licensing body of the government of the District of Columbia. The terms "recreational license" and "sporting license" include any approval, certificate, registration, permit, statutory exemption, or other form of permission to hunt, fish, use playing fields, participate in an athletic league, operate a boat or other recreational vehicle for a non-business purpose, or operate or own a weapon for a non-business purpose, as granted by a commission, agency, or a licensing body of the government of the District of Columbia."

(3) Subsection (c) is amended to read as follows:

"(c) The Mayor shall provide 30-days' written notice to the obligor prior to denying issuance or renewal, or revoking the car registration or driver's, professional, business, recreational, or sporting license of an obligor pursuant to this section. The notice shall specify:

"(1) The amount of arrears owed, if any;

"(2) The date on which the obligor failed to comply with a subpoena or warrant, if applicable, and the nature of the obligor's non-compliance;

"(3) How, when, and where the notice can be contested; and

"(4) That the licensing authority will deny issuance or renewal, or revoke the registration or license, 30 days after the issuance of the notice unless:

"(A) In the case of an obligor who is receiving income and who owes overdue child support in an amount equal to at least 60 days of support, the obligor pays the arrearage in full, or the obligor agrees to and complies with a payment schedule that requires the obligor to make monthly child support payments toward overdue support in an amount equal to 25% of the obligor's current monthly child support obligation as long as the obligor is receiving income, subject to the limitations of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 146; 15 U.S.C. § 1601 *et seq.*). If the obligor becomes non-compliant with the payment schedule after 30 days but before the arrears are paid in full, denial or revocation shall take place immediately and without further notice;

"(B) In the case of an obligor who has failed to comply with a subpoena or warrant related to paternity or child support proceedings, the obligor complies with all process required by the Superior Court or IV-D agency for 30 days; or

"(C) In the case of an obligor who is receiving income and who owes at least 60 days of overdue child support and has failed to comply with a subpoena or warrant related to paternity or child support proceedings, the obligor complies with both subparagraphs (A) and (B) of this paragraph."

(4) Subsection (d) is amended as follows:

(A) Paragraph (2) is amended by striking the phrase "with;" and inserting the phrase "with, if the basis for denial or revocation is failure to pay overdue child support;" in

its place;

(B) Paragraph (3) is amended by striking the phrase "income; and" and inserting the phrase "income, if the basis for denial or revocation is failure to pay overdue child support;" in its place;

(C) A new paragraph (3A) is added, to read as follows:

"(3A) Whether the obligor failed to comply with a subpoena or warrant relating to paternity or child support proceedings after receiving notice; and"; and

(D) Paragraph (4) is amended by striking the phrase "professional or business" and inserting the phrase "professional, business, recreational or sporting license," in its place.

(5) Subsection (e) is amended to read as follows:

"(e) If the Clerk of the Court has notified the Mayor that an obligor has failed to comply with a subpoena or warrant relating to paternity or child support proceedings, or that an obligor is receiving income and owes child support in an amount equal to at least 60 days of support, and the obligor presents no evidence under subsection (d) of this section that the obligor has complied with the terms described in subsection (c)(4)(A), (B) or (C) of this section, as applicable, the obligor's license or registration shall be revoked, or the request for the issuance or renewal of the license or registration shall be denied."

(6) A new subsection (g) is added to read as follows:

"(g) No liability shall be imposed on a licensing authority for refusing to renew, refusing to issue, suspending, or revoking a registration or license if the action is in response to a court or administrative order pursuant to this section."

(n) Section 28 (D.C. Code § 30-527) is amended to read as follows:

Note, Section
30-527

"The Mayor, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*) shall issue rules to implement the provisions of this act."

(o) New sections 27b, 27c, 27d, and 27e are added to read as follows:

"Sec. 27b. Filing of identifying information by parties to paternity and support proceedings.

Note,
New Section
30-526.3

"(a) Upon the first personal appearance before the IV-D agency or the Superior Court in a paternity or child support matter, or upon entry of an order of paternity or child support, whichever is earlier, each party to a paternity or child support proceeding in the District of Columbia shall file and update as necessary with the IV-D agency (if the IV-D agency is assisting in the establishment of paternity or the establishment, modification or enforcement of support) and with the Superior Court the following information:

"(1) Name;

"(2) Residential and mailing addresses and telephone numbers;

"(3) Name, address, and telephone number of all employers, including all names under which each employer does business, and, if the party is self-employed, the party's business

address and all names under which the party does business;

"(4) Social Security number; and

"(5) Driver's license number.

