**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4973**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Pope

Document Path: l:\council\bills\cc\16150vr22.docx

Introduced in the House on February 15, 2022

Currently residing in the House Committee on **Judiciary**

Summary: Alimony

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/15/2022 House Introduced and read first time ([House Journal‑page 17](file:///h:\hj\20220215.docx))

2/15/2022 House Referred to Committee on **Judiciary** ([House Journal‑page 17](file:///h:\hj\20220215.docx))

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**VERSIONS OF THIS BILL**

[2/15/2022](file:///p:\pprever\2021-22\4973_20220215.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 20‑3‑165 SO AS TO AUTHORIZE THE DEPARTMENT OF SOCIAL SERVICES’ DIVISION OF CHILD SUPPORT ENFORCEMENT TO ENFORCE CERTAIN ALIMONY OBLIGATIONS; TO AMEND SECTION 20‑3‑130, RELATING TO THE AWARD OF ALIMONY, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 63‑17‑710, 63‑17‑720, 63‑17‑730, 63‑17‑750, 63‑17‑760, 63‑17‑850, 63‑17‑1010, 63‑17‑1020, 63‑17‑1050, 63‑17‑1210, 63‑17‑1410, 63‑17‑1510, 63‑17‑1810, 63‑17‑1890, 63‑17‑1910, 63‑17‑2310, 63‑17‑2320, 63‑17‑2330, AND ARTICLE 21 OF CHAPTER 17, TITLE 63, ALL RELATING IN PART TO CHILD SUPPORT ENFORCEMENT, SO AS TO MAKE CONFORMING CHANGES; TO AMEND SECTIONS 20‑1‑350, 27‑23‑10, 41‑35‑140, 44‑63‑60, 44‑63‑80, 44‑63‑84, 44‑63‑86, AND, 44‑63‑110, RELATING TO MARRIAGE LICENSES, FRAUDULENT CONVEYANCES, UNEMPLOYMENT COMPENSATION, AND VITAL RECORDS, ALL SO AS TO MAKE CONFORMING CHANGES; TO ALLOW RETROACTIVE APPLICATION OF THE ACT; AND FOR OTHER PURPOSES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 3, Title 20 of the 1976 Code is amended by adding:

“Section 20‑3‑165. Notwithstanding Section 63‑3‑530 or another provision of law, the Department of Social Services or its designee has jurisdiction to enforce an alimony obligation pursuant to Chapter 17, Title 63 upon referral of an alimony enforcement action by the family court.”

SECTION 2. Section 20‑3‑130 of the 1976 Code is amended by adding appropriately lettered subsections at the end to read:

“( ) An administrative or judicial order which includes a provision for alimony shall set forth the social security numbers, or the alien identification numbers assigned to resident aliens who do not have social security numbers, of the obligor and the obligee.

( ) The family court has the authority to enforce the provisions of any decree, judgment, or order regarding alimony of a court of this State, or refer to the Department of Social Services for enforcement pursuant to Section 20‑3‑165.”

SECTION 3. A. Section 63‑17‑710 of the 1976 Code is amended to read:

“Section 63‑17‑710. Notwithstanding Section 63‑3‑530 and any other provision of law, the Child Support Enforcement Division of the Department of Social Services, or its designee, also has jurisdiction to establish paternity, to establish and enforce child support, ~~and~~ to administratively change the payee in cases brought pursuant to Title IV‑D of the Social Security Act, and to enforce alimony in accordance with this article.”

B. Section 63‑17‑720(9) and (12) of the 1976 Code is amended to read:

“(9) ‘Monthly support obligation’ means the monthly amount of current child support, alimony, or both, that an obligor is ordered to pay by the court or by the division pursuant to this article or Article 1, Chapter 3, Title 20.

(12) ‘Order’ means an administrative order that involves the establishment of paternity and/or the establishment and enforcement of an order for child support and/or medical support and/or enforcement of an order for alimony issued by the Child Support Enforcement Division of the State Department of Social Services or the administrative agency of another state or comparable jurisdiction with similar authority.”

