

CHAPTER 576D
CHILD SUPPORT ENFORCEMENT

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Cross References

Medicaid-related mandates, see chapter 431L.

Law Journals and Reviews

Hawaii's Statewide Child Support Guidelines. 14 HBJ, no. 13, at 9 (2011).

" **§576D-1 Definitions.** For the purpose of this chapter:

"Absent parent" means a parent who is absent from the family, whether or not the parent is a debtor parent.

"Agency" means the child support enforcement agency established under section 576D-2.

"Child support" means payment for the necessary support and maintenance of a child as required by law that includes but is not limited to spousal support when being enforced in conjunction with child support or medical support when a court or administrative order requires the debtor parent to pay an amount in lieu of providing medical insurance coverage or to reimburse for maternity and delivery expenses incurred when the debtor parent's child was born.

"Compliance with an order of support" means that an obligor:

- (1) Is not delinquent in payments in an amount equal to or greater than the sum of payments for child support for a three-month period with regard to driver's licenses and recreational licenses and a six-month period with regard to professional and vocational licenses; or
- (2) Has obtained or maintained health insurance coverage as required by a child support order.

"Custodial parent" means a parent, guardian, or other person having custody of the child.

"Debtor parent" means any person who is delinquent in payment of child support payments or who owes a public assistance debt.

"Department" means the department of attorney general, unless otherwise specified.

"License" means any license, certification, registration, or permit issued by a licensing authority for recreational purposes, or to conduct a trade or business, including a license to practice a profession or vocation, or a license to operate any motor vehicle, boat, airplane, or helicopter.

"Licensing authority" means any unit of the state or county government, including agencies, departments, boards, commissions, or authorities, or any other entity within the State or county authorized by statute to grant or deny licenses.

"Obligor" means a responsible parent obligated by court or administrative order to pay child support.

"Office" means the office of child support hearings established pursuant to chapter 576E.

"Order of support" means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement, and which may include related costs and fees, interest and penalties, income withholding, attorney's fees, and other relief. An order of support may include spousal support when ordered to be paid in conjunction with the support and maintenance of a child; provided that the spousal support provision in an order of support shall only be enforced by the agency when the support and maintenance of a child is being enforced. An order of support may also include medical support when the debtor parent is ordered to pay an amount in lieu of providing medical insurance coverage or to reimburse for maternity and delivery expenses incurred when the debtor parent's child was born.

"Other state" includes:

- (1) All states of the United States other than the State of Hawaii;
- (2) The District of Columbia;
- (3) Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States;
- (4) Any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe and is included in the list of federally recognized Indian tribal governments as published in the Federal Register that is operating under Title IV-D; and
- (5) A foreign country or a political subdivision thereof:
 - (A) Declared to be a foreign reciprocating country under Title IV-D; or
 - (B) With which the State has entered into a reciprocal arrangement for the establishment and enforcement of support obligations to the extent consistent with Title IV-D.

"Spousal support" means a legally enforceable obligation assessed against an individual for the support of a spouse or a former spouse who is living with a child or children for whom the individual also owes support.

"State" means the State of Hawaii.

"Title IV-A", "Title IV-B", "Title IV-C", "Title IV-D", and "Title IV-E" mean Title IV-A, Title IV-B, Title IV-C, Title IV-D, and Title IV-E, respectively, of the federal Social Security Act (August 14, 1935, Chapter 531, 49 Stat. 620), as amended. [L 1986, c 332, pt of §2; am L 1989, c 133, §2; am L 1996, c 13, §15; am L 1997, c 293, §26; am L 1998, c 83, §3 and c 153, §4; am L 2002, c 72, §3 and c 84, §1; am L 2006, c 43, §1; am L 2011, c 79, §1]

" **§576D-2 Designation of child support enforcement agency; duties.** There is created the child support enforcement agency for the State as required under Title IV-D. The agency shall be within the department of the attorney general. The child support enforcement agency shall:

- (1) Be responsible for formulating the state child support enforcement plan as required under Title IV-D; and
- (2) Administer this chapter consistent with Title IV-D and applicable state laws. [L 1986, c 332, pt of §2; am L 1996, c 13, §16]

" **§576D-3 Obtaining or enforcing child support.** (a) The agency shall undertake any legal or administrative action to secure support for a child by enforcing an existing court order or obtaining a court order of support.

(b) To carry out its responsibilities imposed under this chapter, the agency, through the offices of the corporation counsel, the county attorneys, or the attorney general, may commence or appear in any proceeding before any court or administrative agency for the purpose of establishing paternity for children born out of wedlock or for the purpose of obtaining, enforcing, or modifying an order of support on behalf of any dependent or any other person for whom the agency has a duty to obtain or enforce an order for support under this chapter. The agency may commence or appear in any action on its own behalf, on behalf of any dependent child or custodial parent, or on behalf of any other person for whom the agency has a duty to obtain or enforce an order of support under this chapter. The agency shall obtain or enforce a child support order for the following children:

- (1) A child on whose behalf public assistance payments have been or are being made;
- (2) A child on whose behalf foster care payments have been or are being made under Title IV-E; or
- (3) Any other child, if a parent, guardian, or person having custody applies to the agency for assistance in obtaining or enforcing a child support order with

respect to the child, regardless of whether public assistance payments have been made on the child's behalf. [L 1986, c 332, pt of §2; am L 1988, c 200, §4; am L 1994, c 24, §1; am L 1996, c 178, §1; am L 2005, c 26, §1]

Case Notes

Child support enforcement agency was authorized, under §584-6(a), §576D-4, and this section, to bring action to establish paternity of a child, "born out of wedlock" for purposes of subsection (b), where mother, though married to husband at time child was born, alleged that appellant, and not husband, was child's natural father. 88 H. 159 (App.), 963 P.2d 1135.

" **[§576D-4] Establishment of paternity.** When necessary to obtain child support for a child under section 576D-3, the agency shall take any legal or administrative action to establish the paternity of the child. The agency shall undertake the action on behalf of the State, child, custodial parent of the child, or any other person for whom the agency has a duty to obtain or enforce a child support order. [L 1986, c 332, pt of §2]

Case Notes

Child support enforcement agency was authorized, under §584-6(a), §576D-3, and this section, to bring action to establish paternity of a child, "born out of wedlock" for purposes of §576D-3(b), where mother, though married to husband at time child was born, alleged that appellant, and not husband, was child's natural father. 88 H. 159 (App.), 963 P.2d 1135.

