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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO DOMESTIC RELATIONS - EXCHANGE OF INFORMATION IN SUPPORT
OF CHILD SUPPORT COLLECTION

Introduced By: Senator Donna M. Nesselbush

Date Introduced: March 06, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 15-22-1 of the General Laws in Chapter 15-22 entitled "Exchange
2 of Information in Support of Child Support Collection" is hereby amended to read as follows:
3 **15-22-1. Access to information.** -- (a) The department of ~~administration, division of~~
4 ~~taxation,~~ human services, office of child support ~~enforcement~~ services, and/or any other state or
5 federal agency taking action to establish paternity, establish or modify child support and/or
6 medical orders, enforce child support and/or medical orders, or to locate an individual for these
7 reasons, shall have access to and may request information from the individuals and the entities
8 named in this section. The information shall be available to the department only for the purpose
9 of and to the extent necessary for the administration of the child support enforcement program.
10 No entity or individual who complies with this section shall be liable in any civil or criminal
11 action or proceeding brought by an obligor or an obligee on account of compliance. Holders
12 maintaining personal data are authorized to disclose to the department all personal data requested
13 pursuant to this section, and the disclosures shall not violate the provisions of section 38-2-2. Any
14 entity or individual who, without reasonable cause, fails to reply to a request pursuant to this
15 subsection or who, without reasonable cause, fails to comply with a request within twenty (20)
16 days of receipt, shall be liable for a civil penalty of one hundred dollars (\$100) for each violation,
17 to be assessed by the department or by the family court. The department may secure information
18 to which it is entitled by any method including, but not limited to, requests by paper, facsimile,

1 telephone, magnetic tape, or other electronic means.

2 (b) (1) Information to which the department shall be entitled includes, but is not limited
3 to, state income tax returns and all state income tax information, including address, filing status,
4 and the number of dependents reported on any return filed by any obligor, any other information,
5 the contents and nature of which shall be determined and approved by the tax administrator, and
6 the federal tax data as permitted by federal law.

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

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

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

29 [\(e\) In requiring information about an obligor from a telephone company; including a cell](#)
30 [phone company, the department shall be limited to obtaining the billing and/or residential address](#)
31 [of the obligor. No location information, including, but not limited to, global positioning system](#)
32 [data, that in whole or in part, is generated by or derived from the operation of such device shall be](#)
33 [sought or received.](#)

34 ~~(f)(e)~~ The department may request from any employer or other source of income whom

1 the department has reason to believe employs an obligor, or otherwise provides the obligor with
2 regular periodic income, information concerning the dates and amounts of income paid, the last
3 known address, social security number, and available health care benefits. The department shall
4 not inquire of an employer or other source of income concerning the same obligor more than once
5 every three months. Employers or other sources of income shall respond to the requests truthfully
6 and in writing. No employer or other source of income who complies with this section shall be
7 liable in any civil action or proceeding brought by the obligor on account of such compliance.
8 Any employer or other source of income who, without good cause, fails to comply with a request
9 as required by this section, within twenty (20) days of receipt of the request, shall be liable for a
10 civil penalty of one hundred dollars (\$100) per day for each day of violation to be assessed by the
11 family court or the department of administration, division of taxation, and shall be required to
12 provide the information.

13 ~~(g)~~ The department shall use the information gathered pursuant to this chapter only for
14 purposes of administering the child support enforcement program and shall not disclose the
15 information, other than the name and address of the obligor, except in proceedings or other
16 activities to locate or identify obligors, to evaluate the ability of obligors to pay child support, to
17 establish, modify, or enforce child support orders, to collect child support, or in criminal
18 prosecutions for failure to pay child support. Any employee of the department that uses or
19 discloses the information in any other manner shall be guilty of a misdemeanor and shall be
20 punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not
21 more than six (6) months, or both.

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

23 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would include cell phone companies in the list of sources the department of
2 human services, office of child support services can require to share limited location information
3 for those who owe child support. It would also require that the information from shared sources
4 be electronic. This act would also make technical changes reflecting the transfer of many years
5 ago the collection of child support from the department of administration to the department of
6 human services.

7 This act would take effect upon passage.

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