C. The undesignated introductory paragraph of Section 63‑17‑730 and Section 63‑17‑730(5) and (7) of the 1976 Code is amended to read:

“The director shall issue a notice of financial responsibility to an obligor who owes a child support debt or alimony debt or who is responsible for the support of a child on whose behalf the custodian of that child is receiving support enforcement services from the division pursuant to Title IV‑D of the Social Security Act. The notice shall state that:

(5) no court order for judgment nor verified entry of judgment may be required in order for the clerk of court and division to certify past due amounts of child support or alimony to the Internal Revenue Service or Department of Revenue for purposes of intercepting a federal or state tax refund;

(7) the amount of the monthly child support obligation must be based upon the child support guidelines as set forth in Sections 63‑17‑470 and 43‑5‑580;”

D. Section 63‑17‑750(B) and (D) of the 1976 Code is amended to read:

“(B) A copy of the consent order issued pursuant to subsection (A) and proof of service must be filed with the clerk of court of the county in which the obligor resides or, if the obligor does not reside in the State, with the clerk of court of the county in which the obligee resides. The clerk shall stamp the date of receipt of the copy of the order and shall assign the order a case number. The consent order shall have all the force, effect, and remedies of an order of the court including, but not limited to, income withholding and contempt of court. Execution may be issued on the order in the same manner and with the same effect as if it were an order of the court. No court order for judgment nor verified entry of judgment is required in order for the clerk of court and division to certify past‑due amounts of child support or alimony to the Internal Revenue Service or State Department of Revenue for purposes of intercepting a federal or state tax refund, or credit bureau reporting.

(D) The determination of the monthly child support obligation must be based on the child support guidelines as set forth in Sections 63‑17‑470 and 43‑5‑580.”

E. Section 63‑17‑760(C) of the 1976 Code is amended to read:

“(C) The determination of the monthly child support obligation must be based on the child support guidelines as set forth in Sections 63‑17‑470 and 43‑5‑580.”

F. Section 63‑17‑850 of the 1976 Code is amended to read:

“Section 63‑17‑850. When necessary in the discharge of the duties of the department to establish, modify, or enforce a child support order, or enforce an alimony order, the department may issue an administrative subpoena or subpoena duces tecum to a state, county, or local agency, board or commission, or to any private entity or individual or to any representative of a state, county, or local agency, board or commission, or private entity to compel the production of documents, books, papers, correspondence, memoranda, and other records relevant to the discharge of the department’s duties. The department may assess a civil fine of one hundred dollars per occurrence for failure to obey a subpoena or subpoena duces tecum issued pursuant to this section, in addition to any other remedies as permitted by law. A subpoena or subpoena duces tecum issued under this section may be enforced pursuant to Section 63‑3‑530.”

G. Article 5, Chapter 17, Title 63 is reentitled “Administrative Process for Establishing and Enforcing Paternity, Child Support, and Alimony”.

SECTION 4. A. Section 63‑17‑1010 of the 1976 Code is amended to read:

“Section 63‑17‑1010. In addition to other qualifications necessary for holding a license, an individual who is under an order for child support or alimony also is subject to the provisions of this article.”

B. Section 63‑17‑1020(2) and the undesignated paragraph of item (5) of the 1976 Code is amended to read:

“(2) ‘Compliance with an order for support’ means that pursuant to an order for support the person required to pay under the order is in arrears no more than five‑hundred dollars and has paid the full child support and alimony obligation for the last two consecutive months.

‘License’ does not include the authority to practice law; however, the Supreme Court may consider as an additional ground for the discipline of members of the bar the wilful violation of a court order including an order for child support or alimony. The department has grounds to file a grievance with the Supreme Court if a licensed attorney is in wilful violation of a court order for child support or alimony.”