" **§576D-5 Fee for obtaining or enforcing nonpublic assistance order.** (a) The agency shall require the payment of a reasonable fee on the application of a person under section 576D-3(b)(3) who is not receiving public assistance for support of the child for assistance in obtaining or enforcing a child support order. The payment and amount of the fee shall be in compliance with applicable federal regulations promulgated under Title IV-D.

(b) In the case of an individual who has never received public assistance for the support of a child under Title IV-A and for whom the State has collected not less than \$500 of support, the agency shall impose an annual fee of \$25 for each case in which Title IV-D services were furnished, which shall be retained in accordance with Title IV-D requirements; provided

that the \$25 shall not be retained from the first \$500 so collected. Any fee collected shall be maintained by the agency and used as required under Title IV-D. [L 1986, c 332, pt of §2; am L 2007, c 167, §1]

- " **§576D-6 Other duties of agency.** (a) The agency shall:
- (1) Establish a state parent locator service for the purpose of locating absent and custodial parents;
 - (2) Cooperate with other states in:
 - (A) Establishing paternity, if necessary;
 - (B) Locating an absent parent who is present in the State and against whom any action is being taken under a Title IV-D program in any other state; and
 - (C) Securing compliance by an absent parent with a support order issued by a court of competent jurisdiction in any other state;
 - (3) Perform periodic checks of whether a parent is collecting unemployment compensation and, if so, to arrange, either through agreement with the parent or by bringing legal process, to have a portion of the compensation withheld, to fulfill the parent's child support obligations;
 - (4) Notify annually each custodial parent, guardian, protective payee, or other person having custody of the child of an Aid to Families with Dependent Children family of the amount of child support collected on behalf of the child in the family. For the purpose of this paragraph, "Aid to Families with Dependent Children family" means a family that receives financial assistance under the federal Aid to Families with Dependent Children program or its successor;
 - (5) Establish and use procedures that shall require a debtor parent to give security, post bond, or give some other guarantee to secure payment of delinquent child support. The procedures shall apply to all debtor parents of children described under section 576D-3. The procedures shall include advance notice to the debtor parent in full compliance with the State's procedural due process requirements. The agency shall develop guidelines, which are available to the public, to determine whether the case is appropriate for application of this requirement;
 - (6) Establish and use procedures by which information regarding the name of the debtor parent and the amount of delinquent child support owed by a debtor parent

residing in the State will be made available to any consumer reporting agency as defined in section 603(f) of the Fair Credit Reporting Act. The procedures shall be effectuated upon the agency being authorized to provide Title IV-D services and shall include provisions to provide to the debtor parent whose information is being reported advance notice of the procedures, which notice and procedures shall be in full compliance with the State's procedural due process requirements, to contest the accuracy of the information;

- (7) Establish and use procedures that will enforce liens against the real and personal property of a debtor parent who owes overdue support and who resides or owns property in the State. The agency shall further establish guidelines that are available to the public to determine whether the case is inappropriate for application of this paragraph;
- (8) Establish and use procedures for the notification of a custodial parent that any income tax refund setoff under section 231-53 shall be retained by the State in cases where medical support rights have been assigned to the State and the income tax refund setoff is applied to amounts designated in the child support order for medical purposes;
- (9) Establish and use procedures for prompt reimbursement of overpayment of child support debts from income tax refund setoffs under section 231-53. The procedures shall provide for the reimbursement to be made by the custodial parent or agency;
- (10) Establish and use procedures for periodic review and modification of child support orders in accordance with Title IV-D;
- (11) Provide notice not less than once every three years to those parents subject to an order of support informing the parents of their right to request the agency to review and, if appropriate, adjust the order of support pursuant to the guidelines established under section 576D-7;
- (12) Establish and operate a state case registry that contains records of:
 - (A) Each case in which services are being provided by the agency under the state plan; and
 - (B) Each support order established or modified in the State on or after October 1, 1998.

The records shall use standardized data elements for both parents, including but not limited to names,

residential and mailing addresses, telephone numbers, driver's license numbers, social security numbers and other uniform identification numbers, dates of birth, case identification numbers, and the names, addresses, and telephone numbers of the parents' employers, and contain any other information as required by the United States Secretary of Health and Human Services. In each case, with respect to subparagraph (A) and where a support order has been established, the case record shall include the amount of monthly or other periodic support owed under the order, and other amounts, including but not limited to arrearages, due under the order, the amounts collected under the order, the birthdate of any child for whom the order requires the provision of support, and the amount of any lien imposed;

(13) Perform other duties required under chapter 576B, the Uniform Interstate Family Support Act; and

(14) Perform other duties required under Title IV-D.

(b) The procedures required under subsection (a)(5), (6), (7), (8), (9), and (10) shall be established by rule in accordance with chapter 91. [L 1986, c 332, pt of §2; am L 1991, c 182, §1; am L 1994, c 24, §2; am L 1995, c 137, §1; am L 1996, c 25, §2; am L 1997, c 293, §27; am L 1998, c 153, §5; am L 2008, c 178, §1; am L 2011, c 79, §2]

Case Notes

With the consent of the payor-parent, the family court is authorized to enter an order barring the payor-parent, for a period of three years, from seeking a reduction in court-ordered child support. 101 H. 37 (App.), 61 P.3d 548.

" **§576D-7 Guidelines in establishing amount of child support.** (a) The family court, in consultation with the agency, shall establish guidelines to establish the amount of child support when an order for support is sought or being modified under this chapter. The guidelines shall be based on specific descriptive and numeric criteria and result in a computation of the support obligation.

The guidelines may include consideration of the following:

(1) All earnings, income, and resources of both parents; provided that earnings be the net amount, after deductions for taxes, and social security. Overtime and cost of living allowance may be deducted where appropriate;

- (2) The earning potential, reasonable necessities, and borrowing capacity of both parents;
 - (3) The needs of the child for whom support is sought;
 - (4) The amount of public assistance which would be paid for the child under the full standard of need as established by the department;
 - (5) The existence of other dependents of the obligor parent;
 - (6) To foster incentives for both parents to work;
 - (7) To balance the standard of living of both parents and child and avoid placing any below the poverty level whenever possible;
 - (8) To avoid extreme and inequitable changes in either parent's income depending on custody; and
 - (9) If any obligee parent (with a school age child or children in school), who is mentally and physically able to work, remains at home and does not work, thirty (or less) hours of weekly earnings at the minimum wage may be imputed to that parent's income.
- (b) The guidelines shall be:
- (1) Applied statewide;
 - (2) To simplify the calculations as much as practicable;
 - (3) Applied to ensure, at a minimum, that the child for whom support is sought benefits from the income and resources of the obligor parent on an equitable basis in comparison with any other minor child of the obligor parent;
 - (4) Established by October 1, 1986; and
 - (5) Transmitted to the agency and all family court judges when available or updated, and shall be considered by the judges in the establishment of each child support order.

