**§ 111-b. Functions, powers and duties of the department.** 1. The single organizational unit within the department shall be responsible for the supervision of the activities of state and local officials relating to establishment of paternity of children born out-of-wedlock, location of absent parents and enforcement of support obligations of legally responsible relatives to contribute for the support of their dependents.

2. The department is hereby authorized to accept, on behalf of the state and the social services districts concerned, assignments of support rights owed to persons receiving (i) aid to dependent children pursuant to title ten of article five of this chapter or, (ii) where appropriate, foster care maintenance payments made pursuant to title IV-E of the federal social security act; provided however, that it will not be appropriate where such requirement will have a negative impact upon the health, safety or welfare of such child or other individuals in the household or impair the likelihood of the child returning to his or her family when discharged from foster care or, (iii) home relief pursuant to title three of article five of this chapter. Notwithstanding any inconsistent provisions of title six of this article or any other provisions of law, the department may enforce such assigned support rights either directly, through social services officials or, if there is in effect an approved agreement between the social services official and another governmental agency, through such other agency. In any proceeding to enforce such assignment, the official bringing such proceeding shall have the same rights as if the proceeding were being brought to enforce section four hundred fifteen of the family court act.

2-a. The department shall prepare a notice which shall be distributed by social services officials to persons who may be required to assign support rights which notice shall explain the rights and obligations that may result from the establishment of paternity and the right of the assignor to be kept informed, upon request, of the time, date and place of any proceedings involving the assignor and such other information as the department believes is pertinent. The notice shall state that the attorney initiating the proceeding represents the department.

3. In appropriate cases, the department is authorized to utilize

support enforcement and collection and location services made available through the secretary of health and human services, including the services of federal courts, the federal parent locator service, the federal case registry of child support orders, the national directory of new hires, and the treasury department, if and so long as authorized and required by federal law.

4. The department shall maintain and operate a parent locator service with respect to cases being provided services pursuant to this title.

To effectuate the purposes of this subdivision, the commissioner shall request and receive from the departments, authorities, boards, bureaus, commissions, corporations, councils, funds, offices, or other agencies of the state, or any of its political subdivisions, and all such organizational entities of the state and social services districts are hereby directed, to provide and the political subdivisions are hereby authorized to provide, such assistance and data as will enable the department and social services districts to properly carry out their powers and duties to locate such parents and to enforce their liability for the support of their children. Any records established pursuant to the provisions of this section shall be available only to the secretary of health and human services, office of the inspector general, social services districts, district attorneys, county attorneys, corporation counsels, and courts having jurisdiction in any proceeding under article four, five, five-A, or five-B of the family court act; provided, however, no organizational entity of the state need make available any data or information which is otherwise required by statute to be maintained in a confidential manner.

4-a. (a) The department shall maintain and operate a state case registry that contains records with respect to:

(1) each case receiving services pursuant to this title; and

(2) each support order established or modified in the state on or after the first day of October, nineteen hundred ninety-eight.

(b) For the purpose of subparagraph two of paragraph (a) of this subdivision, the term support order means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court

or an administrative agency of competent jurisdiction, including any adjusted order issued by a support collection unit, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement, and which may include related costs and fees, interest and penalties, income withholding, attorney's fees, and other relief.

(c) Each case record in the state case registry with respect to cases described in subparagraph one of paragraph (a) of this subdivision for which a support order has been established shall include a record of:

(1) the amount of monthly (or other periodic) support owed under the order, and other amounts (including arrearages, interest or late payment penalties, and fees) due or overdue under the order;

(2) any amount described in subparagraph one of this paragraph that has been collected;

(3) the distribution of such collected amounts;

(4) the birth date of any child for whom the order requires the provision of support; and

(5) the amount of any lien imposed with respect to the order pursuant to section one hundred eleven-u of this article.