C. The undesignated paragraph of Section 63‑17‑1050 of the 1976 Code before the items is amended to read:

“In the manner and form prescribed by the division, all licensing entities monthly shall provide the division information on licensees for use in the establishment, enforcement, and collection of child support or the enforcement of alimony obligations including, but not limited to:”

D. Article 7, Chapter 17, Title 63 is reentitled “Child Support or Alimony Enforcement through License Revocation”.

SECTION 5. Section 63‑17‑1210(A) of the 1976 Code is amended to read:

“(A) By January 1, 1996, the Child Support Enforcement Division of the Department of Social Services shall create and develop an Employer New Hire Reporting program. The Employer New Hire Reporting program shall provide a means for employers to voluntarily assist in the state’s efforts to locate absent parents who owe child support and collect child support from those parents by reporting information concerning newly hired and rehired employees directly to the division. Beginning January 1, 2023, the program also shall be used by the division for alimony enforcement.”

SECTION 6. A. Section 63‑17‑1410(7) of the 1976 Code is amended to read:

“(7) ‘Order for support’ means any order of a court or an administrative agency of competent jurisdiction which provides for periodic payments of funds for the support of a child or maintenance of a spouse or former spouse, including alimony, whether temporary or final, whether incidental to a proceeding for divorce, separation, separate maintenance, paternity, guardianship, or otherwise and includes any order providing for a modification of support payment of an arrearage or reimbursement of support.”

B. Section 63‑17‑1510 of the 1976 Code is amended to read:

“Section 63‑17‑1510. If the Division of Child Support of the Department of Social Services is notified by the South Carolina Department of Employment and Workforce in accordance with Section 41‑35‑140 that an obligor is receiving unemployment insurance benefits, the division must notify the court for the intercept of unemployment insurance benefits if a delinquency occurs and the obligor’s case is a Title IV‑D case or an alimony case referred by the family court to the Department of Social Services for enforcement. The intercept of unemployment insurance benefits must be in accordance with Section 41‑35‑140.”

C. Article 11, Chapter 17, Title 63 is reentitled “Income Withholding to Enforce Child Support and Alimony”.

SECTION 7. A. Section 63‑17‑1810(10) of the 1976 Code is amended to read:

“(10) ‘Support order’ means an order of a court which provides for periodic payments of funds for the support of a child or maintenance of a spouse or former spouse and support of a child, whether temporary or final, including alimony, whether incidental to a proceeding for divorce, separation, separate maintenance, paternity, guardianship, or otherwise and includes an order providing modification of support payment of an arrearage or reimbursement of support.”

B. Section 63‑17‑1890(A) of the 1976 Code is amended to read:

“(A) The notice to withhold shall direct payment to be made to the State Disbursement Unit for child support and to the former spouse for alimony. The State Disbursement Unit shall promptly transmit payments received pursuant to an order to withhold based on a support order of another jurisdiction entered under this article and under Articles 11 and 15 to the agency or person designated in subitem (c) of item (5) of subsection (B) of Section 63‑17‑1840.”

C. Section 63‑17‑1910 of the 1976 Code is amended to read:

“Section 63‑17‑1910. Any person who is the obligor on a support order of another jurisdiction may obtain voluntary income withholding by filing with the clerk of court a request for withholding and a certified copy of the support order of a sister state. The clerk of court shall issue a notice to withhold under Section 63‑17‑1450(B). Payment must be made to the State Disbursement Unit for child support and to the former spouse for alimony.”

SECTION 8. A. The introductory paragraph of Section 63‑17‑2310(A) before the numbered items of the 1976 Code is amended to read:

“(A) The Department of Social Services shall attempt to locate individuals for the purposes of establishing paternity and establishing, modifying, and enforcing child support obligations, and upon receipt of a referral from the family court for purposes of enforcing alimony obligations. In all child support cases not being administered pursuant to Title IV‑D of the Social Security Act by the department, the clerk of court may attempt to locate individuals for the purpose of enforcing child support obligations. Notwithstanding any other provision of law making this information confidential, these entities in this State promptly shall provide to the department, its designee or a federally approved child support agency of another state, or to the clerk of court, information upon request of the department or another agency for the purpose of establishing paternity or establishing, modifying, or enforcing a support obligation or the clerk of court for the purpose of enforcing child support obligations:”

