

7173

I N S E N A T E

March 18, 2010

Introduced by Sens. GOLDEN, PADAVAN, LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to authorizing the creation of a deadbeats 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. "DEADBEATS MOST WANTED LIST"; WEBSITE; COORDINATED ARRESTS.
4 1. DEFINITIONS. AS USED IN THIS SECTION: (A) "OFFICE" MEANS THE OFFICE
5 OF TEMPORARY AND DISABILITY ASSISTANCE; AND (B) "COMMISSIONER" MEANS THE
6 COMMISSIONER OF TEMPORARY AND DISABILITY ASSISTANCE.
7 2. THE DEPARTMENT, THROUGH THE OFFICE, SHALL COMPILE, AND SHALL
8 DISCLOSE AND PUBLISH AT REGULAR INTERVALS A "DEADBEATS MOST WANTED
9 LIST", COMPRISED OF INDIVIDUALS WHO ARE IN ARREARS IN THEIR CHILD
10 SUPPORT OBLIGATIONS UNDER A COURT OR ADMINISTRATIVE ORDER. THE LIST
11 SHALL INCLUDE ONLY THOSE PERSONS WHO ARE IN ARREARS IN AN AMOUNT GREATER
12 THAN TEN THOUSAND DOLLARS, SUCH OTHER AMOUNT AS ESTABLISHED FROM TIME TO
13 TIME BY THE COMMISSIONER, AND SHALL SET FORTH IDENTIFYING INFORMATION,
14 INCLUDING BUT NOT LIMITED TO, THE NAME AND LAST KNOWN ADDRESS OF THE
15 INDIVIDUAL OWING THE ARREARAGE, A PHYSICAL DESCRIPTION OF SUCH INDIVID-
16 UAL AND A PHOTOGRAPH OF THE INDIVIDUAL IF AVAILABLE, THE INDIVIDUAL'S
17 OCCUPATION, THE AMOUNT OF ANY CHILD SUPPORT ARREARAGE, THE NUMBER OF
18 CHILDREN FOR WHOM SUPPORT IS OWED, AND ANY OTHER INFORMATION DEEMED
19 APPROPRIATE BY THE OFFICE. THE LIST SHALL NOT EXCEED FIVE HUNDRED INDI-
20 VIDUALS AT ANY GIVEN TIME.
21 3. THE "DEADBEATS MOST WANTED LIST" SHALL BE MADE AVAILABLE BY THE
22 OFFICE THROUGH ITS WEBSITE, AND SHALL BE AVAILABLE FOR PUBLIC INSPECTION
23 AND DISSEMINATION AT EACH FACILITY OF THE OFFICE, INCLUDING BUT NOT
24 LIMITED TO, THE OFFICE OF EACH SUPPORT COLLECTION UNIT. NOTHING IN THIS
25 SECTION SHALL PROHIBIT OTHER PUBLICATION OF THE LIST AS DIRECTED BY THE
26 COMMISSIONER.

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

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1 4. THE LIST SHALL BE USED FOR THE PURPOSES OF LOCATING DELINQUENT
2 INDIVIDUALS AND ASSISTING WITH THE ENFORCEMENT OF ORDERS DIRECTING THE
3 PAYMENT OF SUPPORT, AND FOR SUCH OTHER PURPOSES AS THE COMMISSIONER
4 DEEMS APPROPRIATE.

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

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

28 7. AN INDIVIDUAL'S INFORMATION SHALL BE REMOVED FROM THE WEBSITE UPON:
29 (A) FULL PAYMENT OF THE ARREARAGE; (B) PAYMENT OF THREE CONSECUTIVE
30 PAYMENTS MADE UNDER AN AGREEMENT BETWEEN THE INDIVIDUAL AND THE OFFICE
31 PURSUANT TO SUBDIVISION FIVE OF THIS SECTION; OR (C) SUBMISSION TO THE
32 OFFICE OF A CERTIFIED COPY OF A COURT OR ADMINISTRATIVE ORDER DIRECTING
33 THAT THE INDIVIDUAL IS NOT RESPONSIBLE FOR THE PAYMENTS COMPRISING THE
34 ARREARAGE. SUCH INFORMATION SHALL BE REMOVED FROM PRINTED VERSIONS OF
35 THE LIST AT THE TIME OF THE NEXT PRINTING OF SUCH VERSION.

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

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

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

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

47 S 3. This act shall take effect immediately.