(d) The department shall update and monitor each case record in the state registry described in subparagraph one of paragraph (a) of this subdivision on the basis of:

(1) information on administrative actions and administrative and judicial proceedings and orders relating to paternity and support;

(2) information obtained from comparison with federal, state or local sources of information;

(3) information on support collections and distributions; and

(4) any other relevant information.

(e) Information maintained as part of the state case registry shall be made available to other state and federal agencies as provided for in federal statutes and regulations promulgated by the federal secretary of health and human services.

5. (a) There shall be established for each state fiscal year a statewide child support collections goal for amounts of collections of

support obligations pursuant to this title, which goal shall be set forth in that portion of the state's local assistance budget intended for the appropriation of reimbursement to social services districts pursuant to this chapter. The commissioner shall, subject to the approval of the director of the budget, annually allocate a portion of the statewide goal to each social services district, which portion shall be based upon the district's portion of the statewide aid to dependent children program and other relevant factors.

(b) Notwithstanding any inconsistent provision of section one hundred fifty-three of this chapter, for each social services district which fails to meet its portion of the collection goal established by this section, the commissioner shall deny state reimbursement for such district's expenditures for aid to dependent children, in an amount equal to the difference between the amount of non-federal funds such district is required to repay to the state out of collections actually made and the amount of non-federal funds such district would have been required to repay to the state had it met its collection goal.

(c) Any social services district which has been determined to have failed to meet its portion of the collection goal may request a redetermination by the commissioner or his designee in a manner to be established by department regulations. Upon a showing by such district that such failure was due in whole or in part to factors other than those administrative and processing functions or organizations which are subject to the jurisdiction of such district's local legislative body, the commissioner shall waive such failure in whole or in part and shall restore all or a corresponding portion of any state reimbursement previously denied pursuant to this section.

(d) For purposes of determining the amount of child support collections which are attributable toward meeting a district's portion of the statewide collections goal, any amounts collected by one social services district on behalf of another shall be credited to the district to which support payments have been assigned. Support payments collected on behalf of another state or on behalf of persons not in receipt of aid to dependent children shall not be taken into consideration in determining whether such district has met its goal.

(e) The department may for purposes of administrative convenience set monthly or quarterly goals based upon each district's annual goal and

may deny reimbursement on a monthly or quarterly basis, subject to a final adjustment at the end of each year reflecting the extent to which each such district has met its portion of the statewide annual goal.

6. When the commissioner has determined that a social services district has failed to meet its portion of the statewide child support collections goal, as determined in accordance with the provisions of subdivision five of this section, or has failed to comply with the applicable provisions of federal law and regulations, he shall notify such district and the appropriate local legislative body of such determination and may promulgate any regulations he determines are necessary to improve such district's organization, administration, management or program. Such regulations shall be fully complied with by the effective date of such regulations.

7. The department, through the commissioner, shall enter into the agreement provided for in section one hundred seventy-one-c of the tax law and is authorized to furnish to the commissioner of taxation and finance and the state tax commission such information and to take such other actions as may be necessary to carry out the agreement provided for in such section, for the crediting of overpayments of tax to past-due support which is owed to persons receiving services pursuant to this title and title six-B of this article. A person receiving services under this title shall receive a pro rata share of the overpayment of tax, based on the amount of past-due support owed to such person as certified to the tax commission by the department pursuant to section one hundred seventy-one-c of the tax law, in cases where the individual, estate or trust owing past-due support to such person owes past-due support to other persons or entities so certified to the tax commission by the department. Amounts certified to the state tax commission under such agreement may include amounts specified in subdivision eight of this section. The amount paid by the state comptroller to the department pursuant to subdivision one of section one hundred seventy-one-c of the tax law shall be distributed in accordance with applicable provisions of this chapter and the department's regulations. To the extent permitted by federal law, the department may also certify amounts to the federal department of health and human services for tax interception to the same

extent as it certifies amounts pursuant to such section of the tax law.

