

4114

2013-2014 Regular Sessions

I N S E N A T E

March 8, 2013

Introduced by Sen. GOLDEN -- 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 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 INDIV-
17 IDUAL 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
23 SHALL BE LIMITED TO ENTITIES AND INDIVIDUALS WHO ARE AT LEAST EIGHTEEN
24 YEARS OF AGE AND SHALL BE AVAILABLE FOR PUBLIC INSPECTION AND DISSEM-

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

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1 INATION AT EACH FACILITY OF THE OFFICE, INCLUDING BUT NOT LIMITED TO,
2 THE OFFICE OF EACH SUPPORT COLLECTION UNIT.

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

6 5. AT LEAST NINETY DAYS PRIOR TO THE DISCLOSURE OF AN INDIVIDUAL'S
7 INFORMATION ON THE LIST, THE OFFICE SHALL MAIL A WRITTEN NOTICE TO THE
8 INDIVIDUAL BY CERTIFIED MAIL ADDRESSED TO THE INDIVIDUAL'S LAST KNOWN
9 HOME ADDRESS. THE NOTICE SHALL DETAIL THE AMOUNT OF THE ARREARAGE AND
10 THE OFFICE'S INTENT TO DISCLOSE THE ARREARAGE. IF THE ARREARAGE IS NOT
11 PAID IN FULL WITHIN NINETY DAYS AFTER THE NOTICE WAS DELIVERED TO THE
12 INDIVIDUAL OR THE OFFICE HAS BEEN NOTIFIED THAT DELIVERY WAS REFUSED OR
13 OTHERWISE NOT SUCCESSFUL, AND THE INDIVIDUAL HAS NOT, SINCE THE MAILING
14 OF THE NOTICE, ENTERED INTO A WRITTEN AGREEMENT WITH THE OFFICE FOR
15 PAYMENT OF THE ARREARAGE THE OFFICE SHALL DISCLOSE THE INDIVIDUAL'S
16 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 "FINANCIALLY
29 DELINQUENT PARENTS MOST WANTED LIST" UPON: (A) FULL PAYMENT OF THE
30 ARREARAGE; (B) PAYMENT OF THREE CONSECUTIVE PAYMENTS MADE UNDER A WRIT-
31 TEN AGREEMENT BETWEEN THE INDIVIDUAL AND THE OFFICE OR (C) SUBMISSION TO
32 THE OFFICE OF A CERTIFIED COPY OF A COURT OR ADMINISTRATIVE ORDER
33 DIRECTING THAT THE INDIVIDUAL IS NOT RESPONSIBLE FOR THE PAYMENTS
34 COMPRISING THE ARREARAGE. SUCH INFORMATION SHALL BE REMOVED FROM THE
35 WEBSITE NO LATER THAN TEN BUSINESS DAYS AFTER THE RECEIPT OF THE INFOR-
36 MATION DESCRIBED IN THIS SUBDIVISION AND FROM THE PRINTED VERSIONS OF
37 THE LIST AT THE TIME OF THE NEXT PRINTING OF SUCH VERSION.

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

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

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

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

49 S 3. This act shall take effect immediately.