



General Assembly

February Session, 2000

Amendment

LCO No. 5475

Offered by:

REP. TULISANO, 29th Dist.

To: House Bill No. 5928

File No. 573

Cal. No. 446

***"An Act Concerning The Expenditures Of The
Department Of Social Services."***

1 Strike out everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 46b-160 of the general statutes is repealed and the
4 following is substituted in lieu thereof:

5 (a) Proceedings to establish paternity of a child born or conceived
6 out of lawful wedlock, including one born to, or conceived by, a
7 married woman but begotten by a man other than her husband, shall
8 be commenced by the service on the putative father of a verified
9 petition of the mother or expectant mother. The verified petition,
10 summons and order shall be filed in the [superior court for the judicial
11 district in which either she or the putative father resides, except that in
12 IV-D support cases, as defined in subdivision (13) of subsection (b) of
13 section 46b-231 and in petitions brought under sections 46b-212 to 46b-
14 213v, inclusive, such petition shall be filed with the clerk for the]
15 Family Support Magistrate Division of the superior court serving the
16 judicial district where either she or the putative father resides. In cases

17 involving public assistance recipients the petition shall also be served
18 upon the Attorney General who shall be and remain a party to any
19 paternity proceeding and to any proceedings after judgment in such
20 action. The court or any judge, or family support magistrate []
21 assigned to said court shall cause a summons, signed by him, by the
22 clerk of said court, or by a commissioner of the Superior Court to be
23 issued, requiring the putative father to appear in court at a time and
24 place as determined by the clerk but not more than ninety days after
25 the issuance of the summons to show cause, if any he has, why the
26 request for relief in such petition should not be granted. A sheriff,
27 proper officer or investigator employed by the Department of Social
28 Services shall make due returns of process to the court not less than
29 twenty-one days before the date assigned for hearing. Such petition,
30 summons and order shall be on forms prescribed by the Office of the
31 Chief Court Administrator. [In the case of a child or expectant mother
32 being supported wholly or in part by the state, service of such petition
33 may be made by any investigator employed by the Department of
34 Social Services and any proper officer authorized by law.] Such
35 petition may be brought at any time prior to the child's eighteenth
36 birthday, provided liability for past support shall be limited to the
37 three years next preceding the date of the filing of any such petition. If
38 the putative father fails to appear in court at such time and place, the
39 court or family support magistrate shall hear the petitioner and, upon
40 a finding that process was served on the putative father, shall enter a
41 default judgment of paternity against such father and such other
42 orders as the facts may warrant. Such court or family support
43 magistrate may order continuance of such hearing; and if such mother
44 or expectant mother continues constant in her accusation, it shall be
45 evidence that the respondent is the father of such child. The court or
46 family support magistrate shall, upon motion by a party, issue an
47 order for temporary support of the child by the respondent pending a
48 final judgment of the issue of paternity if such court or magistrate
49 finds that there is clear and convincing evidence of paternity which
50 evidence shall include, but not be limited to, genetic test results
51 indicating a ninety-nine per cent or greater probability that such

52 respondent is the father of the child.

53 (b) If the putative father resides out of or is absent from the state,
54 notice required for the exercise of jurisdiction over such putative father
55 shall be actual notice, and shall be in the manner prescribed for
56 personal service of process by the law of the place in which service is
57 made.

58 (c) In any proceeding to establish paternity, the court or family
59 support magistrate may exercise personal jurisdiction over a
60 nonresident putative father if the court or magistrate finds that the
61 putative father was personally served in this state or that the putative
62 father resided in this state and while residing in this state (1) paid
63 prenatal expenses for the mother and support for the child, (2) resided
64 with the child and held himself out as the father of the child, or (3)
65 paid support for the child and held himself out as the father of the
66 child, provided the nonresident putative father has received actual
67 notice of the pending petition for paternity pursuant to subsection [(c)]
68 (b) of this section.

69 (d) The petition [, when served pursuant to subsection (c) of this
70 section,] shall be accompanied by an answer form, a notice to the
71 putative father, a financial affidavit form and an application for
72 appointment of counsel, written in clear and simple language designed
73 for use by pro se defendants.