(c) The family court, in consultation with the agency, shall update the guidelines at least once every four years.

(d) The establishment of the guidelines or the adoption of any modifications made to the guidelines set forth in this section may constitute a change in circumstances sufficient to permit review of the support order. A material change of circumstances will be presumed if support as calculated pursuant to the guidelines is either ten per cent greater or less than the support amount in the outstanding support order. The most current guidelines shall be used to calculate the amount of the child support obligation.

(e) The responsible or custodial parent for which child support has previously been ordered shall have a right to petition the family court or the child support enforcement agency not more than once every three years for review and

adjustment of the child support order without having to show a change in circumstances. The responsible or custodial parent shall not be precluded from petitioning the family court or the child support enforcement agency for review and adjustment of the child support order more than once in any three-year period if the second or subsequent request is supported by proof of a substantial or material change of circumstances. [L 1986, c 332, pt of §2; am L 1987, c 305, §1; am L 1990, c 176, §7; am L 1991, c 216, §1; am L 1992, c 115, §1 and c 246, §1; am L 1997, c 293, §28 and c 294, §2]

Law Journals and Reviews

Hawaii's Statewide Child Support Guidelines. 14 HBJ, no. 13, at 9 (2011).

Case Notes

Family court's discretion in ordering child support was substantially reduced by guidelines. 7 H. App. 171, 749 P.2d 478.

Noncustodial parent's current financial situation should have been considered. 8 H. App. 446, 808 P.2d 1279.

Amended child support guidelines established pursuant to section include categories of primary child support, standard of living adjustment, and private education expense. 9 H. App. 184, 828 P.2d 1291.

Whether net income earned by an adult-student-son or daughter is "exceptional circumstance", discussed. 86 H. 368 (App.), 949 P.2d 208.

In the case of a self-employed parent, there should be careful scrutiny by agency/courts as to the reasonableness and appropriateness of business decisions that lessen the amount of income available for child support. 87 H. 178 (App.), 953 P.2d 209.

Neither expenses for a second vehicle nor preschool expenses of another child of non-custodial obligor parent supported a finding of exceptional circumstance. 88 H. 456 (App.), 967 P.2d 653.

With the consent of the payor-parent, the family court is authorized to enter an order barring the payor-parent, for a period of three years, from seeking a reduction in court-ordered child support. 101 H. 37 (App.), 61 P.3d 548.

Where mother had a right to petition the child support enforcement agency (CSEA) for a review of the child support amount, pursuant to subsection (e) and 45 C.F.R. §§303.2(b), 303.4(c), 303.8 and 302.33, family court abused its discretion

by ordering CSEA to close its case on father. 118 H. 268 (App.), 188 P.3d 782 (2008).

" **§576D-8 Transmittal of money collected to department of human services.** The moneys collected by the agency on behalf of the department of human services shall be transmitted to the department of human services as required by Title IV-D of the Social Security Act. [L 1986, c 332, pt of §2; am L 1987, c 339, §4; am L 2002, c 72, §4]

" **[§576D-9] Incentive payments to State and political subdivision.** If one or more political subdivisions of the State participate in the costs of carrying out the child support enforcement activities during any particular period, each such subdivision shall be entitled to receive an appropriate share of any federal incentive payments made to the State for such period. The exact amount of the share shall be determined by taking into account the efficiency and effectiveness of the activities carried out by the political subdivisions, and measured by a standard methodology which shall be developed by the agency, for passing through an appropriate share of its incentive payment to participating political subdivisions. [L 1986, c 332, pt of §2]

" **§576D-10 Collection and disbursement of child support; direct payment exception.** (a) The agency shall collect and disburse child support payments when an order requires the collection and disbursement. In the event of any default by the obligor, upon notification of the default by the custodial parent, the agency shall proceed against the obligor for the arrearage and the agency shall have jurisdiction over future child support payments. Notwithstanding any other law to the contrary, the agency shall maintain a special interest bearing account for child support payments. Moneys collected by the agency for child support payments shall not be deposited into the state treasury, but shall be deposited into this account. Moneys to be disbursed by the agency for child support payments shall be disbursed from this account without appropriation or allotment. The interest realized from this account shall be used:

- (1) For related costs of the maintenance and operation of the account; and
- (2) To improve the child support enforcement agency's ability to promptly disburse payments to the custodial parent.

The balance shall be deposited into the state treasury to the credit of the general fund.

(b) Any child support payments required by a court order effective on June 30, 1986, to be made to a court or clerk of the court and disbursed to a custodial parent shall be made to the agency after June 30, 1986. The agency shall disburse the payments as appropriate under the court order.

(c) Other than for child support payments disbursed to the department of human services or to any other state or agency administering a program under Title IV-D, the custodial parent shall elect to receive child support payments from the agency by means of an electronic benefits transfer system or by directly depositing the amount into an account designated by the custodial parent. If an election is not made, the agency shall determine whether the disbursement of child support payments shall be by means of an electronic benefits transfer system or by an alternate method of disbursement that complies with the time frame required under Title IV-D.

(d) At the time a child support obligation is first established or at any time thereafter, the court may approve an alternative arrangement for the direct payment of child support from the obligor to the custodial parent as an exception to the provisions for income withholding through the agency, as required by sections 571-52.2(a)(1), 571-52.3, and 576E-16(a).

(e) The court may approve an alternative arrangement for the direct payment of child support where either:

(1) The obligor or custodial parent demonstrates and the court finds that there is good cause not to require immediate withholding; or

(2) A written agreement is reached between the obligor and the custodial parent and signed by both parties; provided that in either case where child support has been ordered previously, an alternative arrangement for direct payment shall be approved only where the obligor provides proof of the timely payment of previously ordered support. For purposes of this section, good cause to approve an alternative arrangement shall be based upon a determination by the court, either in writing or on the record, that implementing income withholding would not be in the best interests of the child. Such a determination shall include a statement setting forth the basis of the court's conclusion.