The department shall by regulation establish procedures by which any individual, estate or trust which is the subject of a certification to the state tax commission in accordance with such agreement may contest such certification based on defenses that are not subject to family court jurisdiction. Such regulations and the notice required by subdivision four of section one hundred seventy-one-c of the tax law shall set forth defenses which may be available to the individual, estate or trust to contest such certification, and the manner in which a review of the certification based on such defenses may be obtained.

8. (a) Amounts certified to the state tax commission under the agreement described in subdivision seven of this section for persons who are receiving services pursuant to this title may include:

(i) amounts representing delinquencies which have accrued under a court order of support;

(ii) with respect to any court order of support made before September first, nineteen hundred eighty-four which provided for periodic payments toward an established arrears amount, the entire amount of such arrears where the respondent is, at any time after September first, nineteen hundred eighty-four, delinquent in making such periodic payments; and

(iii) with respect to any court order of support made on or after September first, nineteen hundred eighty-four which establishes an arrears amount, the entire amount of such arrears, unless such order includes a finding that anticipated tax refunds pursuant to the most recently filed state and federal tax returns have been considered by the court and taken into account in determining the amount of periodic payments to be made toward the arrears amount, or in determining the amount of the current support order, and expressly provides that such arrears are not to be so certified.

(b) For the purpose of the state child support program any payment made by a respondent which is insufficient to fully satisfy both a current court order of support and a periodic payment toward the balance of any arrears amount established by court order shall be first applied toward the current order of support or any delinquency thereon and then toward the periodic payment on any arrears amount established by court

order unless otherwise required by federal regulation.

* 10. (a) The department, through the commissioner, shall enter into the agreement provided for in section sixteen hundred thirteen-a of the tax law and is authorized to furnish to the director of the lottery and the division of the lottery such information and to take such other actions as may be necessary to carry out the provisions of the agreement provided for in such section, for the crediting of lottery prizes of six hundred dollars or more to past-due support which is owed to persons receiving services pursuant to this title. A person receiving services under this title shall receive a pro rata share of the prize winning based on the amount of past-due support owed to such person as provided to the division of the lottery by the department pursuant to section sixteen hundred thirteen-a of the tax law, in cases where the individual, estate or trust owing past-due support to such person owes past-due support to other persons or entities so provided to the division of the lottery by the department. Amounts provided to the division of the lottery under such agreement may include amounts specified in this subdivision. The amount paid by the state comptroller to the department pursuant to subdivision one of section sixteen hundred thirteen-a of the tax law shall be distributed in accordance with applicable provisions of this chapter and the department's regulations.

(b) The department shall by regulation establish procedures by which any individual, estate or trust which is the subject of crediting of any lottery prize of six hundred dollars or more to the state division of the lottery in accordance with such agreement may contest such crediting based on defenses that are not subject to family court jurisdiction. Such regulations shall require that notice be given to the individual, estate or trust which shall set forth:

(i) defenses which may be available to the individual, estate or trust to contest such crediting;

(ii) the manner in which a review of the crediting of lottery prizes of six hundred dollars or more based on such defenses may be obtained;

(iii) the address and telephone number of the local department of social services' support collection unit which may be contacted with respect to correction of any error in such crediting concerning such individual's, estate's or trust's liability for past-due support or with respect to payment of such liability; and

(iv) the time frame by which such a defense must be made.

* NB There are 2 sb 10's

* 10. The commissioner must review the child support standards act at least once every four years to ensure that its application results in the determination of appropriate child support amounts. As part of such review, the commissioner must consider economic data on the cost of raising children and analyze case data, gathered through sampling or other methods, on the application of, and deviations from the basic child support obligation. The analysis of the data must be used to ensure that such deviations are limited and, if appropriate, necessary revisions to the child support standards act must be submitted to the legislature to accomplish such purpose.

