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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO DOMESTIC RELATIONS - DIVORCE AND SEPARATION

Introduced By: Senator Frank A. Ciccone

Date Introduced: April 28, 2011

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 15-5-16.5 of the General Laws in Chapter 15-5 entitled "Divorce
2 and Separation" is hereby amended to read as follows:

3 **15-5-16.5. Interest on arrearages.** -- Interest at the rate of ~~twelve percent (12%)~~ six
4 percent (6%) per annum on any support debt due or owing, child or spousal support, shall be
5 assessed at the discretion of ~~unless the responsible party shall, for good cause shown, be relieved~~
6 ~~of the obligation to pay interest by~~ the family court.

7 SECTION 2. Sections 15-11.1-2 and 15-11.1-8 of the General Laws in Chapter 15-11.1
8 entitled "Full Enforcement of Support Obligations" are hereby amended to read as follows:

9 **15-11.1-2. Definitions.** -- For the purposes of this chapter:

10 (1) "Administrator" means the ~~tax administrator for the department of administration,~~
11 ~~division of taxation or his or her designee~~ director or associate director of the department of
12 human services, office of child support services.

13 (2) "Board" means any bureau, board, or commission or other licensor that is affiliated
14 with or is a part of the department of business regulation, and any other state agency,
15 municipality, or licensor that issues a license authorizing a person to engage in a recreational
16 activity, in a business, occupation, profession, industry, or authorizes a person to operate a motor
17 vehicle.

18 (3) "Compliance with a court order of support" means that the support obligor has
19 accrued no more than ninety (90) days worth of current support no more than ninety (90) days

1 worth of periodic payments due pursuant to a written agreement with the department or as set
2 forth in a court order and/or has obtained or maintained health insurance coverage if required by a
3 court order of support.

4 (4) "CSE system" means the Rhode Island family court/~~department of administration,~~
5 ~~division of taxation, child support enforcement system~~ department of human services, office of
6 child support services system, which system maintains the official record of support orders and
7 arrearages of all support orders entered upon it in accordance with applicable administrative
8 orders issued by the Rhode Island family court.

9 (5) "Court order of support" means any judgment or order for the support of dependent
10 children now or subsequently recorded and maintained on the child support enforcement (CSE)
11 system which has been issued by any court of the state or another state, including an order in a
12 final decree of divorce or any judgment or order issued in accordance with an administrative
13 procedure established by state law that affords substantial due process and is subject to judicial
14 review.

15 (6) "Department" means the department of ~~administration, division of taxation~~ human
16 services, office of child support services.

17 (7) "License" means any of the following: a license to operate a motor vehicle, a motor
18 vehicle registration, a license, certification, registration, permit, approval, or other similar
19 document evidencing admission to or granting authority to engage in a profession, occupation,
20 business, industry, or recreational activity.

21 (8) "Licensee" means any individual holding any of the following: a license to operate a
22 motor vehicle, motor vehicle registration, a license, certification, registration, permit, approval, or
23 other similar document evidencing admission to or granting authority to engage in a profession,
24 occupation, business, industry, or recreational activity.

25 (9) "Obligor" means any person required to make payments under the terms of a court
26 order of support.

27 [See section 12-1-15 of the General Laws.]

28 (10) "Certification" means the department verifies that a support obligor is not in
29 compliance with a court order of support. Certification may be in writing or electronically
30 conveyed.

31 **15-11.1-8. Reporting.** -- (a) ~~During each renewal period all~~ All boards subject to this
32 chapter shall provide to the department specified information, according to standards established
33 by the department, about applicants for licensure and all current licensees.

34 (b) All boards subject to this chapter shall provide the specified information for only

1 those current licensees that are residents of this state.

2 (c) The information to be provided must include all of the following information to the
3 extent that this information is maintained by the board about the licensee:

4 (1) Name;

5 (2) Address of record;

6 (3) Federal employer identification number or social security number;

7 (4) Type of license;

8 (5) Effective date of license or renewal;

9 (6) Expiration date of license; and

10 (7) Active or inactive status.

11 [See section 12-1-15 of the General Laws.]