(f) Any alternative arrangement for direct payment shall provide that either parent may void the arrangement at any time and apply for services from the agency to act as agent to receive payments from the obligor parent. The alternative arrangement for direct payment also shall provide that, if the subject dependents of the obligor parent commence receiving public assistance, including public assistance from the department of human services under chapter 346, foster care

under section 571-48, Title IV-E or Title XIX of the federal Social Security Act (42 U.S.C. §1396), or if either parent applies for services from the agency, the agency may immediately void the direct payment arrangement by sending written notice by regular mail to the custodial and obligor parents at their last known addresses, as disclosed in the alternative arrangement agreement.

(g) The alternative arrangement for direct payment agreement shall include the most recent addresses of the custodial and obligor parent. If the obligor parent alleges direct payment of child support to the custodial parent after the subject dependents of the court-approved alternative arrangement become recipients of public assistance, including public assistance from the department of human services under chapter 346, foster care under section 571-48, Title IV-E or Title XIX of the federal Social Security Act (42 U.S.C. §1396), or after the custodial parent applies for services from the agency, and after receiving proper notification of the change of payee to the agency, then the obligor shall have the burden of proving that the child support payments were made by presenting written evidence, including canceled checks or receipts.

(h) No alternative arrangement for direct payment shall be approved where the obligor or the custodial parent is receiving services under Title IV-D of the federal Social Security Act or where the dependents of the obligor receive public assistance, including public assistance from the department of human services under chapter 346, foster care under section 571-48, Title IV-E or Title XIX of the federal Social Security Act (42 U.S.C. §1396), or where the obligor owes child support for a period during which public assistance was provided to the child or children by the department of human services.

(i) Any alternative arrangement for direct payment shall pertain only to the method of payment of child support. The amount of child support shall be determined according to the child support guidelines pursuant to sections 576D-7 and 576E-15.

(j) The alternative arrangement for direct payment shall become effective upon approval and filing by the court. For any order approved pursuant to this section on or after October 1, 1998, each party shall send a certified copy of the order to the state case registry established under section 576D-6.

(k) The agency shall not be required to maintain records while an order obtained pursuant to this section is in effect, except for any payments received and disbursed by the agency. [L 1986, c 332, pt of §2; am L 1987, c 323, §1; am L 1988, c 34, §1; am L 1992, c 246, §2; am L 1996, c 178, §2; am L 1997, c

294, §3; am L 1999, c 300, §3; am L 2002, c 31, §1 and c 72, §5; am L 2009, c 115, §2; am L 2011, c 79, §3]

Case Notes

Where, after reviewing the applicable state and federal rules, there was no authority for the child support enforcement agency's (CSEA) voiding of the direct payment arrangement and directing payments to itself simply because mother applied for CSEA services, family court did not abuse its discretion by ordering CSEA to cease all collection and enforcement efforts against father who did not fail to comply with the child support order, but erred in finding that the CSEA had instituted "income withholding". 118 H. 268 (App.), 188 P.3d 782 (2008).

Where, pursuant to subsection (e), each party has the right to void the direct payment arrangement at any time and apply for collection and disbursement services from the child support enforcement agency (CSEA), family court abused its discretion by ordering mother to direct any future child support modification requests to the court and not to CSEA and by ordering CSEA not to open a future case on father and institute collection and enforcement efforts against father without the court's approval. 118 H. 268 (App.), 188 P.3d 782 (2008).

" **§576D-10.5 Liens.** (a) Whenever any obligor through judicial or administrative process in this State or any other state has been ordered to pay an allowance for the support, maintenance, or education of a child, or for the support and maintenance of a spouse or former spouse in conjunction with child support, and the obligor becomes delinquent in those payments, a lien shall arise on the obligor's real and personal property and the obligor's real and personal property shall be subject to foreclosure, distraint, seizure, and sale, or notice to withhold and deliver, which shall be executed in accordance with this section or applicable state law. No judicial notice or hearing shall be necessary prior to creation of such a lien.

(b) Upon the establishment of an order of support for a prior period, a lien shall arise on the obligor's real and personal property and the obligor's real and personal property shall be subject to foreclosure, distraint, seizure, and sale, or notice to withhold and deliver, which shall be executed in accordance with this section or applicable state law. No judicial notice or hearing shall be necessary prior to creation of such a lien.

(c) Every order or judgment regarding child support filed in judicial or administrative proceedings in this State shall be recorded in the bureau of conveyances. An order or judgment

regarding child support filed in judicial or administrative proceedings of any other state may be recorded in the bureau of conveyances. This recorded lien shall be deemed, at such time, for all purposes and without any further action, to procure a lien on land registered in the land court under chapter 501. The statutory lien becomes effective when it arises under subsection (a) or (b) and shall attach to all interests in real or personal property then owned or subsequently acquired by the obligor including any interests not recorded with the bureau of conveyances or filed in the land court.

(d) No fee shall be charged the child support enforcement agency or its designated counsel for recording or filing of the liens provided for in this section or for the recording or filing of any releases requested in conjunction with the liens.

(e) A recorded order or judgment regarding child support or public assistance debt becomes effective and takes priority from the time it is recorded or the time the child support obligation described therein becomes delinquent, whichever is later. A statutory lien that is provided for by and becomes effective under this section shall take priority over any unrecorded lien whenever acquired, except tax liens previously acquired.

(f) A lien shall be enforceable by the child support enforcement agency or its designated counsel, by the obligee, or by any other state or agency administering a program under Title IV-D, in the following manner:

- (1) By suit in the appropriate court;
- (2) By bringing an action in an administrative tribunal;
- (3) By filing and serving a notice of child support lien;
or
- (4) By any lawful means of collection.

A notice of child support lien shall state the name and the last four digits only of the social security number, if available, of the obligor, the child support enforcement case number, the amount of the lien and the through date, if applicable, the accruing monthly amount, and the date on which the order or judgment regarding child support or public assistance debt was recorded with the bureau of conveyances. The notice shall require that whoever is served with a notice of child support lien either satisfy the lien or obtain a release of the lien prior to disbursing any funds to the obligor. The method of service of a notice of child support lien shall be by certified mail, return receipt requested, or by personal delivery to the individual or entity referred to. A copy of the notice of child support lien shall also be sent to the obligor by regular mail at the obligor's last known address. Upon service of a notice of child support lien, the individual or entity served shall

withhold the amount of the lien from the proceeds of any estate, judgment, settlement, compromise, vacation or holiday pay, or other benefits due the obligor and deliver the funds to the child support enforcement agency. For service effectuated by certified mail, an electronic copy or facsimile of the signature of the served individual or entity on certified mailers provided by the United States Postal Service shall constitute valid proof of service on the individual or entity. A notice of child support lien may be amended from time to time until extinguished or released, each amendment taking effect upon proper service. A notice of child support lien shall remain in effect until satisfied, extinguished, or released.

