

4263

2013-2014 Regular Sessions

I N A S S E M B L Y

February 1, 2013

Introduced by M. of A. BARCLAY, McDONOUGH, TENNEY -- Multi-Sponsored by
-- M. of A. BLANKENBUSH, CERETTO, 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.

LBD04467-01-3

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 provided, however, that the commissioner of
53 children and family services shall have the authority to promulgate any
54 rules or regulations necessary for the implementation of this act prior
55 to such effective date.