

4177

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 2, 2011

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Introduced by M. of A. BARCLAY, McDONOUGH, AMEDORE -- Multi-Sponsored by  
-- M. of A. CALHOUN, CONTE, CROUCH, DUPREY, McKEVITT, SALADINO -- read  
once and referred to the Committee on Social Services

AN ACT to amend the social services law and the family court act, in  
relation to establishing a deadbeats most wanted list and worldwide  
web page

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

1     Section 1. Article 5 of the social services law is amended by adding a  
2     new title 10-A to read as follows:

3                                TITLE 10-A

4                                DEADBEATS MOST WANTED

5     SECTION 361. DEADBEATS MOST WANTED LIST.

6                361-A. DEADBEATS MOST WANTED WORLDWIDE WEB PAGE.

7     S 361. DEADBEATS MOST WANTED LIST.    1. THE COMMISSIONER OF CHILDREN  
8     AND FAMILY SERVICES MAY DISCLOSE A "DEADBEATS MOST WANTED LIST" OF INDI-  
9     VIDUALS WHO ARE IN ARREARS IN THEIR CHILD SUPPORT OBLIGATIONS UNDER A  
10    NEW YORK COURT ORDER OR ADMINISTRATIVE ORDER. THE LIST SHALL INCLUDE  
11    ONLY THOSE PERSONS WHO ARE IN ARREARS IN AN AMOUNT GREATER THAN FIVE  
12    THOUSAND DOLLARS (OR SUCH GREATER AMOUNT AS ESTABLISHED BY THE OFFICE OF  
13    CHILDREN AND FAMILY SERVICES). THE LIST SHALL INCLUDE THE INDIVIDUAL'S  
14    NAME AND ADDRESS, THE AMOUNT OF ANY CHILD SUPPORT ARREARAGE, AND ANY  
15    OTHER INFORMATION DEEMED APPROPRIATE BY THE OFFICE OF CHILDREN AND FAMI-  
16    LY SERVICES.

17    2. AT LEAST NINETY DAYS BEFORE THE DISCLOSURE UNDER SUBDIVISION ONE OF  
18    THIS SECTION OF THE NAME OF AN INDIVIDUAL WHO IS IN ARREARS IN HIS OR  
19    HER CHILD SUPPORT OBLIGATIONS, THE COMMISSIONER OF CHILDREN AND FAMILY  
20    SERVICES SHALL MAIL A WRITTEN NOTICE TO THE INDIVIDUAL BY CERTIFIED MAIL  
21    ADDRESSED TO THE INDIVIDUAL'S LAST KNOWN ADDRESS. THE NOTICE SHALL  
22    DETAIL THE AMOUNT OF THE ARREARAGE AND THE OFFICE OF CHILDREN AND FAMILY  
23    SERVICES' INTENT TO DISCLOSE THE ARREARAGE. IF THE ARREARAGE IS NOT PAID

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

LBD08698-01-1

1 SIXTY DAYS AFTER THE NOTICE WAS DELIVERED TO THE INDIVIDUAL OR THE  
2 OFFICE OF CHILDREN AND FAMILY SERVICES HAS BEEN NOTIFIED THAT DELIVERY  
3 WAS REFUSED, AND THE INDIVIDUAL HAS NOT, SINCE THE MAILING OF THE  
4 NOTICE, ENTERED INTO A WRITTEN AGREEMENT WITH THE OFFICE OF CHILDREN AND  
5 FAMILY SERVICES FOR PAYMENT OF THE ARREARAGE, THE COMMISSIONER OF CHIL-  
6 DREN AND FAMILY SERVICES MAY DISCLOSE THE INDIVIDUAL'S ARREARAGE UNDER  
7 SUBDIVISION ONE OF THIS SECTION.

8 3. AN INDIVIDUAL IN ARREARS IN HIS OR HER CHILD SUPPORT OBLIGATIONS  
9 UNDER A NEW YORK COURT ORDER OR ADMINISTRATIVE ORDER IS NOT SUBJECT TO  
10 DISCLOSURE UNDER SUBDIVISION ONE OF THIS SECTION IF (A) A WRITTEN AGREE-  
11 MENT FOR PAYMENT EXISTS BETWEEN THE INDIVIDUAL AND THE OFFICE OF CHIL-  
12 DREN AND FAMILY SERVICES OR (B) THE ARREARAGE IS THE SUBJECT OF AN  
13 ADMINISTRATIVE HEARING, ADMINISTRATIVE REVIEW, OR JUDICIAL REVIEW.