(g) A lien shall be enforceable by the child support enforcement agency or its designated counsel or by any other state or agency administering a program under Title IV-D without the necessity of obtaining a court order in the following manner:

- (1) By intercepting or seizing periodic or lump-sum payments from:
 - (A) A state or local agency, including unemployment compensation, and other benefits; and
 - (B) Judgments, settlements, and lotteries;provided that unemployment compensation benefits may be intercepted only to the extent authorized by section 303(e) of the Social Security Act;
- (2) By attaching and seizing assets of the obligor held in financial institutions;
- (3) By attaching public and private retirement funds; and
- (4) By imposing liens in accordance with this section and, in appropriate cases, to force the sale of property and distribution of proceeds.

These procedures shall be subject to due process safeguards, including, as appropriate, requirements for notice, opportunity to contest the action, and opportunity for an appeal on the record to an independent administrative or judicial tribunal.

(h) The child support enforcement agency, its designated counsel or the obligee, where appropriate, shall issue certificates of release upon satisfaction of the lien. Certificates of release of any real property shall be recorded in the bureau of conveyances or filed in the office of the assistant registrar of the land court. Recordation of the certificate of release shall be the responsibility of the obligor.

(i) If there is a dispute between the obligor and the child support enforcement agency concerning the amount of the child support lien, the obligor may request in writing an account review. Upon receipt of a written request, the child

support enforcement agency shall conduct a review of the obligor's account balance pursuant to its administrative rules.

(j) Any person or entity failing to satisfy a notice of child support lien as required by this section, even though able to do so, shall be personally liable to the child support enforcement agency or the obligee for the full amount of all sums required to be withheld and delivered. [L 1989, c 304, §1; am L 1995, c 137, §2; am L 1997, c 293, §29; am L 2000, c 273, §1; am L 2001, c 95, §1; am L 2002, c 72, §§6, 7; am L 2009, c 115, §3; am L 2011, c 79, §4]

Rules of Court

Enforcement of order for payment of support, see HFCR rule 69.

" **§576D-11 Staff.** The attorney general shall appoint, without regard to chapter 76:

- (1) An administrator;
- (2) An assistant administrator who shall serve as controller and whose duties shall include but not be limited to designing and implementing controls over all financial management systems, including electronic data processing systems, and developing an appropriate staffing plan;
- (3) An assistant administrator who shall serve as the policy administrator and whose duties shall include but not be limited to developing and implementing comprehensive policy and planning documents to guide operations to successful outcomes, including federal performance reporting and interstate activities; and
- (4) A staff attorney to serve as the supervisor of the administrative process activities and staff.

In addition, the attorney general shall appoint, pursuant to chapter 76, other personnel as may be required to discharge the functions of the child support enforcement agency. The staff attorney shall not be considered to be a deputy attorney general under chapter 28. [L 1986, c 332, pt of §2; am L 1989, c 211, §10; am L 1990, c 281, §11; am L 1992, c 246, §3; am L 1994, c 24, §3; am L 1995, c 137, §3; am L 1997, c 293, §30; am L 2002, c 253, §150; am L 2008, c 178, §2]

" **§576D-12 Protection of records; divulging confidential information prohibited; penalties.** (a) The agency and its agents shall keep records that may be necessary or proper in accordance with this chapter. All applications and records concerning any individual or case shall be confidential. The

use or disclosure of information concerning any individual or case shall be limited to:

- (1) Persons duly authorized by the State or the United States in connection with their official duties, when their official duties are directly concerned with the administration and implementation of any child support enforcement plan or of a program approved by Title IV-A through E, or under Title II, X, XIV, XVI, XIX, or XX of the Social Security Act, including but not limited to any legal counsel working on behalf of the agency;
 - (2) Disclosure to the extent necessary to provide information to family support payors or payees or their authorized representatives regarding payments received by the agency and the status of their support accounts; provided that the information shall be disclosed to an authorized representative only if the request is accompanied by a written waiver of the payor or payee concerned;
 - (3) Disclosure to consumer reporting agencies as provided in section 576D-6(a)(6);
 - (4) Other agencies or persons connected with the administration of any other federal or federally assisted program that provides assistance, in cash or in kind, or services, directly to individuals on the basis of need;
 - (5) Employees acting within the scope and course of their employment with the department as may be approved by the agency;
 - (6) Purposes directly connected with any investigation, enforcement, prosecution, or criminal, civil, or administrative proceeding conducted in connection with the administration of any plan or program in paragraph (1); and
 - (7) Disclosure to the family court as may be deemed necessary by the family court for any case pending before a court or for purposes of implementation of section 571-51.5.
- (b) Disclosure to any committee or legislative body (federal, state, or county) of any information that identifies by name and address any applicant or recipient shall be prohibited.
- (c) The agency shall not disclose information relating to the location of one party or the child to another party if the agency knows a protective order has been entered with respect to the other party. The agency shall not disclose information related to the location of one party or the child to another person if the agency has reason to believe that disclosure of

the information to that person may result in physical or emotional harm to the party or the child.

(d) When the Secretary of Health and Human Services or the Secretary's agent discloses information about a parent or child to a family court or hearings officer and advises that court or hearings officer that the Secretary has been notified that there is reasonable evidence of domestic violence or child abuse, the court or hearings officer shall determine whether disclosure to any other person of information received from the Secretary could be harmful to the parent or child and, if the court or hearings officer determines that disclosure to any other person could be harmful, the court or hearings officer shall not make any such disclosure.

(e) The agency shall adopt and enforce such rules as may be necessary to prevent improper acquisition or use of confidential information. Any information obtained pursuant to this section by officials, employees, or legal counsel working on behalf of the agency may be used in connection with their official duties or within the scope and course of their employment but not otherwise, and shall be kept in confidential records or files, which shall not be subject to any other law permitting inspection of government records. The agency and its agents shall determine whether the inspection is in connection with the official duties or within the scope and course of employment.

(f) The use of the records, and other communications of the agency or its agents by any other agency or department of the government to which they may be furnished, shall be limited to the purposes for which they are furnished.