74 (e) [(1)] The answer form shall [require] allow the putative father to
75 indicate whether he admits that he is the father, denies that he is the
76 father or does not know whether he is the father of the child. Any
77 response to the answer form shall not be deemed to waive any
78 jurisdictional defense.

79 [(2)] (f) The notice to the putative father shall inform him that (A) he
80 has a right to be represented by an attorney, and if he is indigent, the
81 court will appoint an attorney for him, (B) if he is found to be the
82 father, he will be required to financially support the child until the
83 child attains the age of eighteen years, (C) if he does not admit he is the

84 father, the court or family support magistrate may order a genetic test
85 to determine paternity and that the cost of such test shall be paid by
86 the state in IV-D support cases, and in non-IV-D cases shall be paid by
87 the petitioner, except that if he is subsequently adjudicated to be the
88 father of the child, he shall be liable to the state or the petitioner, as the
89 case may be, for the amount of such cost and (D) if he fails to return
90 the answer form or fails to appear for a scheduled genetic test without
91 good cause, a default judgment shall be entered.

92 [(3) The application for appointment of counsel shall include a
93 financial affidavit.]

94 [(f)] (g) If the court or family support magistrate [may exercise]
95 exercises personal jurisdiction over [the] a nonresident putative father
96 [pursuant to subsection (d) of this section and the answer form is
97 returned and the putative father does not admit paternity,] the court
98 shall order the mother, the child and the putative father to submit to
99 genetic tests. Such order shall be served upon the putative father in the
100 same manner as provided in subsection (c) of this section. The genetic
101 test of the putative father, unless he requests otherwise, shall be made
102 in the state where the putative father resides at a location convenient to
103 him. The costs of such test shall be paid by the state [in IV-D support
104 cases, and in non-IV-D cases shall be paid by the petitioner] , except
105 that if the putative father is subsequently adjudicated the father of the
106 child, he shall be liable to the state or the petitioner, as the case may be,
107 for the amount of the costs.

108 [(g)] (h) The court or family support magistrate shall enter a default
109 judgment against a nonresident putative father if such putative father
110 (1) fails to answer or otherwise respond to the petition, or (2) fails to
111 appear for a scheduled genetic test without good cause, provided a
112 default judgment shall not be entered against a nonresident putative
113 father unless (A) there is evidence that the nonresident putative father
114 has received actual notice of the petition pursuant to subsection (c) of
115 this section and (B) there is verification that the process served upon
116 the putative father included the answer form, notice to the defendant

117 and an application for appointment of counsel required by subsection
118 (e) of this section. Upon entry of a default judgment, a copy of the
119 judgment and a form for a motion to reopen shall be served upon the
120 father in the same manner as provided in subsection (c) of this section.

121 Sec. 2. Section 46b-162 of the general statutes is repealed and the
122 following is substituted in lieu thereof:

123 [The state or any town interested in the support of a child born out
124 of wedlock may, if] If the mother [neglects to] does not bring such
125 petition, any party deemed by the court to have a sufficient interest,
126 including, but not limited to the state, any town or the putative father,
127 may institute such proceedings to determine paternity of any child or
128 children born out of wedlock, [against the person accused of begetting
129 the child,] and may take up and pursue any petition commenced by
130 the mother for the maintenance of the child, if she fails to prosecute to
131 final judgment. Such petition may be made by the Commissioner of
132 Social Services or the town welfare administrator on information or
133 belief. The petition shall also be served upon the mother of the child
134 who shall be and remain a party to any paternity proceeding and to
135 any proceedings after judgment in such action may be subpoenaed for
136 testimony on the hearing of the petition.

137 Sec. 3. Section 46b-168 of the general statutes is repealed and the
138 following is substituted in lieu thereof:

139 (a) In any proceeding in which the question of paternity is at issue
140 the court or a family support magistrate, [on motion of any party, may]
141 shall order genetic tests which shall mean deoxyribonucleic acid tests,
142 to be performed by a hospital, accredited laboratory, qualified
143 physician or other qualified person designated by the court, to
144 determine whether or not the putative father or husband is the father
145 of the child. The results of such tests, whether ordered under this
146 section or required by the IV-D agency under section 46b-168a, shall be
147 admissible in evidence to either establish definite exclusion of the
148 putative father or husband or as evidence that he is the father of the

149 child without the need for foundation testimony or other proof of
150 authenticity or accuracy, unless objection is made in writing not later
151 than twenty days prior to the hearing at which such results may be
152 introduced in evidence.