"(b) Provision of information pursuant to subsection (a) of this section shall be subject to the safeguards provided to victims or potential victims of domestic violence provided in D.C. Code § 16-925.

"(c) A party shall update any information required pursuant to subsection (a) of this section within 10 days of any change in that information."

"Sec. 27c. Authority of IV-D agency to expedite paternity and support processes.

"(a) The IV-D agency may take the following actions relating to paternity establishment or the establishment, modification or enforcement of child or spousal support orders, without obtaining an order from any judicial or other administrative tribunal:

"(1) Order genetic testing relating to the establishment of paternity;

"(2) Issue an administrative subpoena to an individual or private entity (including a financial institution) for financial or other information needed to establish, modify, or enforce a support order. This information may include information from a public utility or cable television company that provides the name and address of a customer or a customer's employer;

"(3) Require all public and private entities in the District to provide promptly, in response to a request from the District's IV-D agency or any other state's IV-D agency, information on the employment status, number of hours worked, title, employment start date, employment termination date (if applicable), whether the employee ever quit voluntarily, location of work site, compensation, and benefits (including access to health insurance) of any employee of the entity, or of one of its contractors;

"(4) Obtain prompt access, including automated access, to information in the following records maintained or possessed by the District government, subject to any applicable privacy provisions under District or federal law:

"(A) Vital statistics;

"(B) Tax and revenue records;

"(C) Records of real and titled personal property;

"(D) Records of occupational, professional, recreational and sporting licenses issued under any District law or regulation;

"(E) Records concerning the ownership and control of corporations, partnerships, and other business entities;

"(F) Employment security records, subject to such restrictions as the Mayor may, by regulation, prescribe pursuant to the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Code § 46-101 *et seq.*).

"(G) Records concerning public assistance, as defined in section 101(6) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code § 3-201.1) ("Public Assistance Act"), subject to confidentiality restrictions set

Note,
New Section
30-526.4

forth in the Public Assistance Act or prescribed by the Mayor;

"(H) Records maintained by the Department of Public Works, Bureau of Motor Vehicle Services; and

"(I) Records maintained by the Department of Corrections.

"(5) Direct an obligor or other payor to substitute for the payee of a support order, the appropriate governmental entity, upon notice to the obligor (or other payor) and obligee by first-class mail to their last known address, if the support is subject to:

"(A) An assignment to pay the District government under the District of Columbia Public Assistance Act, effective April 6, 1982 (D.C. Law 4-101; D.C. Code § 3-201.1 *et seq.*); title IV, part E of the Social Security Act, approved June 17, 1980 (94 Stat. 501; 42 U.S.C. § 670 *et seq.*); or section 1912 of the Social Security Act, approved October 25, 1977 (91 Stat. 1196; 42 U.S.C. § 1396k); or

"(B) A requirement to pay support through the Superior Court.

"(6) Order income withholding, including the amount of periodic support payments and any additional amount for overdue support payments;

"(7) When there is a support arrearage, secure assets to satisfy any current support obligation and the support arrearage by:

"(A) Intercepting or seizing periodic or lump-sum payments from:

"(i) Any District agency, including payments for unemployment compensation, worker's compensation, and other non-means-tested public benefits; and

"(ii) Judgments, settlements, and lotteries. Interception or seizure of lottery prize winnings shall be made pursuant to section 25a .

"(B) Attaching and seizing assets owned by the support obligor and held in financial institutions, or held in a financial institution by another on behalf of the support obligor;

"(C) Attaching public and private retirement funds to the extent permitted by federal law; and

"(D) Imposing liens pursuant to section 25 and, when appropriate, forcing the sale of property and distribution of proceeds;

"(8) Increase the amount of periodic support payments to include amounts for arrearages, subject to 15 U.S.C. sec. 1673, to secure overdue support; and

"(9) Enter agreements with financial institutions pursuant to section 13 of the Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998.

"(b) The IV-D agency shall provide to any person or entity, other than another agency of the District government, that is subject to IV-D actions under subsection (a) of this section prior notice of any action under subsection (a) of this section, an opportunity to contest the action with the IV-D agency, and an opportunity for a judicial appeal on the record. Sections 10 and 11 of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1208; D.C. Code §§ 1-1509 and 1-1510, respectively) shall apply to such a contest, except

that judicial review shall take place in the Superior Court.