B. Section 63‑17‑2320(A) before the numbered items and (C) of the 1976 Code is amended to read:

“(A) In the manner and form prescribed by the Child Support Enforcement Division, a financial institution, as defined in Section 63‑17‑2310(A)(2), on a quarterly basis, shall provide the division or its designee information on account holders for use in the establishment, enforcement, and collection of child support obligations or enforcement of alimony obligations including, but not limited to:

(C) In response to a notice of lien or levy, a financial institution shall encumber or surrender, as the case may be, assets held by the institution on behalf of a noncustodial parent who is subject to a child support or alimony lien.”

C. Section 63‑17‑2330(B) of the 1976 Code is amended to read:

“(B) Upon obtaining a financial record of an individual from a financial institution pursuant to Sections 63‑17‑2310 and 63‑17‑2320, the department, its designee, or the department’s or designee’s employees may disclose the financial record only for the purpose of, and to the extent necessary in, establishing, modifying, or enforcing a child support obligation of the individual or enforcing an alimony obligation of the individual.”

D. Article 17 is redesignated “Child Support and Alimony Enforcement Through Data Financial Institution Matches”.

SECTION 9. A. Article 21, Chapter 17, Title 63 is amended to read:

“Article 21

Child Support and Alimony Arrearage Liens

Section 63‑17‑2710. A child support or alimony obligation which is unpaid in an amount equal to or greater than one thousand dollars, as of the date on which it was due, is a lien in favor of the obligee in an amount sufficient to satisfy unpaid child support or alimony, whether the amount due is a fixed sum or is accruing periodically. An amount of restitution established by the Department of Social Services, Child Support Enforcement Division, or its designee (division) or the family court is due and payable as of the date the amount is established. The lien shall incorporate any unpaid child support or alimony which may accrue in the future and does not terminate except as provided in Section 63‑17‑2730. Upon recordation or registration in accordance with Section 63‑17‑2730, the lien shall encumber all tangible and intangible property, whether real or personal, and an interest in property, whether legal or equitable, belonging to the obligor. An interest in property acquired by the obligor after the child support or alimony lien arises is subject to the lien, subject to the limitations provided in Section 63‑17‑2730.

Section 63‑17‑2720. When the division determines that child support or alimony is unpaid in an amount equal to or greater than one thousand dollars, it shall send written notice to the obligor by first‑class mail to the obligor’s last known address, as filed with the tribunal pursuant to Section 63‑17‑450 or Article 1, Chapter 3, Title 20. The notice shall specify the amount unpaid as of the date of the notice or other date certain and the right of the obligor to request an administrative review by filing a written request with the division within thirty days of the date of the notice. If the obligor files a timely written request for an administrative review, the division shall conduct the review within thirty days of receiving the request.

Section 63‑17‑2730. (A)(1) The division shall file notice of a lien with respect to real property with the register of deeds for any county in the State where the obligor owns property. The social security number, or the alien identification number assigned to a resident alien who does not have a social security number, of the obligor must be noted on the notice of the lien. The filing operates to perfect a lien when recorded, as to any interest in real property owned by the obligor that is located in the county where the lien is recorded. Liens created under this section must be maintained by the register of deeds of each county of the State, in accordance with established local procedures for recordation. If the obligor subsequently acquires an interest in real property, the lien is perfected upon the recording of the instrument by which the interest is obtained in the register of deeds where the notice of the lien was filed within six years prior thereto. A child support or alimony lien is perfected as to real property when both the notice thereof and a deed or other instrument in the name of the obligor are on file in the register of deeds for the county where the obligor owns property without respect to whether the lien or the deed or other instrument was recorded first.