153 (b) In any proceeding in which the question of paternity is at issue,
154 the results of such genetic tests, whether ordered under this section or
155 required by the IV-D agency under section 46b-168a, shall constitute a
156 rebuttable presumption that the putative father is the father of the
157 child if the results of such tests indicate a ninety-nine per cent or
158 greater probability that he is the father of the child. [provided the
159 petitioner has presented evidence that sexual intercourse occurred
160 between the mother and the putative father during the period of time
161 in which the child was conceived.]

162 (c) The costs of making tests provided by this section shall be
163 [chargeable against the party making the motion, provided if the court
164 finds that such party is indigent and unable to pay such costs, such
165 costs shall be] paid by the state. If the [costs of making such tests are
166 paid by the state and the] respondent [making the motion] is
167 subsequently adjudicated to be the father of the child, such respondent
168 shall be liable to the state for the amount of such costs.

169 (d) The pendency of a motion to open judgment or for review of a
170 paternity acknowledgement shall be sufficient to place the question of
171 paternity at issue for purposes of jurisdiction of a court or a family
172 support magistrate to order genetic tests provided that such tests have
173 not previously been made and that no such motion to open judgment
174 or petition for review has previously been denied.

175 (e) On and after the effective date of this act, in any paternity or
176 parentage determination, whether by adjudication or
177 acknowledgment, genetic tests shall be filed with the court of
178 adjudication or where the acknowledgment is filed and shall be a
179 permanent part of the court record.

180 Sec. 4. Section 46b-168a of the general statutes is repealed and the

181 following is substituted in lieu thereof:

182 (a) In any IV-D support case, as defined in subdivision (13) of
183 subsection (b) of section 46b-231, in which the paternity of a child is at
184 issue, the IV-D agency shall require the child and all other parties other
185 than individuals who have good cause for refusing to cooperate or
186 who are subject to other exceptions to submit to genetic tests which
187 shall mean deoxyribonucleic acid tests, to be performed by a hospital,
188 accredited laboratory, qualified physician or other qualified person
189 designated by such agency, to determine whether or not the putative
190 father or husband is the father of the child, upon the request of any
191 such party. [provided such request is supported by a sworn statement
192 by the party which either (1) alleges paternity and sets forth facts
193 establishing a reasonable possibility of the requisite sexual contact
194 between the parties, or (2) denies paternity and sets forth facts
195 establishing a reasonable possibility of the nonexistence of sexual
196 contact between the parties.]

197 (b) The costs of making the tests provided by this section shall be
198 paid by the state. [provided if the putative father is the requesting
199 party and he is subsequently adjudicated to be the father of the child,
200 he shall be liable to the state for the amount of such costs to the extent
201 of his ability to pay, in accordance with regulations adopted by the
202 Commissioner of Social Services pursuant to subdivision (3) of
203 subsection (c) of this section.] The contesting party shall make advance
204 payment for any additional testing required in the event of a contest of
205 the original test results.

206 (c) The Commissioner of Social Services shall adopt regulations, in
207 accordance with the provisions of chapter 54, to establish criteria for
208 determining [(1)] good cause or other exceptions for refusing to
209 cooperate under subsection (a) of this section, which shall include, but
210 not be limited to, domestic violence, sexual abuse and lack of
211 information and shall take into account the best interests of the child. [,
212 (2) the sufficiency of the facts establishing a reasonable possibility of
213 the existence or nonexistence of the requisite sexual contact between

214 the parties, as required under subsection (a) of this section, and (3) the
215 ability of the requesting party to pay the costs of the genetic tests in
216 accordance with subsection (b) of this section.]

