

2012 -- S 2768

=====
LC01215
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

—————
A N A C T

RELATING TO DOMESTIC RELATIONS - FULL ENFORCEMENT OF SUPPORT
OBLIGATIONS

Introduced By: Senators Tassoni, Miller, Ottiano, Picard, and Cote

Date Introduced: March 08, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 15-11.1-2 of the General Laws in Chapter 15-11.1 and 15-11.1-8
2 entitled "Full Enforcement of Support Obligations" are hereby amended to read as follows:

3 **15-11.1-2. Definitions.** -- For the purposes of this chapter:

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

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

12 (3) "Compliance with a court order of support" means that the support obligor has
13 accrued no more than ninety (90) days worth of current support no more than ninety (90) days
14 worth of periodic payments due pursuant to a written agreement with the department or as set
15 forth in a court order and/or has obtained or maintained health insurance coverage if required by a
16 court order of support.

17 (4) "CSE system" means the Rhode Island family court/~~department of administration,~~
18 ~~division of taxation, child support enforcement system,~~ department of human services, office of

1 [child support services system](#), which system maintains the official record of support orders and
2 arrearages of all support orders entered upon it in accordance with applicable administrative
3 orders issued by the Rhode Island family court.

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

10 (6) "Department" means the department of ~~administration, division of taxation~~ [human](#)
11 [services, office of child support services](#).

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

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

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

22 [\(10\) "Certification" means the department verifies that a support obligation is not in](#)
23 [compliance with a court order of support. Certification may be in writing or electronically](#)
24 [conveyed.](#)

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

26 **15-11.1-8. Reporting.** -- (a) ~~During each renewal period all~~ [All](#) boards subject to this
27 chapter shall provide to the department specified information, according to standards established
28 by the department, about applicants for licensure and all current licensees.

29 (b) All boards subject to this chapter shall provide the specified information for only
30 those current licensees that are residents of this state.

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

33 (1) Name;

34 (2) Address of record;

- 1 (3) Federal employer identification number or social security number;
- 2 (4) Type of license;
- 3 (5) Effective date of license or renewal;
- 4 (6) Expiration date of license; and
- 5 (7) Active or inactive status.

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

7 SECTION 2. Sections 15-26-1, 15-26-2 and 15-26-3 of the General Laws in Chapter 15-
8 26 entitled "State Disbursement Unit for the Collection and Distribution of Child Support" are
9 hereby amended to read as follows:

10 **15-26-1. Purpose.** -- The purpose of this chapter is to establish and operate a centralized
11 state collection and disbursement unit within the department of ~~administration, division of~~
12 ~~taxation,~~ human services, office of child support ~~enforcement~~ services, or its designee for the
13 timely, automated collection and disbursement of support orders being enforced under section
14 454(4) of title IV-D of the Social Security Act, 42 U.S.C. section 654(4), and in all cases not
15 being enforced by the state in which the support order is initially issued in the state on or after
16 October 1, 1998, and in which the income of the non-custodial parent is subject to income
17 withholding.

18 **15-26-2. Operation.** -- (a) The centralized state collection and disbursement unit shall be
19 operated directly by the department of ~~administration, division of taxation~~ human services, office
20 of child support services or its designee and in coordination with the automated system.

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

- 28 (i) For accurate identification of payments;
- 29 (ii) To ensure prompt disbursement of the custodial parent's share of any payment; and
- 30 (iii) To furnish to any parent, upon request, timely information on the current status of
31 support payments.

32 (c) All employers who do business in the state of Rhode Island shall be required to
33 complete the appropriate documentation and procedures online as mandated by the department of
34 human services, office of child support services, for the electronic transfer of funds from an

1 [employee's earnings to remit court ordered child support payments to the designated state](#)
2 [disbursement unit for all of its employees no later than September 1, 2012 and within seven \(7\)](#)
3 [days for any new hire thereafter.](#)

4 **15-26-3. Timing of disbursement.** -- (a) The department of ~~administration, division of~~
5 ~~taxation,~~ [human services, office of](#) child support ~~enforcement~~ [services](#) or its designee shall
6 distribute all amounts payable within two (2) business days after receipt from the employer or
7 other source of periodic income if sufficient information identifying the payee is provided.
8 "Business day" is defined as a day on which state offices are open for regular business.

9 (b) The department of ~~administration, division of taxation,~~ [human services, office of](#)
10 child support ~~enforcement~~ [services](#) or its designee may delay the distribution of collections
11 toward disputed arrearages until the resolution of those disputed arrearages in a timely hearing
12 before the Rhode Island family court.

13 SECTION 3. This act shall take effect upon passage.

=====
LC01215
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO DOMESTIC RELATIONS - FULL ENFORCEMENT OF SUPPORT
OBLIGATIONS

1 This act would make technical changes reflecting the transfer of the collection of child
2 support from the department of administration to department of human services. The act would
3 also allow the department of human services to electronically certify to any appropriate board that
4 a support obligor is not in compliance with a court order of support under certain circumstances,
5 and would provide for non-renewal of licenses and other provisions to insure compliance with
6 child support orders. Furthermore, this act would require all Rhode Island employers to
7 electronically transfer its employees' court ordered child support.

8 This act would take effect upon passage.

=====
LC01215
=====