* NB There are 2 sb 10's

11. (a) Amounts certified to the division of the lottery under the agreement described in subdivision ten of this section for persons who are receiving services pursuant to this title may include:

(i) amounts representing delinquencies which have accrued under a court order of support;

(ii) with respect to any court order of support made which establishes an arrears amount, the entire amount of such arrears.

(b) For the purpose of the state child support program any payment made by a respondent which is insufficient to fully satisfy both a current court order of support and a periodic payment toward the balance of any arrears amount established by court order shall be first applied toward the current order of support or any delinquency thereon and then toward the periodic payment on any arrears amount established by court order unless otherwise required by federal regulation.

* 12. (a) The department, through the commissioner, shall enter into the agreement provided for in section five hundred ten of the vehicle and traffic law and is authorized to furnish to the commissioner of motor vehicles such information and to take such actions as may be necessary to carry out the agreement provided for in such section, for the enforcement of child support orders through the suspension of delinquent obligors' driving privileges.

(b) (1) When a support obligor who is or was under a court order to pay child support or combined child and spousal support to a support

collection unit on behalf of persons receiving services under this title has accumulated support arrears equivalent to or greater than the amount of support due pursuant to such order for a period of four months, the office of temporary and disability assistance shall notify the support obligor in writing that his or her continued failure to pay the support arrears shall result in notification to the department of motor vehicles to suspend the support obligor's driving privileges unless the support obligor complies with the requirements set forth in paragraph (e) of this subdivision. For purposes of determining whether a support obligor has accumulated support arrears equivalent to or greater than the amount of support due for a period of four months, the amount of any retroactive support, other than periodic payments of retroactive support which are past due, shall not be included in the calculation of support arrears pursuant to this section; however, if at least four months of support arrears have accumulated subsequent to the date of the court order, the entire amount of any retroactive support may be collected pursuant to the provisions of this subdivision or as otherwise authorized by law.

(2) The department shall provide the notice required by subparagraph one of this paragraph by first class mail to the support obligor's last known address or such other place where the support obligor is likely to receive notice, or in the same manner as a summons may be served. Forty-five days after the date of such notice, if the support obligor has not challenged the determination of the support collection unit pursuant to subparagraph one of paragraph (d) of this subdivision or if the support obligor has failed to satisfy the arrears/past due support or to otherwise comply with the requirements set forth in paragraph (e) of this subdivision, the department shall notify the department of motor vehicles that the support obligor's driving privileges are to be suspended pursuant to section five hundred ten of the vehicle and traffic law. Upon the support obligor's compliance with the provisions of paragraph (e) of this subdivision, the department shall advise the department of motor vehicles within five business days that the suspension of the support obligor's driving privileges shall be terminated. If the support obligor appears in person at the support collection unit to satisfy the requirements of paragraph (e) of this subdivision, the support collection unit shall immediately provide a

notice of compliance to the support obligor, in addition to the notice sent directly to the department of motor vehicles.

(3) Notwithstanding the requirements of this subdivision, no notice shall be issued by the department pursuant to subparagraph one of this paragraph to a support obligor from whom support payments are being received by the support collection unit as a result of an income execution or an income deduction order issued pursuant to section five thousand two hundred forty-one or five thousand two hundred forty-two of the civil practice law and rules.

(c) The notice provided to a support obligor by the department pursuant to paragraph (b) of this subdivision shall contain the caption of the order of support, the date the order of support was entered, the court in which it was entered, the amount of the periodic payments directed, and the amount of arrears/past due support. In addition, the notice shall include:

(1) an explanation of the action required pursuant to paragraph (e) of this subdivision to be taken by the support obligor to avoid the suspension of his or her driving privileges;

(2) a statement that forty-five days after the date of the notice, the department of motor vehicles will be notified to suspend the support obligor's driving privileges unless the support obligor may challenge the support collection unit's determination as set forth in paragraph (d) of this subdivision within forty-five days of the date of such notice; a statement of the manner in which the support obligor may challenge the determination, and a statement that if the support obligor challenges the determination, a review will be completed by the support collection unit within seventy-five days of the date of the notice;