217 Sec. 5. Section 46b-170 of the general statutes is repealed and the
218 following is substituted in lieu thereof:

219 No such petition shall be withdrawn except upon approval of a
220 [judge or in IV-D support cases as defined in subsection (b) of section
221 46b-231 and petitions brought under sections 46b-212 to 46b-213v,
222 inclusive, the] family support magistrate assigned to the judicial
223 district in which the petition was brought. Any agreement of
224 settlement, before or after a petition has been brought, other than an
225 agreement made under the provisions of section 46b-172, between the
226 mother and putative father shall take effect only upon approval of the
227 terms thereof by a [judge of the Superior Court, or] family support
228 magistrate assigned to the judicial district in which the mother or the
229 putative father resides and, in the case of children supported by the
230 state or the town, on the approval of the Commissioner of Social
231 Services or the Attorney General. When so approved, such agreements
232 shall be binding upon all persons executing them, whether such
233 person is a minor or an adult.

234 Sec. 6. Section 46b-171 of the general statutes, as amended by section
235 30 of public act 99-279, is repealed and the following is substituted in
236 lieu thereof:

237 (a) (1) If the defendant is found to be the father of the child, the
238 court or family support magistrate shall order the defendant to stand
239 charged with the support and maintenance of such child, with the
240 assistance of the mother if such mother is financially able, as said court
241 finds, in accordance with the provisions of section 17b-81, 17b-223,
242 17b-745, subsection (b) of section 17b-179, section 17a-90, 46b-129,
243 46b-130 or 46b-215 to be reasonably commensurate with the financial
244 ability of the defendant, and to pay a certain sum periodically until the
245 child attains the age of eighteen years. The court or family support

246 magistrate shall order the defendant to pay such sum to the
247 complainant, or, if a town or the state has paid such expense, to the
248 town or the state, as the case may be, and shall grant execution for the
249 same and costs of suit taxed as in other civil actions, together with a
250 reasonable attorney's fee; and may require the defendant to become
251 bound with sufficient surety to perform such orders for support and
252 maintenance.

253 (2) In addition, the court or family support magistrate shall include
254 in each support order [in a IV-D support case] a provision for the
255 health care coverage of the child which provision may include an order
256 for either parent to name any child under the age of eighteen years as a
257 beneficiary of any medical or dental insurance or benefit plan carried
258 by such parent or available to such parent on a group basis through an
259 employer or union. If such insurance coverage is unavailable at
260 reasonable cost, the provision for health care coverage may include an
261 order for either parent to apply for and maintain coverage on behalf of
262 the child under the HUSKY Plan, Part B. The noncustodial parent shall
263 be ordered to apply for the HUSKY Plan, Part B only if such parent is
264 found to have sufficient ability to pay the appropriate premium. In any
265 IV-D support case in which the noncustodial parent is found to have
266 insufficient ability to provide medical insurance coverage and the
267 custodial party is the HUSKY Plan, Part A or Part B applicant, the
268 provision for health care coverage may include an order for the
269 noncustodial parent to pay such amount as is specified by the court or
270 family support magistrate to the state or the custodial party, as their
271 interests may appear, to offset the cost of any insurance payable under
272 the HUSKY Plan, Part A or Part B. In no event may such order include
273 payment to offset the cost of any such premium if such payment
274 would reduce the amount of current support required under the child
275 support guidelines.

276 (3) The court or family support magistrate shall also have authority
277 to make and enforce orders for the payment by any person named
278 herein of unpaid support contributions for which the defendant is
279 liable in accordance with the provisions of section 17b-81, 17b-223,

280 subsection (b) of section 17b-179, section 17a-90, 46b-129 or 46b-130
281 and, in IV-D cases, to order such person, provided such person is not
282 incapacitated, to participate in work activities which may include, but
283 shall not be limited to, job search, training, work experience and
284 participation in the job training and retraining program established by
285 the Labor Commissioner pursuant to section 31-3t.

286 (4) If the defendant fails to comply with any order made under this
287 section, the court or family support magistrate may commit the
288 defendant to a community correctional center, there to remain until the
289 defendant complies therewith; but, if it appears that the mother does
290 not apply the periodic allowance paid by the defendant toward the
291 support of such child, and that such child is chargeable, or likely to
292 become chargeable, to the town where it belongs, the court, on
293 application, may discontinue such allowance to the mother, and may
294 direct it to be paid to the selectmen of such town, for such support, and
295 may issue execution in their favor for the same. The provisions of
296 section 17b-743 shall apply to this section. The clerk of the court which
297 has rendered judgment for the payment of money for the maintenance
298 of any child under the provisions of this section shall, within
299 twenty-four hours after such judgment has been rendered, notify the
300 selectmen of the town where the child belongs.

