

The DHS Match Reporting System: 56 O.S. §240.22 ~§240.22G

56 O.S. §240.22. Development and Implementation of Financial Institution Data Match Reporting System.

A The Department of Human Services, in coordination with representatives of the financial industry in Oklahoma, shall develop and implement a financial institution data match reporting system. Such system shall be operated by the Department and shall use automated data exchanges to the maximum extent feasible to compare account information data held by financial institutions with the Child Support Enforcement Division's database of child obligors in noncompliance with an order of support.

B The Department is authorized to enter into any contracts or cooperative agreements necessary to carry out the provisions of this act.

C. Release and maintenance of any information in a good faith attempt to comply with the provisions of this act shall not constitute a violation of any confidentiality or financial privacy law.

D. The Department shall adopt rules under the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, to implement the provisions of this section.

Historical Data

Added by Laws 1997, c. 402, § 25, eff. July 1, 1997.

56 O.S. § 240.22A. Terms Defined.

As used in Section 240.22 et seq. of this title:

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

"Financial Institution" means any federal or state bank or savings association, federal or state credit union, benefit association, insurance company, safe deposit company, money-market mutual fund or similar entity authorized to do business by the State of Oklahoma; and

"Noncompliance with an order for support" means that the obligor has failed to make child support payments required by a child support order in an amount equal to the child support payable for at least ninety (90) days.

Historical Data

Added by Laws 1997, c. 402, § 26, eff. July 1, 1997; Amended by Laws 2001, SB 675, eff. July 1, 2001.

56 O.S. §240.22B. Departmental Request for Information.

A. The Department shall make the first request to each financial institution to provide data in writing. Within thirty (30) days of such notification, each financial institution notified shall provide a list containing the name, record address, social security number, and other identifying data of each noncustodial parent who maintains an account at the institution and who is in noncompliance with an order for

support. Each financial institution is further required to provide such information within thirty (30) days of the end of each calendar quarter thereafter, after receiving an updated list of obligors from the Department, without further notification from the Department.

B. To comply with the requirements of this act a financial institution may either:

1. Provide to the Department the list of all account holders for the Department to compare against its list of obligors in noncompliance with an order for support for the purpose of identifying which obligors maintain any account at the financial institution; or

2. Obtain a list of obligors in noncompliance with an order for support from the Department and compare that data to the data maintained by the financial institution to identify which of the obligors maintains any account at the financial institution. The Department shall provide the list of obligors in noncompliance with an order for support in electronic media form and compatible format unless the financial institution requests the list to be in written format.

C. Each institution shall notify the Director of the Department of Human Services in writing within fifteen (15) days of the original request to provide the data and by December 15 of each calendar year if it chooses to change methods for the following calendar year.

D. A financial institution may provide the required data by submitting electronic media in a compatible format, delivering, mailing, or telefaxing a copy of the data or by other means authorized by the Director of the Department of Human Services, or their designee, that will result in timely reporting.

E. With regard to account information on all account holders provided by a financial institution under paragraph 1 of subsection B of this section, the Department shall retain the reported information only until the account information is compared against the Department's database. All account information that does not pertain to an obligor listed in the Department's database shall be immediately destroyed and no retention or publication shall be made of that data by the Department. Financial institutions choosing the method described in paragraph 2 of subsection B of this section should immediately destroy all information provided by the Department after all matches are determined and forwarded to the Department. All account information that does pertain to an obligor listed in the Department's database shall be incorporated into the Department's database and access to that data will then be governed by this act.

F. A financial institution that performs a data match pursuant to the provisions of this act and furnishes matching data, if any, to the Department may collect from the Department for providing such information in an amount to be established by agreement between the Department the actual cost incurred for performing the data match.

G. A financial institution that provides information to the Department in good faith or takes any other action in good faith in an attempt to comply with the provisions of this act

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shall not be liable to any person for disclosing such information or for taking such action.

H. The Department of Human Services shall examine the data made available pursuant to this act under the reporting system and make positive identification of cases in which child support is owed to the Department pursuant to the state child support program or to the person entitled to the support.

I. Upon a positive identification, the Department may require the financial institution to submit additional information concerning the obligor, social security number, and other data to assure positive identification, and the name and location of the financial institution.

J. If the Department determines a match between a child support obligor and in account in a financial institution, the Department may issue a subpoena seeking additional information or serve a notice of a levy on the obligor's assets in that financial institution.

K. The Department shall adopt rules under the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, to implement the provisions of this section.

Historical Data

Added by Laws 1997, c. 402, § 27, eff. July 1, 1997.

