S T A T E O F N E W Y O R K

4984

2015-2016 Regular Sessions

I N A S S E M B L Y

February 10, 2015

Introduced by M. of A. BARCLAY, McDONOUGH, TENNEY, MONTESANO, WALTER, GRAF, CORWIN, FINCH -- Multi-Sponsored by -- M. of A. BLANKENBUSH, BUTLER, CERETTO, CROUCH, DUPREY, LUPINACCI, 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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

TITLE 10-A

DEADBEATS MOST WANTED

SECTION 361. DEADBEATS MOST WANTED LIST.

361-A. DEADBEATS MOST WANTED WORLDWIDE WEB PAGE.

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

2. AT LEAST NINETY DAYS BEFORE THE DISCLOSURE UNDER SUBDIVISION ONE OF THIS SECTION OF THE NAME OF AN INDIVIDUAL WHO IS IN ARREARS IN HIS OR HER CHILD SUPPORT OBLIGATIONS, THE COMMISSIONER OF CHILDREN AND FAMILY SERVICES SHALL MAIL A WRITTEN NOTICE TO THE INDIVIDUAL BY CERTIFIED MAIL ADDRESSED TO THE INDIVIDUAL'S LAST KNOWN ADDRESS. THE NOTICE SHALL DETAIL THE AMOUNT OF THE ARREARAGE AND THE OFFICE OF CHILDREN AND FAMILY

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

LBD07868-01-5

SERVICES' INTENT TO DISCLOSE THE ARREARAGE. IF THE ARREARAGE IS NOT PAID SIXTY DAYS AFTER THE NOTICE WAS DELIVERED TO THE INDIVIDUAL OR THE OFFICE OF CHILDREN AND FAMILY SERVICES HAS BEEN NOTIFIED THAT DELIVERY WAS REFUSED, AND THE INDIVIDUAL HAS NOT, SINCE THE MAILING OF THE NOTICE, ENTERED INTO A WRITTEN AGREEMENT WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR PAYMENT OF THE ARREARAGE, THE COMMISSIONER OF CHILDREN AND FAMILY SERVICES MAY DISCLOSE THE INDIVIDUAL'S ARREARAGE UNDER SUBDIVISION ONE OF THIS SECTION.

3. AN INDIVIDUAL IN ARREARS IN HIS OR HER CHILD SUPPORT OBLIGATIONS UNDER A NEW YORK COURT ORDER OR ADMINISTRATIVE ORDER IS NOT SUBJECT TO DISCLOSURE UNDER SUBDIVISION ONE OF THIS SECTION IF (A) A WRITTEN AGREEMENT FOR PAYMENT EXISTS BETWEEN THE INDIVIDUAL AND THE OFFICE OF CHILDREN AND FAMILY SERVICES OR (B) THE ARREARAGE IS THE SUBJECT OF AN ADMINISTRATIVE HEARING, ADMINISTRATIVE REVIEW, OR JUDICIAL REVIEW.

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

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

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

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

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

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

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law provided, however, that the commissioner of children and family services shall have the authority to promulgate any rules or regulations necessary for the implementation of this act prior to such effective date.