301 (5) Any support order made under this section may at any time
302 thereafter be set aside, altered or modified by any court issuing such
303 order upon a showing of a substantial change in the circumstances of
304 the defendant or the mother of such child or upon a showing that such
305 order substantially deviates from the child support guidelines
306 established pursuant to section 46b-215a, unless there was a specific
307 finding on the record that the application of the guidelines would be
308 inequitable or inappropriate. There shall be a rebuttable presumption
309 that any deviation of less than fifteen per cent from the child support
310 guidelines is not substantial and any deviation of fifteen per cent or
311 more from the guidelines is substantial. Modification may be made of
312 such support order without regard to whether the order was issued
313 before, on or after May 9, 1991. No such support orders may be subject

314 to retroactive modification, except that the court may order
315 modification with respect to any period during which there is a
316 pending motion for a modification of an existing support order from
317 the date of service of the notice of such pending motion upon the
318 opposing party pursuant to section 52-50.

319 (6) Failure of the defendant to obey any order for support made
320 under this section may be punished as for contempt of court and the
321 costs of commitment of any person imprisoned therefor shall be paid
322 by the state as in criminal cases.

323 (b) Whenever the Superior Court or family support magistrate
324 reopens a judgment of paternity entered pursuant to this section in
325 which a person was found to be the father of a child who is or has been
326 supported by the state and the court or family support magistrate finds
327 that the person adjudicated the father is not the father of the child, the
328 Department of Social Services shall refund to such person any money
329 paid to the state by such person during the period such child was
330 supported by the state.

331 (c) [In IV-D support cases, as defined in subdivision (13) of
332 subsection (b) of section 46b-231, a] A copy of any support order
333 established or modified pursuant to this section or, in the case of a
334 motion for modification of an existing support order, a notice of
335 determination that there should be no change in the amount of the
336 support order, shall be provided to each party and the state case
337 registry within fourteen days after issuance of such order or
338 determination.

339 Sec. 7. Section 46b-172 of the general statutes, as amended by section
340 7 of public act 99-193, is repealed and the following is substituted in
341 lieu thereof:

342 (a) (1) In lieu of or in conclusion of proceedings under section
343 46b-160, a written acknowledgment of paternity executed and sworn
344 to by the putative father of the child when accompanied by (A) an
345 attested waiver of the right to a [blood] genetic test, the right to a trial

346 and the right to an attorney, [and] (B) a written affirmation of paternity
347 executed and sworn to by the mother of the child, (C) the written
348 laboratory results of genetic tests which shall mean deoxyribonucleic
349 acid tests, to be performed by a hospital, accredited laboratory,
350 qualified physician or other qualified person designated by the court,
351 of the mother, putative father and the child, and (D) a sworn affidavit
352 regarding children of either parent stating that no other judgment or
353 action exists in any court regarding the parentage of the child, when
354 filed with the Superior Court, for the judicial district in which the
355 mother of the child or the putative father resides shall have the same
356 force and effect as a judgment of the Superior Court. It shall be
357 considered a legal finding of paternity without requiring or permitting
358 judicial ratification, and shall be binding on the person executing the
359 same whether such person is an adult or a minor, subject to
360 subdivision (2) of this subsection. Such acknowledgment shall not be
361 binding unless, prior to the signing of any affirmation or
362 acknowledgement of paternity, the mother and the putative father are
363 given oral and written notice of the alternatives to, the legal
364 consequences of, and the rights and responsibilities that arise from
365 signing such affirmation or acknowledgement. The notice to the
366 mother shall include, but shall not be limited to, notice that the
367 affirmation of paternity may result in rights of custody and visitation,
368 as well as a duty of support, in the person named as father. The notice
369 to the putative father shall include, but not be limited to, notice that
370 such father has the right to contest paternity, including the right to
371 appointment of counsel, [a genetic test to determine paternity] and a
372 trial by [the Superior Court or] a family support magistrate and that
373 acknowledgment of paternity will make such father liable for the
374 financial support of the child until the child's eighteenth birthday. [In
375 addition, the notice shall inform the mother and the father that DNA
376 testing may be able to establish paternity with a high degree of
377 accuracy and may, under certain circumstances, be available at state
378 expense.] The notices shall also explain the right to rescind the
379 acknowledgment, as set forth in subdivision (2) of this subsection,
380 including the address where such notice of rescission should be sent,

381 and shall explain that the acknowledgment cannot be challenged after
382 sixty days, except in court upon a showing of fraud, duress or material
383 mistake of fact.