"(c) A person or entity shall honor an administrative subpoena issued pursuant to subsection (a)(2) of this section to the same extent as a judicial subpoena issued by the Family Division of the Superior Court. If any person or entity neglects or otherwise fails to comply with a subpoena issued pursuant to subsection (a)(2) of this section, the IV-D agency may report this failure to the Superior Court of the District of Columbia, or one of its judges, and the Superior Court and its judges are empowered to compel obedience to the subpoena to the same extent that they may compel obedience with subpoenas issued by the Superior Court.

"(d) As an alternative to judicial enforcement pursuant to subsection (c) of this section, the IV-D agency may impose a civil penalty of up to \$1,000 per incident for failure to comply with a subpoena under subsection (a)(2) of this section, or for failure to comply with a request for information under subsection (a)(3) of this section. The IV-D agency may double the penalty if the failure to comply persists for more than 30 days from the date by which the subpoena or request required compliance. The Mayor may enter a penalty pursuant to this subsection as a judgment in the Superior Court, which shall be enforceable by the Corporation Counsel of the District of Columbia.

"(e) An administrative subpoena pursuant to subsection (a)(2) of this section may be served by first-class mail.

"(f) A District agency shall promptly provide information in response to a request by the IV-D agency pursuant to subsection (a)(4) of this section. If a District government agency fails to provide information requested by the IV-D agency pursuant to subsection (a)(4) of this section, the Mayor shall promptly direct the agency to comply within a period specified by the Mayor.

"(g) The Superior Court may issue an *ex parte* order to enforce any power asserted by the IV-D agency pursuant to subsection (a) of this section, upon petition by the IV-D agency.

"(h) No public or private entity providing the IV-D agency with information or access to information pursuant to this section shall be liable under any District law to any person for providing the information or access.

"(i) The IV-D agency shall promulgate rules pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*) to implement this section."

"Sec. 27d. Recognition and enforcement of authority of other state IV-D agencies.

"Except as otherwise provided in this title, the IV-D agency shall recognize and enforce the authority of a IV-D agency in another state to take the actions specified in section 27c(a) of this title, if those actions were taken in accordance with the laws and procedures of the other state."

"Sec. 27e. Directory of new hires.

(a) The Mayor shall establish and maintain a District of Columbia Directory of New Hires, which shall contain information supplied in accordance with subsection (b) of this section.

Note,
New Section
30-526.5

Note,
New Section
30-526.6

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"(b) Except as specified in subsections (e), (f), and (g), within 20 days of the date an employee begins employment in the District of Columbia, or is rehired, the employer shall supply the following information to the District of Columbia Directory of New Hires:

- "(1) Name of the employee;
- "(2) Address of the employee;
- "(3) Social Security number of the employee;
- "(4) Date of birth of the employee;
- "(5) Date of hire of the employee, defined as the first day that the employee performed services for compensation;
- "(6) Employee's salary, wages, or other compensation;
- "(7) Name of the employer;
- "(8) Address of the employer; and
- "(9) Employer identification number issued to the employer under section 6109 of the Internal Revenue Code of 1986.

"(c) An employer may, at the employer's option, supply the following information to the District of Columbia Directory of New Hires:

- "(1) Name of an employer contact person;
- "(2) Telephone number of an employer contact person; and
- "(3) Availability of medical insurance coverage for the employee and the date on which the employee became or will become eligible for the coverage, if appropriate.

"(d) Each report required by subsection (b) shall be:

- "(1) Made on a W-4 Internal Revenue Service form or, at the option of the employer, an equivalent form; and
- "(2) Transmitted by first class mail, magnetically, or electronically.

"(e) An employer that transmits reports to the District of Columbia Directory of New Hires magnetically or electronically may transmit reports in up to 2 monthly transmissions, not less than 12 days nor more than 16 days apart.

"(f) An employer that has employees in the District and in at least one other state and transmits reports magnetically or electronically may comply with subsection (b) of this section by designating either the District or a state in which the employer has employees and transmitting reports on new hires only to either the District or that state. Any employer transmitting reports pursuant to this subsection shall provide the United States Department of Health and Human Services with written notice of the jurisdiction the employer has designated.

"(g) Any department, agency, or instrumentality of the United States shall comply with this section to the extent permitted by section 453A(b)(1)(C) of the Social Security Act, approved August 22, 1996 (110 Stat. 2105; 42 U.S.C. § 653(i)) and section 602 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233).