(2) The division also shall file notice of a child support or alimony lien, with the social security number, or the alien identification number assigned to a resident alien who does not have a social security number, of the obligor on the notice, with respect to personal property with the Department of Natural Resources, a county, or other office or agency responsible for the filing or recording of liens. The filing of a notice of a lien or of a waiver or release of a lien must be received and registered or recorded without payment of a fee. The division may file notice of a lien or waiver or release of a lien or may transmit information to or receive information from any registry of deeds or other office or agency responsible for the filing or recording of liens by any means, including electronic means. Any lien placed against a vehicle with a title issued by the Department of Motor Vehicles is not perfected until notation of the lien is recorded on the vehicle’s title by the Department of Motor Vehicles. No fee is required to reissue this title. The perfected lien is not subordinate to a recorded lien except a lien that has been perfected before the date on which the child support or alimony lien was perfected. The division, upon request of the obligor, may subordinate the child support or alimony lien to a subsequently perfected mortgage. To assist in the collection of a debt by the division, the division may disclose the name of an obligor against whom a lien has arisen and other identifying information including the existence of the lien and the amount of the outstanding obligation.

(B) The lien expires upon termination of a current child support or alimony obligation and payment in full of unpaid child support or alimony or upon release of the lien by the division. In any event, a lien under this section expires six years from the date on which the lien was first perfected. The lien may be extended for additional periods of six years each by recording, during the fifth year of the lien, a further notice of the lien, as provided in subsection (A), without affecting the priority of the lien. Expiration of the lien does not terminate the underlying order or judgment of child support or alimony. The division may issue a full or partial waiver of a lien imposed under this section. The waiver or release is conclusive evidence that the lien upon the property covered by the waiver or release is extinguished.

Section 63‑17‑2740. (A) If an obligor against whom a lien has arisen and has been perfected under Section 63‑17‑2730 neglects or refuses to pay the sum due after the expiration of the thirty‑day notice period specified in Section 63‑17‑2720, the division may collect the unpaid child support or alimony and levy upon all property as provided in this section. For the purposes of this section, ‘levy’ includes the power of distraint and seizure by any means. A person in possession of property upon which a lien having priority under Section 63‑17‑2730 has been perfected, upon demand, shall surrender the property to the division as pursuant to this section. Financial institutions which hold assets of an obligor, after proper identification and notification by the division, shall encumber or surrender deposits, credits, or other personal property held by the institution on behalf of an obligor who is subject to a child support or alimony lien, pursuant to Section 63‑17‑2320. Financial institutions are allowed to either submit account information directly to the State where it is matched against the parent data base, or financial institutions may request a file and complete the comparison and submit it directly to the State. The social security number must be used for the matching process and not the full name of the person who maintains an account with that entity. A levy on property held by an organization with respect to a life insurance or endowment contract, without necessity for the surrender of the contract document, constitutes a demand by the division for payment of the amount of the lien and the exercise of the right of the obligor to the advance of the amount. The organization shall pay the amount ninety days after service of the notice of levy. The levy is considered satisfied if the organization pays over to the division the full amount which the obligor could have had advanced to him, if the amount does not exceed the amount of the lien. Whenever any property upon which levy has been made is not sufficient to satisfy the claim of the state for which levy is made, the division thereafter, as often as may be necessary, proceed to levy, without further notice, upon any other property of the obligor subject to levy upon first perfecting its lien as provided in Section 63‑17‑2730, until the amount due from the obligor and the expenses are fully paid. With respect to a seizure or levy of real property or tangible personal property, the sheriff shall proceed in the manner prescribed by Sections 15‑39‑610, et seq., insofar as these sections are not inconsistent with this article. The division has rights to property remaining after satisfying superior perfected liens, as provided in Section 63‑17‑2730.

(B) Upon demand by the division, a person who fails or refuses to surrender property subject to levy pursuant to this section is liable in his own person and estate to the State in a sum equal to the value of the property not so surrendered but not exceeding the amount of the lien, and the costs at the rate established by Section 23‑19‑10.