12 SECTION 3. Section 15-22-1 of the General Laws in Chapter 15-22 entitled "Exchange
13 of Information in Support of Child Support Collection" is hereby amended to read as follows:

14 **15-22-1. Access to information.** -- (a) The department of ~~administration, division of~~
15 ~~taxation~~ human services, office of child support ~~enforcement~~ services, and/or any other state or
16 federal agency taking action to establish paternity, establish or modify child support and/or
17 medical orders, enforce child support and/or medical orders, or to locate an individual for these
18 reasons, shall have access to and may request information from the individuals and the entities
19 named in this section. The information shall be available to the department only for the purpose
20 of and to the extent necessary for the administration of the child support enforcement program.
21 No entity or individual who complies with this section shall be liable in any civil or criminal
22 action or proceeding brought by an obligor or an obligee on account of compliance. Holders
23 maintaining personal data are authorized to disclose to the department all personal data requested
24 pursuant to this section, and the disclosures shall not violate the provisions of section 38-2-2. Any
25 entity or individual who, without reasonable cause, fails to reply to a request pursuant to this
26 subsection or who, without reasonable cause, fails to comply with a request within twenty (20)
27 days of receipt, shall be liable for a civil penalty of one hundred dollars (\$100) for each violation,
28 to be assessed by the department or by the family court. The department may secure information
29 to which it is entitled by any method including, but not limited to, requests by paper, facsimile,
30 telephone, magnetic tape, or other electronic means.

31 (b) (1) Information to which the department shall be entitled includes, but is not limited
32 to, state income tax returns and all state income tax information, including address, filing status,
33 and the number of dependents reported on any return filed by any obligor, any other information,
34 the contents and nature of which shall be determined and approved by the tax administrator, and

1 the federal tax data as permitted by federal law.

2 (2) The information included in this provision shall be data or tax returns in any form or
3 format, including data available by electronic means which is directly related to the obligor.

4 (c) Unless otherwise limited by statute, the department shall be entitled to all criminal
5 offender record information of the obligor which is necessary to locate the obligor or establish the
6 obligor's ability to pay including, but not limited to, national criminal information center (NCIC)
7 records and bureau of criminal identification (BCI) records maintained by the department of the
8 attorney general and the quarterly contribution reports of the department of labor and training.

9 (d) Unless otherwise limited by federal statute, the department may require [electronic](#)
10 disclosure of information relating to the obligor including, but not limited to, the obligor's
11 location, employment, title to property, credit status, or professional affiliation to assist the
12 department to determine the current whereabouts of an obligor from any source including, but not
13 limited to, any state or municipal agency, utility company, including telephone, [cell phone](#)
14 [company](#), assessor's offices, and housing authorities, employers, professional or trade
15 associations and labor unions, professional or trade licensing boards, banks and other financial
16 institutions, credit bureaus or agencies, or any other individual or entity which the department has
17 reason to believe may have information that relates to or may assist in the location of the obligor.
18 The failure of an individual or entity to provide the department, within the time and in the manner
19 that the department may provide by regulation, with information relating to, or that may assist in
20 locating, an obligor shall be punishable by a civil penalty to be assessed by the family court or the
21 department of ~~administration, division of taxation~~ [human services](#), [office of child support services](#)
22 in the amount of one hundred dollars (\$100) for each failure, and the individual or entity shall be
23 required to provide the information.

24 (e) The department may request from any employer or other source of income whom the
25 department has reason to believe employs an obligor, or otherwise provides the obligor with
26 regular periodic income, information concerning the dates and amounts of income paid, the last
27 known address, social security number, and available health care benefits. The department shall
28 not inquire of an employer or other source of income concerning the same obligor more than once
29 every three months. Employers or other sources of income shall respond to the requests truthfully
30 and in writing. No employer or other source of income who complies with this section shall be
31 liable in any civil action or proceeding brought by the obligor on account of such compliance.
32 Any employer or other source of income who, without good cause, fails to comply with a request
33 as required by this section, within twenty (20) days of receipt of the request, shall be liable for a
34 civil penalty of one hundred dollars (\$100) per day for each day of violation to be assessed by the

1 family court or the department of administration, division of taxation, and shall be required to
2 provide the information.