(g) Any person, including any person who is authorized by this section to obtain information, who, knowing the information obtained is from confidential records or files of the agency, intentionally discloses the information other than as authorized by law, or who intentionally or knowingly aids or abets in the inspection or disclosure of the applications or records by any person not authorized by this section to inspect such applications or records, shall be guilty of a misdemeanor, unless a greater penalty is otherwise provided by law.

(h) Nothing in this section shall require the sealing of family court records or preclude the disclosure of information by the family court relating to any case pending before a court or for purposes of implementation of section 571-51.5. [L 1989, c 133, §1; am L 1991, c 145, §2; am L 1992, c 246, §4; am L 1997, c 293, §31; am L 1998, c 153, §6; am L 2002, c 84, §2; am L 2005, c 26, §2; am L 2006, c 42, §1]

" **§576D-13 Suspension or denial of licenses.** (a) Upon a determination that an obligor is not in compliance with an order of support as defined in section 576D-1 or that an individual failed to comply with a subpoena or warrant relating to a paternity or child support proceeding, and that the obligor or individual is the holder of or an applicant for a license issued by a licensing authority in this State, the agency shall serve notice upon the obligor or individual of the agency's intent to certify the obligor or individual as noncompliant with an order of support or a subpoena or warrant relating to a paternity or child support proceeding, which shall direct the appropriate licensing authority to deny or suspend the license, or to deny the application for renewal, reinstatement, or restoration of such license.

(b) The notice shall be sent by regular mail to both the last known address of record of the obligor or individual as shown in the records of the licensing authority and the address of record of the obligor or individual as shown in the agency's child support record. For purposes of this section, the date of service means two days following the date of mailing. The notice shall contain the following information:

- (1) Identification of the license, certificate, permit, or registration subject to suspension, nonrenewal, nonreinstatement, nonrestoration, or denial;
- (2) The name, social security number, if available, date of birth, if known, and each applicable child support case number or numbers of the obligor or individual;
- (3) The amount of the arrears, the amount of the monthly child support obligation, and reference to the support order upon which the support amount and arrears are based or the subpoena or warrant that the individual has failed to comply with;
- (4) A statement that the obligor or individual may contest the suspension, nonrenewal, nonreinstatement, nonrestoration, or denial of a license by requesting a hearing in writing within thirty days of the date of service of the notice of intent to suspend, not renew, not reinstate, not restore, or deny the license;
- (5) A statement that the obligor may contact the agency in writing within thirty days of the date of service of the notice and enter into a monthly payment agreement for the arrears owed, and if an agreement is entered into within thirty days of making contact with the agency, the agency shall not pursue the suspension, nonrenewal, nonreinstatement, nonrestoration, or denial of the license;

(6) A statement that an individual not in compliance with a subpoena or warrant relating to a paternity or child support proceeding may contact the agency in writing within thirty days of the date of service of the notice and enter into an agreement to provide the information or appear at the proceedings, and if so, the agency shall not pursue the suspension, nonrenewal, nonreinstatement, nonrestoration, or denial of the license; and

(7) A statement that if the obligor or individual makes a timely request as specified in paragraph (4), the agency shall stay the action until a decision is made.

(c) The agency shall certify in writing to the licensing authority that the obligor is not in compliance with an order of support, or that the individual is not in compliance with a subpoena or warrant relating to a paternity or child support proceeding, and shall authorize the immediate suspension, nonrenewal, nonreinstatement, nonrestoration, or denial of any license held or applied for by the obligor or individual if the obligor or individual:

(1) Fails to contact the agency in writing within thirty days of the date of service of the notice;

(2) Is not in compliance with an order of support, or failed to comply with a subpoena or warrant relating to a paternity or child support proceeding, and does not timely enter into an agreement under subsection (d); or

(3) Is delinquent in making periodic payments on a support arrearage pursuant to a written agreement with the child support enforcement agency under subsection (d).

The agency shall provide a copy of the certification to the obligor or individual. Upon receipt of the certification, the licensing authority shall suspend any license that the obligor or individual holds or deny any license for which the obligor or individual applies without further review or hearing concerning the suspension, nonrenewal, nonreinstatement, nonrestoration, or denial. Notwithstanding the provisions of any other law setting terms of suspension, revocation, denial, termination, or renewal, reinstatement, or restoration of a license, a certification issued by the agency suspending, not renewing, not reinstating, not restoring, or denying a license shall be implemented by the licensing authority and continue in effect until the licensing authority receives a written release of suspension or denial from the agency, the office of child support hearings, or the family court.

(d) The obligor may enter into a payment agreement with the agency if the obligor makes contact with the agency within

thirty days of the date of service of the notice, or the individual may either enter into an agreement to provide the information requested in the subpoena or appear at the proceeding required by the warrant.

(e) If the obligor or the individual requests an administrative hearing in writing within thirty days of the date of service of the notice as provided in subsection (b), the office shall schedule a hearing to determine whether the obligor is not in compliance with a support order or whether the individual is not in compliance with a subpoena or warrant relating to a paternity or child support proceeding. The hearing shall be conducted in accordance with chapters 91 and 576E. The issues before the hearings officer shall be limited to whether the obligor is in compliance with an order of support or whether the individual is in compliance with a subpoena or warrant relating to a paternity or child support proceeding. The hearings officer shall issue a written decision within ten days of the hearing. If the hearings officer decides that the obligor is not in compliance with a support order or that the individual is not in compliance with a subpoena or warrant relating to a paternity or child support proceeding, the license held or applied for by the obligor or individual shall be denied or suspended and shall not be renewed, reinstated, or restored.

(f) The decision of the hearings officer shall be final and shall be subject to judicial review as provided in chapter 91. Any suspension or denial under this section shall not be stayed pending judicial review.

(g) Upon receipt of the decision of the hearings officer that the obligor is not in compliance with a support order or that the individual is not in compliance with a subpoena or warrant relating to a paternity or child support proceeding, the agency shall certify in writing to the licensing authority that the obligor is not in compliance with an order of support, or that the individual is not in compliance with a subpoena or warrant relating to a paternity or child support proceeding, and shall authorize the immediate suspension, nonrenewal, nonreinstatement, nonrestoration, or denial of any license held or applied for by the obligor or individual. The agency shall provide a copy of the certification to the obligor or individual. Upon receipt of the certification, the licensing authority shall suspend any license that the obligor or individual holds or deny any license for which the obligor or individual applies without further review or hearing concerning the suspension, nonrenewal, nonreinstatement, nonrestoration, or denial. Notwithstanding the provisions of any other law setting terms of suspension, revocation, denial, termination, or renewal, reinstatement, or restoration of a license, a

certification issued by the agency suspending, not renewing, not reinstating, not restoring, or denying a license shall be implemented by the licensing authority and continue in effect until the licensing authority receives a written release of suspension or denial from the agency, the office of child support hearings, or the family court.