384 (2) The mother and the acknowledged father shall have the right to
385 rescind such affirmation or acknowledgment in writing within the
386 earlier of (A) sixty days, or (B) the date of an agreement to support
387 such child approved in accordance with subsection (b) of this section
388 or an order of support for such child entered in a proceeding under
389 subsection (c) of this section. An acknowledgment executed in
390 accordance with subdivision (1) of this subsection may be challenged
391 in court or before a family support magistrate after the rescission
392 period only on the basis of fraud, duress or material mistake of fact
393 which may include evidence that he is not the father, with the burden
394 of proof upon the challenger. During the pendency of any such
395 challenge, any responsibilities arising from such acknowledgment
396 shall continue except for good cause shown.

397 (3) All written notices, waivers, affirmations and acknowledgments
398 required under subdivision (1) of this subsection, and rescissions
399 authorized under subdivision (2) of this subsection, shall be on forms
400 prescribed by the Department of Public Health, provided such
401 acknowledgment form includes the minimum requirements specified
402 by the Secretary of the United States Department of Health and
403 Human Services. [All] Certified copies of all acknowledgments and
404 rescissions executed in accordance with this subsection shall be filed in
405 the paternity registry established and maintained by the Department
406 of Public Health under section 19a-42a.

407 (4) An acknowledgment of paternity signed in any other state
408 according to its procedures shall be given full faith and credit by this
409 state.

410 (b) An agreement to support the child by payment of a periodic sum
411 until the child attains the age of eighteen years, together with
412 provisions for reimbursement for past due support based upon ability

413 to pay in accordance with the provisions of section 17b-81, 17b-223,
414 subsection (b) of section 17b-179, section 17a-90, 46b-129 or 46b-130,
415 and reasonable expense of prosecution of the petition, when filed with,
416 and approved by [a judge of said court, or in IV-D support cases and
417 matters brought under sections 46b-212 to 46b-213v, inclusive,] a
418 family support magistrate at any time, shall have the same force and
419 effect, retroactively or prospectively in accordance with the terms of
420 said agreement, as an order of support entered by that court, and shall
421 be enforceable and subject to modification in the same manner as is
422 provided by law for orders of the court in such cases. Past due support
423 in such cases shall be limited to the three years next preceding the date
424 of the filing of such agreements to support. Payments under such
425 agreement shall be made to the petitioner, except that in IV-D support
426 cases, as defined in subsection (b) of section 46b-231, payments shall be
427 made to the Bureau of Child Support Enforcement or its designated
428 agency. Such written agreements to support shall be on forms
429 prescribed by the Office of the Chief Court Administrator and shall be
430 sworn to, and shall be binding on the person executing the same
431 whether he is an adult or a minor.

432 (c) At any time after the signing of any acknowledgment of
433 paternity, upon the application of any interested party, the court or
434 any judge thereof or any family support magistrate [in IV-D support
435 cases and in matters brought under sections 46b-212 to 46b-213v,
436 inclusive,] shall cause a summons, signed by him, by the clerk of said
437 court or by a commissioner of the Superior Court, to be issued,
438 requiring [the acknowledged father] either or both parents of an
439 acknowledged child to appear in court at a time and place as
440 determined by the clerk but not more than ninety days after the
441 issuance of the summons, to show cause, if any he has, why the court
442 or the family support magistrate [assigned to the judicial district in IV-
443 D support cases] should not enter judgment for support of the child by
444 payment of a periodic sum until the child attains the age of eighteen
445 years, together with provision for reimbursement for past due support
446 based upon ability to pay in accordance with the provisions of section