14 4. THE LIST SHALL BE AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF  
15 CHILDREN AND FAMILY SERVICES OR BY OTHER MEANS OF PUBLICATION, INCLUDING  
16 THE INTERNET.

17 5. A DISCLOSURE MADE BY THE COMMISSIONER OF CHILDREN AND FAMILY  
18 SERVICES IN A GOOD FAITH EFFORT TO COMPLY WITH THIS SECTION MAY NOT BE  
19 CONSIDERED A VIOLATION OF ANY CONFIDENTIALITY LAWS.

20 S 361-A. DEADBEATS MOST WANTED WORLDWIDE WEB PAGE. THE OFFICE OF  
21 CHILDREN AND FAMILY SERVICES SHALL CREATE AND MAINTAIN OR CAUSE TO BE  
22 CREATED AND MAINTAINED ONE OR MORE WORLDWIDE WEB PAGES CONTAINING INFOR-  
23 MATION ON SELECTED INDIVIDUALS WHO ARE IN ARREARS IN THEIR CHILD SUPPORT  
24 OBLIGATIONS UNDER A NEW YORK COURT ORDER OR ADMINISTRATIVE ORDER. THE  
25 INFORMATION REGARDING EACH OF THE INDIVIDUALS SHALL INCLUDE THE INDIVID-  
26 UAL'S NAME, A PHOTOGRAPH IF AVAILABLE, THE AMOUNT OF THE CHILD SUPPORT  
27 ARREARAGE, AND ANY OTHER INFORMATION DEEMED APPROPRIATE BY THE OFFICE OF  
28 CHILDREN AND FAMILY SERVICES IN ITS DISCRETION. THE INDIVIDUALS MAY BE  
29 CHOSEN BY THE OFFICE OF CHILDREN AND FAMILY SERVICES USING CRITERIA  
30 INCLUDING, BUT NOT LIMITED TO, THE AMOUNT OF THE ARREARAGE, THE EFFECT  
31 OF INCLUSION OF AN INDIVIDUAL UPON THE LIKELIHOOD OF THE INDIVIDUAL'S  
32 PAYMENT OF AN ARREARAGE, THE MOTIVATIONAL EFFECT THAT INCLUSION OF AN  
33 INDIVIDUAL MAY HAVE ON THE WILLINGNESS OF OTHER INDIVIDUALS TO PAY THEIR  
34 ARREARAGES, OR THE NEED TO LOCATE A PARTICULAR INDIVIDUAL. THE OFFICE OF  
35 CHILDREN AND FAMILY SERVICES SHALL MAKE THE PAGE OR PAGES ACCESSIBLE TO  
36 INTERNET USERS THROUGH THE WORLDWIDE WEB. THE OFFICE OF CHILDREN AND  
37 FAMILY SERVICES, IN ITS DISCRETION, MAY CHANGE THE CONTENTS OF THE PAGE  
38 OR PAGES FROM TIME TO TIME.

39 BEFORE INCLUDING INFORMATION ON THE WORLDWIDE WEB PAGE CONCERNING AN  
40 INDIVIDUAL WHO OWES PAST DUE SUPPORT, THE OFFICE OF CHILDREN AND FAMILY  
41 SERVICES SHALL PROVIDE THE INDIVIDUAL WITH NOTICE AND AN OPPORTUNITY TO  
42 BE HEARD.

43 S 2. The family court act is amended by adding a new section 159 to  
44 read as follows:

45 S 159. CHILD SUPPORT INFORMATION. THE CLERKS OF THE FAMILY COURTS  
46 MAY, UPON REQUEST, COOPERATE WITH AND SUPPLY INFORMATION TO COUNTIES AND  
47 MUNICIPALITIES WISHING TO CREATE AND MAINTAIN WORLDWIDE WEB PAGES  
48 CONTAINING INFORMATION ON INDIVIDUALS WHO ARE IN ARREARS IN THEIR CHILD  
49 SUPPORT OBLIGATIONS AND HAVE BEEN FOUND TO BE IN CONTEMPT OF COURT AS A  
50 RESULT OF THE EXISTENCE OF THAT ARREARAGE.

51 S 3. This act shall take effect on the one hundred eightieth day after  
52 it shall have become a law.