(3) a statement that if the support obligor does not challenge the support collection unit's determination then the department of motor vehicles shall be notified to suspend the support obligor's driving privileges unless the support obligor contacts the support collection unit to arrange for full payment or commencement of satisfactory payment arrangements on the arrears/past due support, or to comply otherwise with the requirements set forth in paragraph (e) of this subdivision, within forty-five days of the date of the notice;

(4) the address and telephone number of the support collection unit that the support obligor may contact to request information about a

challenge or to comply with the requirements set forth in paragraph (e) of this subdivision;

(5) a statement that the suspension of driving privileges will continue until the support obligor pays the support arrears or complies otherwise with the requirements set forth in paragraph (e) of this subdivision; and

(6) a statement printed in boldface type that the support obligor's intentional submission of false written statements to the support collection unit for the purpose of frustrating or defeating the lawful enforcement of support obligations is punishable pursuant to section 175.35 of the penal law.

(d) (1) A support obligor may challenge in writing the correctness of the determination of the support collection unit that the obligor's driving privileges should be suspended, and in support of the challenge may submit documentation demonstrating mistaken identity, error in calculation of arrears, financial exemption from license suspension pursuant to the conditions enumerated in paragraph (e) of this subdivision, the absence of an underlying court order to support such determination, or other reason that the person is not subject to such determination. Such documents may include but are not limited to a copy of the order of support pursuant to which the obligor claims to have made payment, other relevant court orders, copies of cancelled checks, receipts for support payments, pay stubs or other documents identifying wage withholding, and proof of identity. The support collection unit shall review the documentation submitted by the support obligor, shall adjust the support obligor's account if appropriate, and shall notify the support obligor of the results of the review initiated in response to the challenge within seventy-five days from the date of the notice required by paragraph (b) of this subdivision. If the support collection unit's review indicates that the determination to suspend driving privileges was correct, the support collection unit shall notify the support obligor of the results of the review and that the support obligor has thirty-five days from the date of mailing of such notice to satisfy the full amount of the arrears or commence payment of the arrears/past due support as specified in paragraph (e) of this subdivision and if the support obligor fails to do so, the support collection unit shall notify the department of motor vehicles to suspend

the support obligor's driving privileges pursuant to section five hundred ten of the vehicle and traffic law. The support obligor shall be further notified that if the support obligor files objections with the family court and serves these objections on the support collection unit within thirty-five days from the date of mailing of the notice denying the challenge pursuant to subdivision five of section four hundred fifty-four of the family court act, the support collection unit shall not notify the department of motor vehicles to suspend the support obligor's driving privileges until fifteen days after entry of judgement by the family court denying the objections.

(2) A support obligor may within thirty-five days of mailing of the notice denying his or her challenge by the support collection unit request that the family court review the support collection unit's determination pursuant to subdivision five of section four hundred fifty-four of the family court act. If the support obligor requests the family court to review the determination of the support collection unit, the support collection unit shall not notify the department of motor vehicles to suspend the support obligor's driving privileges until fifteen days after mailing of a copy of the judgment by the family court to the support obligor denying the objections.

(e) A support obligor who has received a notice that his or her driving privileges shall be suspended may avoid the suspension by:

(1) making full payment of all arrears/past due support to the support collection unit; or

(2) making satisfactory payment arrangements with the support collection unit for payment of the arrears/past due support and the current support obligation. "Satisfactory payment arrangements" shall mean:

(i) execution of a confession of judgment for the total balance of the arrears/past due support; and

(ii) execution of a verified statement of net worth on a form prescribed by the commissioner setting forth the obligor's income from all sources, liquid assets and holdings, copies of the obligor's drivers license, most recent federal and state tax return, and a representative pay stub, and an eighteen month employment history; and

