

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

SENATE BILL 957

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5 By: Senator Madison
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For An Act To Be Entitled

9 AN ACT TO PROVIDE THE DEPARTMENT OF HEALTH AND
10 HUMAN SERVICES WITH THE POWER TO OBTAIN
11 INFORMATION FOR ADMINISTRATIVE PURPOSES; AND FOR
12 OTHER PURPOSES.

Subtitle

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14 AN ACT TO PROVIDE THE DEPARTMENT OF
15 HEALTH AND HUMAN SERVICES WITH THE POWER
16 TO OBTAIN INFORMATION FOR ADMINISTRATIVE
17 PURPOSES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 9, Chapter 28, Subchapter 4 is amended
24 to add an additional section to read as follows:

25 9-28-412. Department of Health and Human Services – Power to obtain
26 information.

27 (a) As used in this section:

28 (1) "Business" means any corporation, partnership, cable
29 television company, association, individual, or utility company that is
30 organized privately, as a cooperative, or as a quasi-public entity, and labor
31 or other organization maintaining an office, doing business, or having a
32 registered agent in the State of Arkansas;

33 (2) "Financial entity" means any bank, trust company, savings
34 and loan association, credit union, insurance company, or any corporation,
35 association, partnership, or individual receiving or accepting money or its
36 equivalent on deposit as a business in the State of Arkansas;



1 (3) "Information" means, without limitation, the following:

2 (A) The full name of a parent, a putative father, or
3 relative;

4 (B) The social security number of a parent or a putative
5 father;

6 (C) The date of birth of a parent, a putative father, or
7 relative;

8 (D) The last known mailing address and residential address
9 of a parent, a putative father, or relative; and

10 (E) The amount of wages, salaries, earnings, or
11 commissions earned by a parent or a putative father;

12 (4) "Parent" means a biological mother, an adoptive parent, or a
13 man to whom the biological mother was married at the time of conception or
14 birth or who has signed an acknowledgment of paternity pursuant to § 9-10-120
15 or who has been found by a court of competent jurisdiction to be the
16 biological father of the juvenile;

17 (5) "Putative father" means any man not deemed or adjudicated
18 under the laws of the jurisdiction of the United States to be the biological
19 father of a juvenile and who claims or is alleged to be the biological father
20 of the juvenile;

21 (6) "Relative" means an adult grandparent, adult aunt or adult
22 uncle of the child;

23 (7) "State or local government agency" means a department, a
24 board, a bureau, a commission, an office, or other agency of this state or
25 any local unit of government of this state.

26 (b)(1) For the purpose of locating a parent, a putative father, or a
27 relative, and for the purpose of determining resources of a parent or a
28 putative father, the Department of Health and Human Services may request and
29 receive information from the Federal Parent Locator Service, from available
30 records in other states, territories, and the District of Columbia, from the
31 records of all state agencies, and from businesses and financial entities.

32 (2) The Director of the Department of Health and Human Services
33 may enter into cooperative agreements with other state agencies, businesses,
34 or financial entities to provide direct online access to data information
35 terminals, computers, or other electronic information systems.

36 (3) State and local government agencies, businesses, and

1 financial entities shall provide information, if known or chronicled in their
2 business records, notwithstanding any other provision of law making the
3 information confidential.

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

13 (c) Any business or financial entity that has received a request from
14 the department as provided by subsection (b) of this section shall further
15 cooperate with the department in discovering, retrieving, and transmitting
16 information contained in the business records that would be useful in
17 locating absent parents or relatives and shall provide the requested
18 information, or a statement that any or all of the requested information is
19 not known or available to the business or financial entity. This shall be
20 done within thirty (30) days of receipt of the request or the business or
21 financial entity shall be liable for civil penalties of up to one hundred
22 dollars (\$100) for each day after the thirty-day period in which it fails to
23 provide the requested information.

24 (d) Any business or financial entity, or any officer, agent, or
25 employee of the business or financial entity, participating in good faith and
26 providing information requested under this section, shall be immune from
27 liability and suit for damages that might otherwise result from the release
28 of the information to the department.

29 (e) Any information obtained under the provisions of this section
30 shall become a business record of the department, subject to the privacy
31 safeguards set out in § 9-28-407.

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