(C) A person in possession of, or obligated with respect to, property who, upon demand by the division, surrenders the property or discharges the obligations to the division or who pays a liability under this article, must be discharged from any obligation or liability to the obligor arising from the surrender or payment. A levy on an organization with respect to a life insurance or endowment contract which is satisfied pursuant to this article, discharges the organization from any obligation or liability to any beneficiary arising from the surrender or payment.

Section 63‑17‑2750. The division shall send timely written notice to the obligor by first‑class mail of any action taken to perfect a lien, execute a levy, or seize any property. The notice shall specify the amount due, the steps to be followed to release the property so placed under lien, levied, or seized, and the time period within which to respond to the notice and shall include the name of the court or administrative agency of competent jurisdiction which entered the child support or alimony order.

Section 63‑17‑2760. A person aggrieved by a determination of the division pursuant to Section 63‑17‑2720, upon exhaustion of the procedures for administrative review, may seek judicial review in the court where the order or judgment was issued or registered. Commencement of the review shall not stay enforcement of child support or alimony. The court may review the proceedings taken by the division pursuant to this section and may correct any mistakes of fact; however, the court may not reduce or retroactively modify child support or alimony arrears.

Section 63‑17‑2770. A child support enforcement agency in a jurisdiction outside this State may request the division to enforce a child support or alimony order issued by a court or administrative agency in another jurisdiction or a lien arising under the law of another jurisdiction. The order or lien must be accorded full faith and credit and the order or lien must be enforced as if the order was issued or the lien arose in South Carolina, without the necessity of registering the order with the court.

Section 63‑17‑2780. The division is authorized to promulgate rules and regulations, if necessary, to implement the provision of this section.”

SECTION 10. Section 20‑1‑350 of the 1976 Code is amended to read:

“Section 20‑1‑350. The Department of Health and Environmental Control shall properly file and index every marriage license and certificate and may provide a certified copy of any license and certificate upon application of proper parties except that upon request the Department of Social Services or its designee must be provided at no charge with a copy or certified copy of a license and certificate for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation; or enforcing an alimony obligation.”

SECTION 11. Section 27‑23‑10(B) before the numbered items of the 1976 Code is amended to read:

“(B) A showing of two or more of the following creates a rebuttable presumption that a child support debtor or alimony debtor intended to transfer income or property to avoid payment to a child support creditor or alimony creditor:”

SECTION 12. Section 41‑35‑140(A), (B) before the numbered items, (D), and (G) of the 1976 Code is amended to read:

“(A) The department may require an individual filing a new claim for unemployment compensation to disclose, at the time of filing the claim, whether or not he owes child support obligations or alimony obligations as defined under subsection (G), or, pursuant to an agreement between the department and the state or local child support enforcement agency, the state or local child support enforcement agency must notify the department whether a particular individual who has filed a new or continued claim for unemployment compensation, at the time of filing the claim, owes child support obligations or alimony obligations, or if the state or local child support enforcement agency advises the department that the individual owes child support obligations or alimony obligations and the individual is determined to be eligible for unemployment compensation, the department must notify the state or local child support enforcement agency enforcing the obligations that the individual has been determined to be eligible for unemployment compensation.

(B) The department must deduct and withhold from unemployment compensation payable to an individual who owes a child support obligation or alimony obligation as defined under subsection (G):

(D) An amount deducted and withheld under subsection (B) must be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the state or local child support enforcement agency in satisfaction of the individual’s child support obligation or alimony obligation.

(G) The term ‘child support obligation’ means for purposes of these provisions, attributable to a child support obligation enforced pursuant to a plan described in Section 454 of the Social Security Act and approved by the Secretary of Health and Human Services under Part D of Title IV of the Social Security Act. The term ‘alimony obligation’ means for purposes of these provisions an unpaid alimony obligation referred by the family court to the Department of Social Services for enforcement.”