(iii) execution and verification of a stipulation that the obligor will notify the support collection unit of all future changes of address

until such time as the obligation to pay support is terminated; and

(iv) payment of support to the support collection unit by income execution pursuant to section five thousand two hundred forty-one of the civil practice law and rules, which shall include deductions sufficient to ensure compliance with the direction in the order of support and shall include an additional amount to be applied to the reduction of arrears as required by subdivision (b) of such section, or by execution of an agreement for payment of the arrears/past due support and any current support directly to the support collection unit in an amount which is consistent with that which would have been made under such an income execution; provided however, that where the support obligor fails to comply with the agreement, he/she may avoid or terminate the suspension of driving privileges only by making at least fifty percent payment of all arrears/past due support to the support collection unit and in addition, entering into a payment plan pursuant to this subdivision with the support collection unit within fifteen days. However, in any case when the support obligor fails to comply with a payment plan as described herein more than once within twelve months, the obligor must pay the balance of all arrears/past due support to avoid or terminate license suspension. "Failure to comply" for these purposes shall mean missing payments in an amount equivalent to four months of support under the payment plan, unless the support obligor demonstrates that he or she has filed a petition for modification that is pending; or

(3) providing documentation that shows the support obligor is receiving public assistance or supplemental security income; or

(4) providing to the support collection unit the documentation required by clauses (i) through (iii) of subparagraph two of this paragraph, where such documentation is sufficient for the support collection unit to determine:

(i) that the support obligor's income, as defined by subparagraph five of paragraph (b) of subdivision one of section four hundred thirteen of the family court act, falls below the self-support reserve as defined by subparagraph six of paragraph (b) of subdivision one of section four hundred thirteen of the family court act; or

(ii) that the amount of the support obligor's income, as defined by subparagraph five of paragraph (b) of subdivision one of section four

hundred thirteen of the family court act, remaining after the payment of the current support obligation would fall below the self-support reserve as defined by subparagraph six of paragraph (b) of subdivision one of section four hundred thirteen of the family court act.

(f) A support obligor who alleges that he or she has not received actual notice pursuant to paragraph one of subdivision (b) of this section and whose driving privileges were suspended may at any time request a review pursuant to subdivision (d) of this section or comply with the requirements of subdivision (e) of this section, and upon a determination that he or she has not accumulated support arrears equivalent to or greater than the amount of support due for a period of four months or that he or she meets the requirements of subdivision (e) of this section, the department shall notify the department of motor vehicles that the suspension of driving privileges shall be terminated.

* NB Repealed August 31, 2027

13. (a) The commissioner shall enter into the agreement provided for in section one hundred seventy-one-g of the tax law and is authorized to furnish to the commissioner of taxation and finance any information, and to take such other actions, as may be necessary to carry out the agreement provided for in such section, for the purpose of reviewing support orders pursuant to subdivision twelve of section one hundred eleven-h of this title.

(b) Information obtained under paragraph (a) of this subdivision shall be confidential and shall not be disclosed to persons or agencies other than those entitled to such information when such disclosure is necessary for the proper administration of the child support enforcement program pursuant to this title.

14. For purposes of this subdivision, the department or, pursuant to contract, a fiscal agent is authorized to collect and disburse any support paid pursuant to any order of child support or combined child and spousal support issued on or after the first day of January, nineteen hundred ninety-four under the provisions of section two hundred thirty-six or two hundred forty of the domestic relations law, or article four, five, five-A or five-B of the family court act, and which the court has ordered to be paid pursuant to an income execution issued

