

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL

4 **By: Representatives Mahony and Northcutt**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 9-14-208 TO
9 EXPAND THE DEFINITION OF BUSINESS TO INCLUDE CERTAIN
10 UTILITY COMPANIES AND TO REQUIRE A BUSINESS OR FINANCIAL
11 ENTITY TO COOPERATE WITH THE CHILD SUPPORT ENFORCEMENT
12 UNIT IN THE USE OF BUSINESS RECORDS TO LOCATE ABSENT
13 PARENTS AND TO ESTABLISH OR ENFORCE COURT ORDERS ON ABSENT
14 PARENTS; AND FOR OTHER PURPOSES."

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Subtitle

17 "AN ACT TO AMEND §9-14-208 TO EXPAND THE DEFINITION OF
18 BUSINESS AND TO REQUIRE BUSINESSES AND FINANCIAL ENTITIES
19 TO PERMIT USE OF BUSINESS RECORDS INFORMATION IN
20 ENFORCEMENT OF CHILD SUPPORT."

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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24 SECTION 1. Arkansas Code § 9-14-208 is hereby amended to read as
25 follows:

26 "9-14-208. Child Support Enforcement Unit - Powers to obtain
27 information on noncustodial parent - Penalty - Immunity.

28 (a) As used in this section, unless the context otherwise requires:

29 (1) Noncustodial parent means a natural or adoptive parent,
30 including a putative father, who does not reside with his dependent child and
31 against whom the unit is enforcing or seeking to enforce a support obligation
32 pursuant to a plan described in Title IV-D of the Social Security Act;

33 (2) Business means any corporation, partnership, association,
34 individual, utility company that is organized privately, as a cooperative, or
35 as a quasi-public entity, and labor or other organization maintaining an

1 office, doing business, or having a registered agent in Arkansas;

2 (3) Unit means the State Child Support Enforcement Unit or a
3 local child support enforcement unit contracting under § 9-14-207 to establish
4 and enforce support obligations;

5 (4) Financial entity means any bank, trust company, savings and
6 loan association, credit union, insurance company, or any corporation,
7 association, partnership, or individual receiving or accepting money or its
8 equivalent on deposit as a business in the State of Arkansas;

9 (5) Information means, but is not necessarily limited to, the
10 following:

11 (A) The full name of the noncustodial parent;

12 (B) The social security number of the noncustodial parent;

13 (C) The date of birth of the noncustodial parent;

14 (D) The last-known mailing and residential address of the
15 noncustodial parent;

16 (E) The amount of wages, salaries, earnings, or commissions
17 earned by or paid to the noncustodial parent;

18 (F) The number of dependents declared by the noncustodial
19 parent on state and federal tax information and reporting forms;

20 (G) The name of the company, policy numbers, and dependent
21 coverage for any medical insurance carried by and on behalf of the
22 noncustodial parent;

23 (H) The name of the company, policy numbers, and the cash
24 values, if any, of any life insurance policies or annuity contracts which are
25 carried by or on behalf of or owned by the noncustodial parent; and

26 (I) Any retirement benefits, pension plans, or stock
27 purchase plans maintained on behalf of or owned by the noncustodial parent and
28 the values thereof, employee contributions thereto, and the extent to which
29 each benefit or plan is vested;

30 (6) State agency means any department, board, bureau,
31 commission, or other agency of this state.

32 (b)(1) For the purpose of locating and determining resources of
33 noncustodial parents, the unit may request and receive information from the
34 Federal Parent Locator Service, from available records in other states,
35 territories, and the District of Columbia, from the records of all state

1 agencies, and from businesses and financial entities.

2 (2) The manager of the unit may enter into cooperative agreements
3 with other state agencies, businesses, or financial entities to provide direct
4 on-line access to data information terminals, computers, or other electronic
5 information systems.

6 (3) The state agencies, businesses, and financial entities shall
7 provide information, if known or chronicled in their business records,
8 notwithstanding any other provision of law making the information
9 confidential.

10 (4) In addition, the unit may, pursuant to an agreement with the
11 Secretary of the United States Department of Health and Human Services, or his
12 designee, request and receive from the Federal Parent Locator Service
13 information authorized under 42 U.S.C. § 653, for the purpose of determining
14 the whereabouts of any parent or child. This information may be requested and
15 received when it is to be used to locate the parent or child for the purpose
16 of enforcing any state or federal law with respect to the unlawful taking or
17 restraining of a child or for the purpose of making or enforcing a child
18 custody determination.

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20 (c) Any business or financial entity which has received a request from
21 the unit as provided by subsection (b) of this section shall further cooperate
22 with the Child Support Enforcement Unit in discovering, retrieving, and
23 transmitting information contained in the business records that would be
24 useful in locating absent parents or in establishing or enforcing child
25 support orders on absent parents and shall provide the requested information
26 or a statement that any or all of the requested information is not known or
27 available to the business or financial entity. This shall be done within sixty
28 (60) days of receipt of the request or the business or financial entity shall
29 be liable for civil penalties of up to one hundred dollars (\$100) for each day
30 after the sixty-day period in which it fails to provide the information so
31 requested.

32 (d) Any business or financial entity, or any officer, agent, or
33 employee of such entity, participating in good faith and providing information
34 requested under this section shall be immune from liability and suit for
35 damages that might otherwise result from the release of the information to the

1 unit.

2 (e) Any information obtained under the provisions of this section shall
3 become a business record of the unit."

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5 SECTION 3. All provisions of this act of a general and permanent nature
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
7 Revision Commission shall incorporate the same in the Code.

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9 SECTION 4. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.

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15 SECTION 5. All laws and parts of laws in conflict with this act are
16 hereby repealed.

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