"(h) An employer who fails to comply with this section shall be subject to a civil penalty of \$25 for each employee with respect to whom the employer failed to comply, or the employer

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shall be subject to a civil penalty of \$500 for each employee with respect to whom the employer failed to comply, if the non-compliance was the result of a conspiracy between the employer and the employee not to supply the required report or to supply a false or incomplete report. The employer shall be penalized each calendar month until the employer complies. Penalties pursuant to this subsection shall be enforced in the Superior Court by the Corporation Counsel of the District of Columbia.

"(i) The Mayor may contract for services to carry out this section.

"(j) The Mayor shall promulgate rules pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*) to implement the provisions of this section, including establishment of a procedure for an employer to challenge the imposition of a civil penalty pursuant to subsection (h) of this section.

"(k) For purposes of this section:

"(1) "Employee" means a person who is an employee within the meaning of chapter 24 of the Internal Revenue Code of 1986, but does not include an employee of a federal or state agency performing intelligence or counterintelligence functions if the head of such agency has determined that reporting pursuant to this section could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission;

"(2) "Employer" has the meaning given to such term in section 3401(d) of the Internal Revenue Code of 1986, and includes any governmental entity and any labor organization, as defined under section 2(5) of the National Labor Relations Act, including a hiring hall.

"(3) "New hire" means an employee for whom an employer is required to complete a new Internal Revenue Service Form W-4.

"(l) Information collected for the District of Columbia Directory of New Hires may be used by a federal agency, a state or District agency, or a private entity under contract with a government agency to:

"(1) Establish paternity;

"(2) Establish, modify, and enforce a child or spousal support order;

"(3) Administer worker's compensation and unemployment insurance programs;

and

"(4) Verify eligibility for public assistance programs."

Sec. 8. Section 46(c) of the Cable Television Communications Act of 1981, effective August 21, 1982 (D.C. Law 4-142; D.C. Code § 43-1845(c)), is amended as follows:

**Note, Section
43-1845**

(a) By inserting the phrase "and the organizational unit in the District that is responsible for administering or supervising the administration of the District's State Plan under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*) ("IV-D agency")," before the phrase "any data"; and

(b) By inserting the phrase ", except by the IV-D agency" before the period at the end.

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Sec. 9. Section 8 of chapter 150 of An Act Making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen (37 Stat. 982; D.C. Code § 43-501 *et seq.*) is amended by adding a new paragraph (31A), to read as follows:

"(31A) A public utility shall provide to the organizational unit of the District government, or any successor organizational unit, that is responsible for administering or supervising the administration of the District's State Plan under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), in response to an administrative subpoena issued pursuant to section 27c(a)(2), financial or other information concerning a customer that is necessary to establish, modify or enforce a child support order or a spousal support order in which the spouse or former spouse is living with a child for whom the spousal support obligor also owes support."

Note, Section
43-531

Sec. 10. Section 13(f) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Code § 46-114(f)) is amended by inserting the phrase "and other child and spousal support or paternity establishment services" after the phrase "parent locator services".

Note, Section
46-114

Sec. 11. D.C. Code section 47-1805.4 is amended by adding a new subsection (i), to read as follows:

"(i) *Disclosure for paternity and support purposes.* -- Notwithstanding any other provision of this section, the Mayor shall disclose, upon written or automated request, tax return or other related tax and revenue information to the agency that is responsible for administering or supervising the administration of the District's State Plan under title IV, part D, of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), or the equivalent agency in another state. The Mayor shall only disclose a tax return or other related tax and revenue information that pertains to a child or spousal support obligor or obligee; a person seeking a paternity, child support, or spousal support order; or a person against whom a paternity, child support, or spousal support order is being sought. Tax return information that the Mayor obtains pursuant to a reciprocal exchange with a federal or state taxing authority shall be disclosed only with the consent of the taxing authority, to the extent that consent is required by federal law or the state law governing the taxing authority. Information shall be disclosed pursuant to this subsection only for purposes directly related to paternity establishment, or the establishment, modification, or enforcement of a child or spousal support order. For purposes of this subsection, the term "spousal support" pertains only to an obligation in which the spouse or former spouse is living with a child for whom the spousal support obligor also owes support."

Note, Section
47-1805.4

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Sec. 12. D.C. Code section 47-2801 is amended by inserting after the second sentence the following sentence: "The Social Security number of each applicant for a license shall be recorded on the application."

Note, Section
47-2801

Sec. 13. Financial institution data matches.

