

4114--A

2013-2014 Regular Sessions

I N S E N A T E

March 8, 2013

Introduced by Sens. GOLDEN, LANZA, MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services -- recommitted to the Committee on Social Services in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to authorizing the creation of a financially delinquent parents most wanted list

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The social services law is amended by adding a new section
2 111-w to read as follows:
3 S 111-W. "FINANCIALLY DELINQUENT PARENTS MOST WANTED LIST"; WEBSITE;
4 COORDINATED ARRESTS. 1. DEFINITIONS. AS USED IN THIS SECTION: (A)
5 "OFFICE" MEANS THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE; AND
6 (B) "COMMISSIONER" MEANS THE COMMISSIONER OF TEMPORARY AND DISABILITY
7 ASSISTANCE.
8 2. THE OFFICE SHALL COMPILE, AND SHALL DISCLOSE AND PUBLISH ON A QUAR-
9 TERLY BASIS AT REGULAR INTERVALS A "FINANCIALLY DELINQUENT PARENTS MOST
10 WANTED LIST", COMPRISED OF INDIVIDUALS WHO ARE IN ARREARS IN THEIR CHILD
11 SUPPORT OBLIGATIONS UNDER A COURT OR ADMINISTRATIVE ORDER. THE LIST
12 SHALL INCLUDE ONLY THOSE PERSONS WHO ARE IN ARREARS IN AN AMOUNT GREATER
13 THAN TEN THOUSAND DOLLARS, OR SUCH OTHER AMOUNT AS ESTABLISHED FROM TIME
14 TO TIME BY THE COMMISSIONER, AND SHALL SET FORTH IDENTIFYING INFORMA-
15 TION, INCLUDING BUT NOT LIMITED TO, THE NAME AND LAST KNOWN ADDRESS OF
16 THE INDIVIDUAL OWING THE ARREARAGE, A PHYSICAL DESCRIPTION OF SUCH INDIVIDUAL
17 AND A PHOTOGRAPH OF THE INDIVIDUAL IF AVAILABLE, THE INDIVIDUAL'S
18 OCCUPATION, THE AMOUNT OF ANY CHILD SUPPORT ARREARAGE, THE NUMBER OF
19 CHILDREN FOR WHOM SUPPORT IS OWED, AND ANY OTHER INFORMATION DEEMED
20 APPROPRIATE BY THE OFFICE.
21 3. THE "FINANCIALLY DELINQUENT PARENTS MOST WANTED LIST" SHALL BE MADE
22 AVAILABLE BY THE OFFICE THROUGH ITS WEBSITE, PROVIDED THAT SUCH ACCESS

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 SHALL BE LIMITED TO EMPLOYERS SUBJECT TO THE TAX WITHHOLDING REQUIRE-
2 MENTS OF SECTION SIX HUNDRED SEVENTY-ONE OF THE TAX LAW AND THEIR
3 AUTHORIZED EMPLOYEES AND SHALL BE AVAILABLE FOR INSPECTION BY SUCH
4 EMPLOYERS AND AUTHORIZED EMPLOYEES AT EACH FACILITY OF THE OFFICE,
5 INCLUDING BUT NOT LIMITED TO, THE OFFICE OF EACH SUPPORT COLLECTION
6 UNIT.

7 4. THE LIST SHALL BE USED FOR THE PURPOSES OF LOCATING DELINQUENT
8 INDIVIDUALS AND ASSISTING WITH THE ENFORCEMENT OF ORDERS DIRECTING THE
9 PAYMENT OF SUPPORT.

10 5. AT LEAST NINETY DAYS PRIOR TO THE DISCLOSURE OF AN INDIVIDUAL'S
11 INFORMATION ON THE LIST, THE OFFICE SHALL MAIL A WRITTEN NOTICE TO THE
12 INDIVIDUAL BY CERTIFIED MAIL ADDRESSED TO THE INDIVIDUAL'S LAST KNOWN
13 HOME ADDRESS. THE NOTICE SHALL DETAIL THE AMOUNT OF THE ARREARAGE AND
14 THE OFFICE'S INTENT TO DISCLOSE THE ARREARAGE. IF THE ARREARAGE IS NOT
15 PAID IN FULL WITHIN NINETY DAYS AFTER THE NOTICE WAS DELIVERED TO THE
16 INDIVIDUAL OR THE OFFICE HAS BEEN NOTIFIED THAT DELIVERY WAS REFUSED OR
17 OTHERWISE NOT SUCCESSFUL, AND THE INDIVIDUAL HAS NOT, SINCE THE MAILING
18 OF THE NOTICE, ENTERED INTO A WRITTEN AGREEMENT WITH THE OFFICE FOR
19 PAYMENT OF THE ARREARAGE THE OFFICE SHALL DISCLOSE THE INDIVIDUAL'S
20 ARREARAGE UNDER SUBDIVISION TWO OF THIS SECTION.