by the sheriff, the clerk of the court, or the attorney for the creditor pursuant to subdivision (c) of section five thousand two hundred forty-one of the civil practice law and rules or an income deduction order issued by the court pursuant to subdivision (c) of section five thousand two hundred forty-two of the civil practice law and rules. Such support received shall be disbursed within two business days of receipt. The department shall maintain records of its collection and disbursement of such support and furnish such records to the parties to the order upon request. The department shall be entitled to collect an annual service fee not to exceed the maximum fee permitted pursuant to federal law for its provision of such services. Funds received in satisfaction of such fee shall be deposited in an account and shall be made available to the department for costs incurred in the implementation of this section. The department shall not furnish any additional services to the parties; however, a party seeking child support services may apply for such services pursuant to section one hundred eleven-g of this title. The department shall not be responsible for the collection and disbursement of any support until after it has received a copy of the income execution from the sheriff, the clerk of the court, or the attorney for the creditor or a copy of the income deduction order issued by the court and the person entitled to the payment of support pursuant to the order of support has submitted payment of the annual service fee if any, and unless its records show that it has received such support on behalf of the parties to the order, and that the party to whom the funds are to be disbursed has provided the department with any address changes.

15. (a) The department, through the commissioner, shall enter into the agreement provided for in section one hundred seventy-one-i of the tax law and is authorized to furnish to the commissioner of taxation and finance such information and to take such other actions as may be necessary to carry out such agreement.

(b) (1) When a support obligor who is or was under a court order to pay child support or combined child and spousal support to a support collection unit on behalf of persons receiving services under this title has accumulated support arrears equivalent to or greater than the amount of support due pursuant to such order for a period of four months, the

office of temporary and disability assistance shall notify the support obligor in writing that his or her continued failure to fully pay the support arrears shall result in notification to the department of taxation and finance that they are authorized to collect such arrearage. For purposes of determining whether a support obligor has accumulated support arrears equivalent to or greater than the amount of support due for a period of four months, the amount of any retroactive support, other than periodic payments of retroactive support which are past due, shall not be included in the calculation of support arrears pursuant to this section; however, if at least four months of support arrears have accumulated subsequent to the date of the court order, the entire amount of any retroactive support may be collected pursuant to the provisions of this subdivision or as otherwise authorized by law.

(2) The department shall provide the notice required by subparagraph one of this paragraph by first class mail to the support obligor's last known address or such other place where the support obligor is likely to receive notice by first class mail. Forty-five days after the date of such notice, if the support obligor has not challenged the determination of the support collection unit pursuant to subparagraph one of paragraph (d) of this subdivision or if the support obligor has failed to satisfy the arrears, the department shall notify the department of taxation and finance that the support obligor's support arrearage are authorized to be collected as prescribed in subparagraph one of this paragraph.

(3) Notwithstanding the requirements of this subdivision, no notice shall be issued by the department pursuant to subparagraph one of this paragraph to a support obligor from whom support payments are being received by the support collection unit as a result of an income execution or an income deduction order issued pursuant to section five thousand two hundred forty-one or five thousand two hundred forty-two of the civil practice law and rules.

(c) The notice provided to a support obligor by the department pursuant to paragraph (b) of this subdivision shall contain the caption of the order of support, the date the order of support was entered, the court in which it was entered, the amount of the periodic payments directed, and the amount of arrears. In addition, the notice shall include:

(1) a statement that unless the support arrears are satisfied within

forty-five days after the date of the notice, the department of taxation and finance will be notified that they are authorized to commence collection action unless the support obligor challenges the support collection unit's determination as set forth in paragraph (d) of this subdivision within forty-five days of the date of such notice; a statement of the manner in which the support obligor may challenge the determination, and a statement that if the support obligor challenges the determination, a review will be completed by the support collection unit within seventy-five days of the date of the notice;

(2) a statement that if the support obligor does not challenge the support collection unit's determination then the department of taxation and finance shall be notified that they are authorized to commence collection action unless the support obligor contacts the support collection unit to arrange for full payment of the arrears;

(3) the address and telephone number of the support collection unit that the support obligor may contact to request information about a challenge to the determination of the support collection unit;

(4) a statement that the collection actions by the department of taxation and finance is authorized to continue until the support obligor pays the support arrears; and

(5) a statement printed in boldface type that the support obligor's intentional submission of false written statements to the support collection unit for the purpose of frustrating or defeating the lawful enforcement of support obligations is punishable pursuant to section 175.35 of the penal law.