(h) When the conditions that resulted in the suspension, nonrenewal, nonreinstatement, nonrestoration, or denial no longer exist, the agency shall provide the obligor or individual with written confirmation that the obligor is in compliance with the order of support or that the individual is in compliance with the subpoena or warrant relating to a paternity or child support proceeding, and the agency, office, or the family court shall issue an authorization canceling the certification in writing to the licensing authority.

(i) If a license is suspended or denied under this section, any funds paid by the obligor or individual to the licensing authority shall not be refunded by the licensing authority, and the licensing authority may charge a fee for reinstating or restoring a license. The licensing authority may also charge the obligor or individual a reasonable fee to cover the administrative costs incurred by the licensing authority in complying with this section.

(j) The agency shall adopt rules necessary for the implementation and administration of this section. The licensing authority shall adopt rules necessary for the implementation and administration of this section. The appropriate licensing authority shall require that the social security number of any applicant for a professional license, driver's license, occupational license, recreational license, or marriage license be recorded on the application for those licenses. The social security number shall be used solely for purposes of this chapter for child support enforcement and identification. [L 1997, c 293, pt of §6; am L 1998, c 83, §4; am L 2001, c 95, §2; am L 2006, c 43, §2]

" **§576D-14 Implementation of income withholding.** (a) For cases being enforced under the Title IV-D state plan or for those parents applying to the agency for services, the income of an obligor who receives income on a periodic basis and who has a support obligation imposed by a support order issued or modified in the State before January 1, 1994, and issued or modified thereafter, if not otherwise subject to withholding, shall become subject to withholding as provided in subsection (b) if arrearages or delinquency occur, without the need for a judicial or administrative hearing. The income of an obligor shall become subject to withholding without regard to whether there

are arrearages or delinquency upon the agency receiving a request for income withholding from the obligee and a determination made by the agency that income withholding is appropriate, or upon the agency receiving a request for income withholding from the obligor. The agency shall implement such withholding without the necessity of any application in the case of a child with respect to whom services are already being provided under Title IV-D and shall implement withholding on the basis of an application for services under Title IV-D in the case of any other child on whose behalf a support order has been issued or modified. In either case, the withholding shall occur without the need for any amendment to the support order involved or for any further action by the court or other entity that issued the order.

(b) If the obligor who receives income on a periodic basis becomes delinquent in making payments under a support order in an amount at least equal to the support payable for one month, the agency shall issue an income withholding order that shall include an amount to be paid towards the delinquency. The income withholding order shall be in the standard format prescribed by Title IV-D of the Social Security Act, as amended by the child support enforcement agency. The order shall be served upon the employer by regular mail, by personal delivery, or by transmission to the employer through electronic means.

(c) Upon the agency's receipt of an income withholding request from any other state or agency administering a program under Title IV-D, the agency may issue an income withholding order to collect the support imposed upon the obligor by a support order issued or modified by the other state. The order shall include an amount adequate to ensure that past due payments and payments that will become due in the future under the terms of the support order will be paid.

(d) A copy of the order shall be filed in the office of the clerk of the circuit court in the circuit where the order was issued.

(e) Upon sending the order of income withholding to the employer, the agency shall send a notice of the withholding by regular mail to each obligor to whom subsections (b) and (c) apply. The notice shall inform the obligor:

- (1) That the withholding has commenced;
- (2) That the obligor may request a hearing in writing within fourteen days of the date of the notice;
- (3) That, unless the obligor files a written request for a hearing within fourteen days of the date of the notice, the money received from the income withholding will be distributed to the custodial parent or, in an interstate case, the obligee in the other

jurisdiction, or in the case where the children are receiving public assistance, to the State;

- (4) That the only defense to income withholding is a mistake of fact; and
- (5) Of the information that was provided to the employer with respect to the employer's duties pursuant to section 576E-16.

(f) The agency may delay the distribution of collections toward arrearages or delinquency until the resolution of any requested hearing regarding the arrearages or delinquency.

(g) Upon timely receipt of a request for a hearing from the obligor pursuant to the notice provided under subsection (e), the agency shall refer the matter to the office and a hearing shall be conducted pursuant to chapters 91 and 576E.

(h) Upon receiving an order of income withholding from the agency, the employer is subject to the requirements of section 576E-16(b) through (h).

(i) In a case being enforced under the Title IV-D state plan or for those parents applying to the agency for services, the agency may enforce the existing order of support by sending to the employer by regular mail, by personal delivery, or by transmission through electronic means, a notice to withhold child support issued by the agency that reflects the terms and conditions specified in the order for support or income withholding order. Upon receiving a notice to withhold child support, the employer is subject to the requirements of section 576E-16(b) to (h).

(j) The agency may terminate income withholding by sending a notice to the employer by regular mail, by personal delivery, or by transmission through electronic means. The notice shall be issued upon determination by the agency that the obligor no longer owes the child support or that the obligation is being satisfied through withholding by another employer.

(k) The agency may adopt rules in accordance with chapter 91 as may be necessary to implement and administer income withholding under this section and sections 571-52, 571-52.2, 571-52.3, and 576E-16. [L 1997, c 293, pt of §6; am L 1998, c 83, §§5, 6; am L 2000, c 194, §5; am L 2001, c 95, §3; am L 2002, c 84, §3; am L 2005, c 26, §3; am L 2006, c 34, §2; am L 2011, c 79, §5]

" **§576D-15 Financial institution data match system.** (a) The agency may enter into agreements with financial institutions doing business in the State to develop and operate a data match system for the purposes of support enforcement, using automated data exchanges to the maximum extent feasible.

(b) The financial institution shall provide to the agency, on a quarterly basis, the name, record address, social security number or other taxpayer identification number, and other identifying information for each noncustodial parent who maintains an account at such institution and who owes past due support, as identified by the agency by name and social security number or other taxpayer identification number. The information provided by the financial institution shall also include the name and last known address of all account holders of any account reported under this section.

(c) In response to a notice of lien or levy, the financial institution shall surrender or encumber assets held by such institution to the agency on behalf of any noncustodial parent who is subject to a child support lien arising by operation of law against real and personal property for delinquent support owed by the noncustodial parent who resides in or owns property in the State and those liens shall be accorded full faith and credit when the agency or other entity seeking to enforce the lien has complied with the procedural rules of the State and, if applicable, section 501-102.