447 17b-81, 17b-223, subsection (b) of section 17b-179, section 17a-90, 46b-
448 129 or 46b-130, a provision for health coverage of the child as required
449 by section 46b-215, and reasonable expense of the action under this
450 subsection. Such court or family support magistrate, in IV-D cases,
451 shall also have the authority to order the acknowledged father who is
452 subject to a plan for reimbursement of past-due support and is not
453 incapacitated, to participate in work activities which may include, but
454 shall not be limited to, job search, training, work experience and
455 participation in the job training and retraining program established by
456 the Labor Commissioner pursuant to section 31-3t. The application,
457 summons and order shall be on forms prescribed by the Office of the
458 Chief Court Administrator. Proceedings to obtain such orders of
459 support shall be commenced by the service of such summons on [the
460 acknowledged father] each parent. A sheriff or proper officer shall
461 make due return of process to the court not less than twenty-one days
462 before the date assigned for hearing. The prior judgment as to
463 paternity shall be res judicata as to that issue for all paternity
464 acknowledgments filed with the court [on or after March 1, 1981, but
465 before July 1, 1997, and] shall not be reconsidered by the court unless
466 the person seeking review of the acknowledgment petitions the family
467 support magistrate division of the superior court for the judicial
468 district [having venue for a hearing on the issue of paternity within
469 three years of such judgment] wherein the paternity acknowledgment
470 is filed in accordance with the provisions of subsection (a) (2) of this
471 section. [In addition to such review, if the acknowledgment of
472 paternity was filed prior to March 1, 1981, the acknowledgment of
473 paternity may be reviewed by denying the allegation of paternity in
474 response to the initial petition for support, whenever it is filed.] All
475 such payments shall be made to the petitioner, except that in IV-D
476 support cases, as defined in subsection (b) of section 46b-231,
477 payments shall be made to the state, acting by and through the IV-D
478 agency.

479 (d) Whenever a petition is filed for review of an acknowledgment of
480 paternity of a child who is or has been supported by the state, and

481 review of such acknowledgment of paternity is granted by the court
482 pursuant to subsection (c) of this section, and upon review, the court or
483 family support magistrate finds that the petitioner is not the father of
484 the child, the Department of Social Services shall refund to the
485 petitioner any money paid by the petitioner to the state during any
486 period such child was supported by the state.

487 (e) [In IV-D support cases, as defined in subdivision (13) of
488 subsection (b) of section 46b-231, a] A copy of any support order
489 established pursuant to this section shall be provided to each party and
490 the state case registry within fourteen days after issuance of such order
491 or determination.

492 Sec. 8. Section 46b-172a of the general statutes, as amended by
493 section 8 of public act 99-84, is repealed and the following is
494 substituted in lieu thereof:

495 (a) Any person claiming to be the father of a child born out of
496 wedlock may at any time but no later than sixty days after the date of
497 notice under section 45a-716, file a claim for paternity with the court of
498 probate for the district in which either the mother or the child resides,
499 on forms provided by such court. The claim shall contain the
500 claimant's name and address, the name and last-known address of the
501 mother and the month and year of the birth or expected birth of the
502 child. Within five days after the filing of a claim for paternity, the
503 judge of the court of probate shall cause a certified copy of such claim
504 to be mailed by certified mail to the mother or prospective mother of
505 such child at the last-known address shown on the claim for paternity.
506 The claim for paternity shall be admissible in any action for paternity
507 under section 46b-160. [, and shall estop the claimant from denying his
508 paternity of such child and shall contain language that he
509 acknowledges liability for contribution to the support and education of
510 the child after its birth and for contribution to the pregnancy-related
511 medical expenses of the mother.] By filing a claim under this section,
512 the putative father submits to the jurisdiction of the court of probate.

513 (b) If a claim for paternity is filed by the father of any minor child
514 born out of wedlock, the court of probate shall schedule a hearing on
515 such claim, send notice of the hearing to all parties involved and
516 proceed accordingly.

517 (c) In such proceeding unless the issue of paternity has been already
518 determined in a court of competent jurisdiction, the probate court shall
519 order genetic tests which shall mean deoxyribonucleic acid tests, to be
520 performed by a hospital accredited laboratory, qualified physician or
521 other qualified person designated by the court, to determine whether
522 or not the putative father is the father of the child. The results of such
523 tests, whether ordered under this section or required by the IV-D
524 agency under section 46b-168a, shall be admissible in evidence to
525 either establish definite exclusion of the putative father or as evidence
526 that he is the father of the child without the need for foundation
527 testimony or other proof of authenticity or accuracy, unless objection is
528 made in writing not later than twenty days prior to the hearing at
529 which such results may be introduced in evidence.