(d) A support obligor who has received a notice that his or her support arrearage shall be referred to the department of taxation and finance for collection action may avoid such action by making payment of all arrears to the support collection unit; providing documentation that shows the support obligor is receiving public assistance, medical assistance, food stamps or supplemental security income; or providing to the support collection unit the documentation sufficient for the support collection unit to determine:

(1) an error in the calculation of the obligor's support arrears which would render the obligor ineligible for collection by the department of taxation and finance; or

(2) a mistake in the identity of the obligor showing that the

individual making the challenge is not the obligor identified by the department; or

(3) the absence of an underlying court order for support pursuant to which the obligor's arrears gave rise to eligibility for collection action on such arrears by the department of taxation and finance.

16. Bureaus of special hearings; child support unit. (a) The department is authorized to establish a bureau of special hearings; child support unit solely for the purposes of providing administrative law judges to decide objections to the determination of a support collection unit to refer an obligor's arrears to the department of taxation and finance for collection pursuant to subdivision nineteen of section one hundred eleven-h of this title. The administrative law judges employed by the unit shall serve exclusively within the unit and shall not be utilized for any purpose other than those described in this subdivision and shall be salaried employees of the department and shall not be removed from such unit except for cause.

(b) The unit shall review a support collection unit's denial of a challenge made by a support obligor pursuant to paragraph two of subdivision nineteen of section one hundred eleven-h of this title if objections thereto are filed by a support obligor who has received notice that the department intends to notify the department of taxation and finance to collect such support obligor's support arrears. Specific written objections to a support collection unit's denial must be submitted by the support obligor to the unit within thirty days of the date of the notice of the support collection unit's denial. A support obligor who files such objections shall serve a copy of the objections upon the support collection unit, which shall have ten days from such service to file a written rebuttal to such objections and a copy of the record upon which the support collection unit's denial was made, including all documentation submitted by the support obligor. Proof of service shall be filed with the unit at the time of filing of objections and any rebuttal. The unit's review shall be based solely upon the record and submissions of the support obligor and the support collection unit upon which the support collection unit's denial was made. Within fifteen days after the rebuttal, if any, is filed, an administrative law judge of the unit shall (i) deny the objections and remand to the

support collection unit or (ii) affirm the objections if the administrative law judge finds the determination of the support collection unit is based upon an erroneous determination of fact by the support collection unit. Such decision shall pertain solely to the mistaken identity of the obligor, a prejudicial error in the calculation of the obligor's arrears, the obligor's financial exemption from collection of support arrears by the department of taxation and finance or the absence of an underlying court order establishing arrears to support eligibility for such enforcement. Upon an affirmation of the objections the administrative law judge shall direct the support collection unit not to notify the department of taxation and finance of their authority to collect the support obligor's arrears. Provisions set forth in this subdivision relating to procedures for hearing objections by the unit shall apply solely to such cases and not affect or modify any other procedure for review or appeal of administrative enforcement of child support requirements. The decision of the administrative law judge pursuant to this section shall be final and not reviewable by the commissioner, and shall be reviewable only pursuant to article seventy-eight of the civil practice law and rules.

17. Special services for review and adjustment. The department shall develop procedures for and require local social services districts to dedicate special staff to the review and adjustment of child support orders entered prior to September fifteenth, nineteen hundred eighty-nine on behalf of children in receipt of public assistance or child support services pursuant to section one hundred eleven-g of this title. Such review and adjustment shall be performed pursuant to subdivisions twelve, thirteen, fourteen, fifteen and sixteen of section one hundred eleven-h of this title. All such cases shall be reviewed and if necessary adjusted no later than December thirty-first, two thousand.