SECTION 13. A. Section 44‑63‑60 of the 1976 Code is amended to read:

“Section 44‑63‑60. The state registrar, upon application by those entitled pursuant to Section 44‑63‑80, 44‑63‑82, 44‑63‑84, or 44‑63‑86, shall furnish a certificate under the seal of the department showing data from the records of births, deaths, marriages, and divorces registered with the department or a certified copy under seal of such records. Federal, state, local, and other public or private agencies must be furnished copies or data for statistical, health, or legal purposes upon such terms or conditions as prescribed by the state registrar except that upon request the Department of Social Services or its designee must be provided at no charge with a copy or certified copy of a certificate for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation; or enforcing an alimony obligation.”

B. Section 44‑63‑80 of the 1976 Code is amended to read:

“Section 44‑63‑80. Except as otherwise provided, certified copies of the original birth certificate or any new or amendatory certificate, exclusive of that portion containing confidential information, must be issued only by the state registrar and only to the registrant, if of legal age, his parent or guardian, or other legal representative, and upon request to the Department of Social Services or its designee for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation; or enforcing an alimony obligation. The registrar shall include a copy of the pamphlet ‘South Carolina Family Respect’, as provided in Section 20‑1‑720, when it mails or sends the certified copy of the birth certificate. However, the certified copy of the birth certificate may not disclose the name of the father in any illegitimate birth unless the name of the father is entered on the certificate pursuant to Section 44‑63‑163 or Section 44‑63‑165. The short form certificate or birth card may be furnished only to the registrant, his parent or guardian, or other legal representative by the state or county registrar.

When one hundred years have elapsed after the date of birth, these records must be made available in photographic or other suitable format for public viewing.”

C. Section 44‑63‑84 of the 1976 Code is amended to read:

“Section 44‑63‑84. Copies of death certificates may be issued to members of the deceased’s family or their respective legal representatives. Upon request, the Department of Social Services or its designee must be provided with copies or certified copies of death certificates for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation; or enforcing an alimony obligation. Others who demonstrate a direct and tangible interest may be issued copies when information is needed for the determination of a personal or property right. Other applicants may be provided with a statement that the death occurred, the date, and county of death. However, when fifty years have elapsed after the date of death, these records become public records and any person may obtain copies upon submission of an application containing sufficient information to locate the record. For each copy issued or search of the files made, the state registrar shall collect the same fee as is charged for the issuance of certified copies or a search of the files for other records in his possession, except that the Department of Social Services or its designee may not be charged this fee.

When fifty years have elapsed after the date of death, these records must be made available in photographic or other suitable format for public viewing.”

D. Section 44‑63‑86 of the 1976 Code is amended to read:

“Section 44‑63‑86. Copies of marriage certificates and reports of divorce registered with the Department of Health and Environmental Control must be issued to the parties married or divorced, their adult children, a present or former spouse of either party married or divorced, their respective legal representative, or upon request to the Department of Social Services or its designee for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation; or enforcing an alimony obligation. Other applicants may be provided with a statement that the marriage or divorce occurred, the date, and county of the event.”

E. Section 44‑63‑110 of the 1976 Code is amended to read:

“Section 44‑63‑110. For making, furnishing, or certifying any card, certificate, or certified copy of the record, for filing a record amendment according to the provisions of Section 44‑63‑60, 44‑63‑80, 44‑63‑90 or 44‑63‑100, or for searching the record, when no card, certificate, or certified copy is made, a fee in an amount as determined by the Board of the Department of Health and Environmental Control must be paid by the applicant, except that the Department of Social Services or its designee is not required to pay a fee when the information is needed for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation; or enforcing an alimony obligation. The amount of the fee established by the board may not exceed the cost of the services performed and to the extent possible must be charged on a uniform basis throughout the State. When verification of the facts contained in these records is needed for Veterans Administration purposes in connection with a claim, it must be furnished without charge to the Veterans’ Affairs Department of the Governor’s Office or to a county veterans affairs officer upon request and upon the furnishing of satisfactory evidence that the request is for the purpose authorized in this chapter.”

SECTION 14. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 15. This act takes effect upon approval by the Governor and may be applied retroactively to recover alimony obligations accruing within ten years of the effective date of the act.

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