3 (f) The department shall use the information gathered pursuant to this chapter only for
4 purposes of administering the child support enforcement program and shall not disclose the
5 information, other than the name and address of the obligor, except in proceedings or other
6 activities to locate or identify obligors, to evaluate the ability of obligors to pay child support, to
7 establish, modify, or enforce child support orders, to collect child support, or in criminal
8 prosecutions for failure to pay child support. Any employee of the department that uses or
9 discloses the information in any other manner shall be guilty of a misdemeanor and shall be
10 punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not
11 more than six (6) months, or both.

12 [See section 12-1-15 of the General Laws.]

13 SECTION 4. Sections 15-26-1, 15-26-2 and 15-26-3 of the General Laws in Chapter 15-
14 26 entitled "State Disbursement Unit for the Collection and Distribution of Child Support" are
15 hereby amended to read as follows:

16 **15-26-1. Purpose.** -- The purpose of this chapter is to establish and operate a centralized
17 state collection and disbursement unit within the department of ~~administration, division of~~
18 ~~taxation~~ human services, office of child support services, or its designee, ~~enforcement~~ for the
19 timely, automated collection and disbursement of support orders being enforced under section
20 454(4) of title IV-D of the Social Security Act, 42 U.S.C. section 654(4), and in all cases not
21 being enforced by the state in which the support order is initially issued in the state on or after
22 October 1, 1998, and in which the income of the non-custodial parent is subject to income
23 withholding.

24 **15-26-2. Operation.** -- (a) The centralized state collection and disbursement unit shall be
25 operated directly by the department of ~~administration, division of taxation~~ human services, office
26 of child support services or its designee and in coordination with the automated system.

27 (b) The centralized state collection and disbursement unit shall use the automated
28 procedures, electronic processes, including the electronic funds transfer (EFT) provisions as
29 authorized by the tax administrator under section 44-1-31, and computer driven technology to the
30 maximum extent feasible, efficient and economical for the collection and disbursement of support
31 payments, including procedures for receipt from parents, employers, and other states, and for
32 disbursement to custodial parents and other obligees, the state agency, and the agencies of other
33 states:

34 (i) For accurate identification of payments;

1 (ii) To ensure prompt disbursement of the custodial parent's share of any payment; and
2 (iii) To furnish to any parent, upon request, timely information on the current status of
3 support payments.

4 (c) All employers who do business in the State of Rhode Island shall be required to
5 complete the appropriate documentation and procedures online as mandated by the department of
6 human services, office of child support services, for the electronic transfer of funds from an
7 employee's earnings to remit court ordered child support payments to the designated state
8 disbursement unit for all of its employees no later than September 1, 2011 and within seven (7)
9 days for any new hire thereafter.

10 **15-26-3. Timing of disbursement.** -- (a) The department of ~~administration, division of~~
11 ~~taxation~~ human services, office of child support services ~~enforcement~~ or its designee shall
12 distribute all amounts payable within two (2) business days after receipt from the employer or
13 other source of periodic income if sufficient information identifying the payee is provided.
14 "Business day" is defined as a day on which state offices are open for regular business.

15 (b) The department of ~~administration, division of taxation~~ human services, office of child
16 support services ~~enforcement~~ or its designee may delay the distribution of collections toward
17 disputed arrearages until the resolution of those disputed arrearages in a timely hearing before the
18 Rhode Island family court.

19 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO DOMESTIC RELATIONS - DIVORCE AND SEPARATION

1 This act would reduce the interest to six percent (6%) per annum on any support debt
2 assessed by the Rhode Island family court and it would not be automatically added as it is now. It
3 would also allow the department of human services to electronically certify to any appropriate
4 board that a support obligor is not in compliance with a court order of support under certain
5 circumstances, and would provide for non-renewal of licenses and other provisions to insure
6 compliance with child support orders. This act would also amend Rhode Island general law
7 chapter 15-26, where the collection of child support was transferred from the department of
8 administration to the department of human services. It requires all Rhode Island employers to
9 electronically transfer its employees' court ordered child support.
10 This act would take effect upon passage.

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