(d) The agency may pay a reasonable fee to a financial institution for conducting the data match provided for in this section, not to exceed the actual costs incurred by the institution.

(e) A financial institution shall not be liable under any state law to any person for:

- (1) The disclosure of information to the agency under this section;
- (2) The encumbrance or surrender of any assets held by such financial institution in response to a notice of lien or levy issued by the agency as provided for in subsection (c); or
- (3) Any other action taken in good faith to comply with the requirements of this section.

(f) Unless otherwise required by applicable law, a financial institution furnishing a report or providing information to the agency under this section shall not disclose to a depositor or an account holder that the name of such person has been received from or furnished to the agency; provided that an institution may disclose to its depositors or account holders that under the bank match system the agency has the authority to request certain identifying information on certain depositors or account holders. If an institution wilfully violates this section, the institution shall pay to the agency the lesser of \$1,000 or the amount on deposit or in the account of the person to whom such disclosure was made. An institution shall incur no obligation or liability to a depositor or account holder or any

other person arising from the furnishing of a report or information to the agency under this section, or from the failure to disclose to a depositor or account holder that the name of such person was included in a list furnished by the agency or in a report furnished by the institution to the agency. An institution may charge an account levied on by the agency a fee, as determined by the agency, of not less than \$20 nor more than \$50 which shall be deducted from such account prior to remitting any funds to the agency.

(g) For purposes of this section:

"Account" means a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or a money-market mutual fund account.

"Financial institution" means every financial institution doing business in the State, as defined in section 412:1-109, and the term also includes but is not limited to any benefit association, insurance company, safe deposit company, money-market mutual fund, or entity similar to the foregoing authorized to do business in the State.

"Financial record" means the same as the term in section 1101 of the Right to Financial Privacy Act of 1978 (12 U.S.C. §3401).

"Money-market mutual fund" means every regulated investment company within the meaning of section 851(a) of the Internal Revenue Code of 1986, as amended, which seeks to maintain a constant net asset value of one dollar in accordance with 17 C.F.R. §270.2a-7. [L 1997, c 293, pt of §6; am L 2001, c 95, §4]

" **§576D-16 Duty of employers to report new hires to the agency; civil penalties for failure to comply with reporting; national new hire directory.** (a) Beginning October 1, 1998, each employer in the State shall report to the agency within twenty days of hire, the name, address, social security number, and the date services for remuneration were first performed of each new hire along with the name, federal identification number, and address of the employer. Each report shall be made on a W-4 form or its equivalent, and may be transmitted by first class mail, magnetically, or electronically. If an employer is transmitting reports to the agency magnetically or electronically, the report shall be transmitted twice monthly not less than twelve days nor more than sixteen days apart. The agency shall maintain these reports as the state directory of new hires.

(b) Employers failing to report the information required in subsection (a) shall be subject to a civil penalty of \$25 or, if the failure is the result of a conspiracy between the

employer and the employee not to supply the required report or to supply a false or incomplete report, a \$500 fine.

(c) Within three working days after the date information is reported to the agency's state directory of new hires, the agency shall furnish the information to the national directory of new hires. The agency shall furnish extracts of the reports required to the national directory of new hires on a quarterly basis concerning the wages and compensation paid to individuals, by such dates, in such format, and containing such information as the United States Secretary of Health and Human Services shall specify in regulations.

(d) For the purposes of this section, the term "new hire" means an employee who has not previously been employed by the employer or was previously employed by the employer but has been separated from the prior employment for at least sixty consecutive days. [L 1997, c 293, pt of §6; am L 2012, c 35, §1; am L 2013, c 69, §1]

" **§576D-17 Violations; penalties.** (a) Unless otherwise provided, any person or entity in the State including for-profit, nonprofit, and labor organizations, and any agency, board, commission, authority, court, or committee of the State or its political subdivisions that knowingly, intentionally, or wilfully violates any section of this chapter or any request of the agency pursuant to this chapter shall be guilty of a petty misdemeanor.

(b) The agency may establish, through administrative rules, a system of fines for failure to promptly respond to the agency's request for information, which may be levied without the necessity of a court order. [L 1997, c 293, pt of §6; am L 2002, c 84, §4]

" **§576D-18 Investigators; access to information.** (a) The attorney general shall commission child support enforcement investigators who shall have all powers and authority of a police officer or a deputy sheriff to fulfill their official responsibilities; provided that a person so appointed and commissioned shall not carry firearms.

(b) The duties of the commissioned investigators shall be to locate absent parents for the establishment of paternity, and for obtaining and enforcing orders of support.

(c) The agency and other state agencies administering a program under Title IV-D shall have access, including automated inquiry access, to the records of all entities in the State for information on the employment, compensation, and benefits of any individual member, employee, or contractor of the entity, to accomplish the purposes of the child support program. The

entities include but are not limited to for-profit, nonprofit, and labor organizations, and any agency, board, commission, authority, court, or committee of the State or its political subdivisions, notwithstanding any provision for confidentiality. Subject to safeguards on privacy and confidentiality and subject to the nonliability of entities that afford access under this section, the agency and other state agencies administering a program under Title IV-D shall also have access to records held by private entities with respect to individuals who owe or are owed support, or against or with respect to whom a support obligation is sought consisting of:

- (1) The names and addresses of individuals and the names and addresses of the employers of those individuals as appearing in customer records of public utilities and cable television companies, pursuant to an administrative subpoena authorized pursuant to section 576E-2; and
- (2) Information, including information on assets and liabilities, on the individuals held by financial institutions.

(d) Other state and federal agencies conducting activities under Title IV-D shall have access to any system used by the State to locate an individual for purposes relating to motor vehicles or law enforcement.

(e) Notwithstanding section 338-18, the agency, through the offices of county corporation counsels, county attorneys, or the attorney general, shall have access, including automated inquiry access, to the public health statistics records of the department of health and may make only such use of identifying information in those records as is necessary for purposes consistent with Title IV-D and applicable state laws. The United States Secretary of Health and Human Services or the Secretary's agent, notwithstanding section 338-18, shall also have access, including automated inquiry access, to the public health statistics records of the department of health solely for purposes of funding and oversight under Title IV-D. [L 1997, c 293, pt of §6; am L 1998, c 153, §7; am L 2002, c 84, §5; am L 2004, c 80, §2; am L 2011, c 79, §6]