

§17. Access to financial records of deposit accounts of individuals who owe overdue child support

1. Definitions. For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Depositor" has the same meaning as used in Title 9-B, and includes "share account holders" of credit unions. [PL 1995, c. 419, §28 (NEW).]

B. "Financial institution" means a trust company, savings bank, industrial bank, commercial bank, savings and loan association or credit union organized under the laws of this State or otherwise authorized to do business in this State. [PL 1995, c. 419, §28 (NEW).]

C. "Match" means an automated comparison by name and social security number of a list of obligors provided to a financial institution by the department and a list of depositors of any financial institution. [PL 1995, c. 419, §28 (NEW).]

D. "Obligor" means a person who owes overdue support. [PL 1995, c. 419, §28 (NEW).]

E. "Overdue support" means a debt of \$500 or more for maintenance and support of a child or children that has been owed for a least 60 days, if the obligor had prior notice of the debt and a prior opportunity to contest the amount owed. "Overdue support" includes spousal support or alimony being collected in conjunction with child support. [PL 1995, c. 419, §28 (NEW).]
[PL 1995, c. 419, §28 (NEW).]

2. Computer match. Upon written request from the commissioner to a financial institution in this State with the technological capacity to perform a match, the financial institution shall perform a match using the list of obligors' social security numbers provided by the department. The department is responsible for making its computer data compatible with the data of the financial institution with which a match is sought. The department's data, at a minimum, must include the full name and social security number of and the amount of overdue support owed by each obligor. The department may not request a financial institution to perform a match under this section more often than once every calendar quarter. [PL 1997, c. 537, §53 (AMD); PL 1997, c. 537, §62 (AFF).]

3. Compilation of match list. After completing a match requested by the department under subsection 2, a financial institution shall compile for the department a list of those depositors whose social security numbers match the list of social security numbers of obligors provided by the department. The list must contain the following information, if available to the financial institution through its matching procedure, for each account identified:

A. The obligor's full name; [PL 1995, c. 419, §28 (NEW).]

B. The obligor's social security number; [PL 1995, c. 419, §28 (NEW).]

C. The financial institution account number; and [PL 1995, c. 419, §28 (NEW).]

D. The amount of deposits contained in the account, if available. [PL 1995, c. 419, §28 (NEW).]
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4. Notice to department. A financial institution that has compiled a match list under subsection 3 shall send the list to the department at the address designated by the department. [PL 1995, c. 419, §28 (NEW).]

5. Notice to customer. The financial institution may not provide notice in any form to a depositor contained in a match list submitted to the department under subsection 4. Failure to provide notice to a depositor does not constitute a violation of the financial institution's duty of good faith to its customers.

[PL 1995, c. 419, §28 (NEW).]

6. Reasonable fee. To cover the costs of carrying out the requirements of this section, a financial institution may assess a reasonable fee to the department not to exceed the actual costs incurred by the financial institution.

[PL 1995, c. 419, §28 (NEW).]

7. Confidentiality. The list of obligors, with their social security numbers and the amount of the overdue support provided by the department to a financial institution is confidential. The information may be used only for the purpose of carrying out the requirements of this section. Knowing or intentional use of the information, without authorization from the department, is a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged.

[PL 1995, c. 419, §28 (NEW).]

8. Immunity from liability; hold harmless. A financial institution is immune from any liability for its good faith actions to comply with this section. The department shall defend and hold harmless, including compensation for attorney's fees, a financial institution that acts in good faith to carry out the requirements of this section.

[PL 1995, c. 419, §28 (NEW).]

9. Rulemaking. The department shall adopt rules to carry out this section.

[PL 1995, c. 419, §28 (NEW).]

10. Repeal.

[PL 1997, c. 537, §54 (RP); PL 1997, c. 537, §62 (AFF).]

SECTION HISTORY

PL 1995, c. 419, §28 (NEW). PL 1997, c. 537, §§53,54 (AMD). PL 1997, c. 537, §62 (AFF).

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