56 O.S. §240.22C. Disclosure of Information.

No employee or agent of this state shall divulge any information referred to in this act, except in the manner herein prescribed to any public or private agency or individual. Information may be disclosed and shared by and between any employee of an administering agency and any other state or federal agency as necessary in the collection of child support. Unauthorized disclosure of any such information shall, upon conviction, be a misdemeanor punishable by a fine of One Thousand Dollars (\$1,000.00) per offense. Such unauthorized release of information shall also be cause for administrative discipline of any employee who engages in such unauthorized release.

Historical Data

Added by Laws 1997, c. 402, § 28, eff. July 1, 1997.

56 O.S. § 240.22D. Failure to Comply with Data Reporting Requirements.

Any financial institution which is required to submit a report pursuant to the provisions of this act which fails, without reasonable cause, to comply with such reporting requirements after notification by certified mail return receipt requested, and such failure continues for more than thirty (30) business days after mailing of such notification of the failure to comply, without reasonable cause, or if said financial institution willfully renders false information in reply to such request, such financial institution shall be liable for a penalty of One Thousand Dollars (\$1,000.00).

Historical Data

Added by Laws 1997, c. 402, § 29, eff. July 1, 1997.

56 O.S. §240.22E. Disclosure to Depositor or Account Holder.

A. Unless otherwise required by applicable law, a financial institution furnishing a report or providing information to the Department pursuant to this act shall not disclose to a depositor or an account holder that the name of such person has been received from or furnished to the Department; provided, however, that a financial institution may disclose to its depositors or account holders that under the financial data match reporting system the Department has the authority to request certain identifying information on certain depositors or account holders.

B. If an institution willfully violates the provisions of this section, such financial institution shall pay to the Department the lesser of One Thousand Dollars (\$1,000.00) or the amount on deposit or in the account of the person to whom such disclosure was made.

C. A financial 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 pursuant to this act.

D. A financial institution shall incur no obligation or liability to a depositor or account holder or any other person arising from the furnishing of information to the depositor or account holder that the Child Support Enforcement Division has issued a levy on the depositor's or account holder's assets in that financial institution if the financial institution advises the depositor or account holder of the levy after the financial institution has frozen all accounts of the depositor or account holder pursuant to Section 240.22G of this title.

E. A financial institution may charge an account levied on by the Department of Human Services a fee, as determined by the Department, of not less than Twenty Dollars (\$20.00) nor more than Fifty Dollars (\$50.00) which shall be deducted from such account prior to remitting any funds to the Department.

F. Any individual who knowingly makes an unauthorized disclosure of financial records pursuant to this act shall upon conviction thereof, be fined up to One Thousand Dollars (\$1,000.00) and shall be subject to civil proceedings for such violation of privacy.

Historical Data

Added by Laws 1997, c. 402, § 30, eff. July 1, 1997; Amended by Laws 2000, SB 1520 c. 384. § 19, eff. November 1, 2000

56 O.S. §240.22F. Financial Institutions Electronic Data Matches.

The Department shall determine by survey the likely time and expense required for individual financial institutions in Oklahoma to reprogram their data processing systems, if necessary and if reasonably possible, to carry out electronic data matches. Based on the information obtained from the survey and in coordination with representatives of the financial

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industry in Oklahoma, the Department shall implement a reporting system that maximizes electronic data matches with those financial institutions that now have compatible systems, and that phases in electronic data matches with other financial institutions that are capable of developing compatible systems with the expenditure of reasonable time and expense.

Historical Data

Added by Laws 1997, c. 402, § 31, eff. July 1, 1997.

56 O.S. §240.22G. Levy for Each Match Account.

Upon matching a delinquent obligor with a financial account, the Division shall automatically issue a levy for each match account unless after reviewing each data match, it is found that a levy would be inappropriate under the particular circumstances, and there is full and timely compliance with a court-ordered payment plan.

1. Such levy shall be valid for sixty (60) days. Upon receipt of any levy, the financial institution shall:

a. immediately freeze all accounts of the obligor, up to the amount of the lien,

b. hold funds in the accounts for twenty-one (21) days before remitting payment to the Division, and

c. notify the Division if an account has been closed.

2. Except as provided in Section 240.22E of this title, the financial institution shall not disclose information to the depositor or account holder. Within three (3) working days after levy is sent to the financial institution, the Division shall send the levy to the obligor, with a notice that the obligor has ten (10) days to request an administrative review of the levy.

3. Twenty-one (21) days after receiving the levy, the financial institution shall remit funds, up to the amount of the lien, to the Division, unless the Division has notified the institution that the levy has been released in part or in full. The financial institution shall remit any additional deposit made to a levied account, up to the amount of the levy, for a period of sixty (60) days after receiving the levy.

Historical Data

Added by Laws 1997, c. 402, § 32, eff. July 1, 1997; Amended by Laws 2000, SB 1520 c. 384. § 20, eff. November 1, 2000; Amended by Laws 2001, SB 675, eff. July 1, 2001.