21 6. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION FIVE OF THIS SECTION,
22 INFORMATION CONCERNING AN INDIVIDUAL IN ARREARS IN HIS OR HER CHILD
23 SUPPORT OBLIGATIONS UNDER A COURT OR ADMINISTRATIVE ORDER IS NOT SUBJECT
24 TO DISCLOSURE UNDER SUBDIVISION TWO OF THIS SECTION IF: (A) A WRITTEN
25 AGREEMENT FOR PAYMENT EXISTS BETWEEN THE INDIVIDUAL AND THE OFFICE, OR
26 (B) THE ARREARAGE IS THE SUBJECT OF AN ADMINISTRATIVE HEARING, ADMINIS-
27 TRATIVE REVIEW, OR JUDICIAL REVIEW. NOTWITHSTANDING ANY OTHER PROVISION
28 OF THIS SECTION, IF AN INDIVIDUAL FAILS TO COMPLY IN FULL WITH AN AGREE-
29 MENT MADE BETWEEN THE INDIVIDUAL AND THE OFFICE, THE OFFICE MAY PLACE
30 THE INDIVIDUAL'S INFORMATION ON THE LIST AGAIN WITHOUT BEING REQUIRED TO
31 GIVE NOTICE AS PROVIDED IN SUBDIVISION FIVE OF THIS SECTION.

32 7. AN INDIVIDUAL'S INFORMATION SHALL BE REMOVED FROM THE "FINANCIALLY
33 DELINQUENT PARENTS MOST WANTED LIST" UPON: (A) FULL PAYMENT OF THE
34 ARREARAGE; (B) PAYMENT OF THREE CONSECUTIVE PAYMENTS MADE UNDER A WRIT-
35 TEN AGREEMENT BETWEEN THE INDIVIDUAL AND THE OFFICE OR (C) SUBMISSION TO
36 THE OFFICE OF A CERTIFIED COPY OF A COURT OR ADMINISTRATIVE ORDER
37 DIRECTING THAT THE INDIVIDUAL IS NOT RESPONSIBLE FOR THE PAYMENTS
38 COMPRISING THE ARREARAGE. SUCH INFORMATION SHALL BE REMOVED FROM THE
39 WEBSITE NO LATER THAN TEN BUSINESS DAYS AFTER THE RECEIPT OF THE INFOR-
40 MATION DESCRIBED IN THIS SUBDIVISION AND FROM THE PRINTED VERSIONS OF
41 THE LIST AT THE TIME OF THE NEXT PRINTING OF SUCH VERSION.

42 8. A DISCLOSURE MADE BY THE OFFICE IN A GOOD FAITH EFFORT TO COMPLY
43 WITH THIS SECTION SHALL NOT BE CONSIDERED A VIOLATION OF ANY CONFIDEN-
44 TIALITY LAWS.

45 9. THE COMMISSIONER SHALL PROMULGATE SUCH RULES AND REGULATIONS AS HE
46 OR SHE DEEMS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS SECTION.

47 S 2. Section 111-v of the social services law is amended by adding a
48 new subdivision 6 to read as follows:

49 6. THE DISCLOSURE OR PUBLICATION OF INFORMATION ON THE DELINQUENT
50 OBLIGOR'S SUPPORT LIST AND WEBSITE, AS PROVIDED IN SECTION ONE HUNDRED
51 ELEVEN-W OF THIS TITLE SHALL NOT BE CONSTRUED TO BE A VIOLATION OF THE
52 PROVISIONS OF THIS SECTION.

53 S 3. This act shall take effect immediately.