(a) For purposes of this section:

Note,
New Section
26-112

(1) "Financial institution" means the institution as defined in section 469A(d)(1) of the Social Security Act, approved August 22, 1996 (110 Stat. 2105; 42 U.S.C. § 669A(d)(1)).

(2) "IV-D agency" means the organizational unit of the District government, or any successor organizational unit, that is responsible for administering or supervising the administration of the District's State Plan under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of child support orders and spousal support orders in which the spouse or former spouse is living with a child for whom the spousal support obligor also owes support.

(b) A financial institution doing business in the District shall:

(1) Upon the request of the IV-D agency, enter into agreements with the IV-D agency to develop and operate a data-match system in which the financial institution is required to provide for each calendar quarter the name, record address, Social Security number or other taxpayer identification number, and other identifying information (including account number) for each noncustodial parent who maintains an account at the institution, individually or jointly, and who owes past-due child or spousal support that is enforced by the IV-D agency, as identified by the Mayor by name and Social Security number or other taxpayer identification number; and

(2) Encumber or surrender assets held by the institution on behalf of a non-custodial parent who is subject to a child support lien pursuant to section 25 of the Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Code § 30-524), in response to a notice of lien or levy from the Superior Court or the IV-D agency.

(c) A financial institution shall not be liable under any District law for:

(1) Any disclosure of information to the IV-D agency under subsection (b) of this section;

(2) Encumbering or surrendering, in response to a notice of lien or levy issued by the IV-D agency, any assets it holds; or

(3) Any other action taken in good faith to comply with subsection (b) of this section.

(d) A financial institution that intentionally fails to comply with subsection (b) of this section shall be subject to a penalty of \$5,000 for each failure to conduct a data match with data that the IV-D agency submits or attempts to submit to the financial institution. For purposes of this subsection, a single data submission may include data concerning multiple obligors.

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Penalties pursuant to this subsection shall be enforced in the Superior Court by the Corporation Counsel of the District of Columbia.

(e) The IV-D agency shall disclose a person's financial records obtained from a financial institution only for the purpose of, and to the extent necessary in, establishing, modifying, or enforcing a child support obligation of that person. Unauthorized disclosure may result in the awarding of civil damages pursuant to section 469A(c) of the Social Security Act, approved August 22, 1996 (110 Stat. 2105; 42 U.S.C. § 659A(c)).

Sec. 14. (a) The Paternity Acknowledgment Legislative Review Emergency Amendment Act of 1997, effective October 30, 1997 (D.C. Act 12-181; 44 DCR 6953), is repealed.

(b) The Paternity Acknowledgment Amendment Act of 1997, D.C. Act 12-171, signed by the Mayor October 3, 1997, effective pending Congressional review, is repealed.

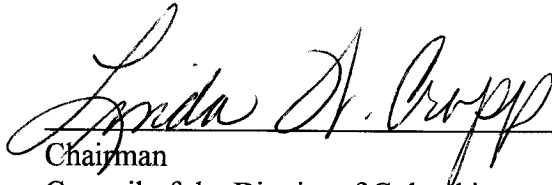
Sec. 15. The fiscal impact of Bill 12-365 is significant at a cost in excess of \$500,000 annually. These new costs would fund federally mandated programs to increase the efficiency of the District's child support enforcement program, including: (1) a Directory of New Hires (\$124,817), (2) voluntary establishment of paternity program (\$114,000), (3) cost of medical and genetic testing (\$222,291), and notices of support orders to credit agencies (\$65,858). Failure to pass this legislation would subject the District to penalties which would result in a reduction in the District's TANF grant awards of up to \$4.6 million for continued non-compliance.

Sec. 16. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

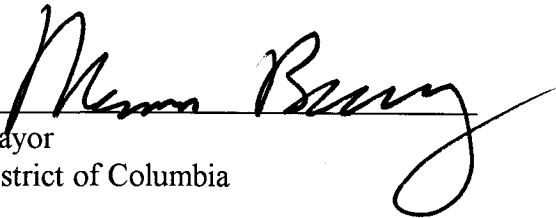
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December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: January 30, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

B12-365

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FIRST READING, 12-4-97

VOICE VOTE APPROVED
 RECORDED VOTE ON REQUEST

MASON

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Dixon					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Chavous					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

January 21, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FINAL READING, 1-6-98

VOICE VOTE APPROVED
 RECORDED VOTE ON REQUEST

ALL PRESENT

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

January 21, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE _____

VOICE VOTE _____
 RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date