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

3814--A

2015-2016 Regular Sessions

I N S E N A T E

February 18, 2015

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to authorizing the creation of a list of parents with child support arrears

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

Section 1. The social services law is amended by adding a new section 111-w to read as follows:

S 111-W. "LIST OF PARENTS WITH CHILD SUPPORT ARREARS"; WEBSITE; COORDINATED ARRESTS. 1. DEFINITIONS. AS USED IN THIS SECTION: (A) "OFFICE" MEANS THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE; AND (B) "COMMISSIONER" MEANS THE COMMISSIONER OF TEMPORARY AND DISABILITY ASSISTANCE.

2. THE OFFICE SHALL COMPILE, AND SHALL DISCLOSE AND PUBLISH ON A QUARTERLY BASIS AT REGULAR INTERVALS A LIST OF PARENTS WITH CHILD SUPPORT ARREARS, COMPRISED OF INDIVIDUALS WHO ARE IN ARREARS IN THEIR CHILD SUPPORT OBLIGATIONS UNDER A COURT OR ADMINISTRATIVE ORDER. THE LIST SHALL INCLUDE ONLY THOSE PERSONS WHO ARE IN ARREARS IN AN AMOUNT GREATER THAN TEN THOUSAND DOLLARS, OR SUCH OTHER AMOUNT AS ESTABLISHED FROM TIME TO TIME BY THE COMMISSIONER, AND SHALL SET FORTH IDENTIFYING INFORMATION, INCLUDING BUT NOT LIMITED TO, THE NAME AND LAST KNOWN ADDRESS OF THE INDIVIDUAL OWING THE ARREARAGE, A PHYSICAL DESCRIPTION OF SUCH INDIVIDUAL AND A PHOTOGRAPH OF THE INDIVIDUAL IF AVAILABLE, THE INDIVIDUAL'S OCCUPATION, THE AMOUNT OF ANY CHILD SUPPORT ARREARAGE, THE NUMBER OF CHILDREN FOR WHOM SUPPORT IS OWED, AND ANY OTHER INFORMATION DEEMED APPROPRIATE BY THE OFFICE.

3. THE LIST OF PARENTS WITH CHILD SUPPORT ARREARS SHALL BE MADE AVAILABLE BY THE OFFICE THROUGH ITS WEBSITE, PROVIDED THAT SUCH ACCESS SHALL BE LIMITED TO EMPLOYERS SUBJECT TO THE TAX WITHHOLDING REQUIREMENTS OF

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

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SECTION SIX HUNDRED SEVENTY-ONE OF THE TAX LAW AND THE EMPLOYEE IN CHARGE OF ADMINISTERING PAYROLL FOR THE EMPLOYER AND SHALL BE AVAILABLE FOR INSPECTION BY SUCH EMPLOYERS AND THE EMPLOYEE IN CHARGE OF ADMINISTERING PAYROLL FOR THE EMPLOYER AT EACH FACILITY OF THE OFFICE, INCLUDING BUT NOT LIMITED TO, THE OFFICE OF EACH SUPPORT COLLECTION UNIT. BEFORE SUCH ACCESS IS GRANTED TO THE EMPLOYER, THE EMPLOYER MUST FURNISH PROOF OF IDENTITY AND PROOF THAT THE PERSON WHO IS IN ARREARS IS CURRENTLY EMPLOYED BY THE EMPLOYER. BEFORE SUCH ACCESS IS GRANTED TO THE EMPLOYEE IN CHARGE OF ADMINISTERING PAYROLL FOR THE EMPLOYER, SUCH EMPLOYEE MUST FURNISH AN AUTHORIZATION FROM THE EMPLOYER, PROOF OF IDENTITY, AND PROOF THAT THE PERSON WHO IS IN ARREARS IS CURRENTLY EMPLOYED BY THE EMPLOYER.

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

5. AT LEAST NINETY DAYS PRIOR TO THE DISCLOSURE OF AN INDIVIDUAL'S INFORMATION ON THE LIST, THE OFFICE SHALL MAIL A WRITTEN NOTICE TO THE INDIVIDUAL BY CERTIFIED MAIL ADDRESSED TO THE INDIVIDUAL'S LAST KNOWN HOME ADDRESS. THE NOTICE SHALL DETAIL THE AMOUNT OF THE ARREARAGE AND THE OFFICE'S INTENT TO DISCLOSE THE ARREARAGE TO THE AUTHORIZED EMPLOYER AND TO THE EMPLOYEE IN CHARGE OF ADMINISTERING PAYROLL FOR THE EMPLOYER. IF THE ARREARAGE IS NOT PAID IN FULL WITHIN NINETY DAYS AFTER THE NOTICE WAS DELIVERED TO THE INDIVIDUAL OR THE OFFICE HAS BEEN NOTIFIED THAT DELIVERY WAS REFUSED OR OTHERWISE NOT SUCCESSFUL, AND THE INDIVIDUAL HAS NOT, SINCE THE MAILING OF THE NOTICE, ENTERED INTO A WRITTEN AGREEMENT WITH THE OFFICE FOR PAYMENT OF THE ARREARAGE THE OFFICE SHALL DISCLOSE THE INDIVIDUAL'S ARREARAGE UNDER SUBDIVISION TWO OF THIS SECTION.

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

7. AN INDIVIDUAL'S INFORMATION SHALL BE REMOVED FROM THE LIST OF PARENTS WITH CHILD SUPPORT ARREARS UPON: (A) FULL PAYMENT OF THE ARREARAGE; (B) PAYMENT OF THREE CONSECUTIVE PAYMENTS MADE UNDER A WRITTEN AGREEMENT BETWEEN THE INDIVIDUAL AND THE OFFICE; OR (C) SUBMISSION TO THE OFFICE OF A CERTIFIED COPY OF A COURT OR ADMINISTRATIVE ORDER DIRECTING THAT THE INDIVIDUAL IS NOT RESPONSIBLE FOR THE PAYMENTS COMPRISING THE ARREARAGE. SUCH INFORMATION SHALL BE REMOVED FROM THE WEBSITE NO LATER THAN TEN BUSINESS DAYS AFTER THE RECEIPT OF THE INFORMATION DESCRIBED IN THIS SUBDIVISION AND FROM THE PRINTED VERSIONS OF THE LIST AT THE TIME OF THE NEXT PRINTING OF SUCH VERSION.

8. A DISCLOSURE MADE BY THE OFFICE IN A GOOD FAITH EFFORT TO COMPLY WITH THIS SECTION SHALL NOT BE CONSIDERED A VIOLATION OF ANY CONFIDENTIALITY LAWS.

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

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

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

S 3. This act shall take effect immediately.