530 [(c)] (d) The child shall be made a party to the action. Said child
531 shall be represented by a guardian ad litem appointed by the court in
532 accordance with section 45a-708. Payment shall be made in accordance
533 with such section from funds appropriated to the Judicial Department,
534 however, if funds have not been included in the budget of the Judicial
535 Department for such purposes, such payment shall be made from the
536 Probate Court Administration Fund.

537 [(d)] (e) In the event that the mother or the claimant father is a
538 minor, the court shall appoint a guardian ad litem to represent him or
539 her in accordance with the provisions of section 45a-708. Payment shall
540 be made in accordance with said section from funds appropriated to
541 the Judicial Department, however, if funds have not been included in
542 the budget of the Judicial Department for such purposes, such
543 payment shall be made from the Probate Court Administration Fund.

544 [(e)] (f) Upon the motion of the putative father, the mother, or his or

545 her counsel, or the judge of probate having jurisdiction over such
546 application, filed not later than three days prior to any hearing
547 scheduled on such claim, the Probate Court Administrator shall
548 appoint a three-judge court from among the several judges of probate
549 to hear such claim. Such three-judge court shall consist of at least one
550 judge who is an attorney-at-law admitted to practice in this state. The
551 judge of the court of probate having jurisdiction over such application
552 under the provisions of this section shall be a member, provided such
553 judge may disqualify himself in which case all three members of such
554 court shall be appointed by the Probate Court Administrator. Such
555 three-judge court when convened shall have all the powers and duties
556 set forth under sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484,
557 inclusive, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-550, inclusive,
558 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618, inclusive, and
559 shall be subject to all of the provisions of law as if it were a single-
560 judge court. The judges of such court shall designate a chief judge from
561 among their members. All records for any case before the three-judge
562 court shall be maintained in the court of probate having jurisdiction
563 over the matter as if the three-judge court had not been appointed.

564 [(f) By filing a claim under this section, the putative father submits
565 to the jurisdiction of the court of probate.]

566 (g) Once alleged parental rights of the father have been adjudicated
567 in his favor under subsection (b) of this section, or acknowledged as
568 provided for under section 46b-172, his rights and responsibilities shall
569 be equivalent to those of the mother, including those rights defined
570 under section 45a-606. Thereafter, disputes involving custody,
571 visitation or support shall be transferred to the Superior Court under
572 chapter 815j, except that the probate court may enter a temporary
573 order for custody, visitation or support until an order is entered by the
574 Superior Court.

575 (h) Failing perfection of parental rights as prescribed by this section,
576 any person claiming to be the father of a child born out of wedlock (1)
577 who has not been adjudicated the father of such child by a court of

578 competent jurisdiction, or (2) who has not acknowledged in writing
579 that he is the father of such child, or (3) who has not contributed
580 regularly to the support of such child or (4) whose name does not
581 appear on the birth certificate shall cease to be a legal party in interest
582 in any proceeding concerning the custody or welfare of the child,
583 including but not limited to guardianship and adoption, unless he has
584 shown a reasonable degree of interest, concern or responsibility for the
585 child's welfare.

586 (i) Notwithstanding the provisions of this section, after the death of
587 the father of a child born out of wedlock, a party deemed by the court
588 to have a sufficient interest may file a claim for paternity on behalf of
589 such father with the probate court for the district in which either the
590 putative father resided or the party filing the claim resides. If a claim
591 for paternity is filed pursuant to this subsection, the court of probate
592 shall schedule a hearing on such claim, send notice of the hearing to all
593 parties involved and proceed accordingly.

594 Sec. 9. Section 46b-178 of the general statutes is repealed and the
595 following is substituted in lieu thereof:

596 [Executions and earning assignments] Immediate income
597 withholding in accordance with section 52-362 shall be available in
598 paternity proceedings.

599 Sec. 10. (NEW) Any final judgment of paternity or parentage,
600 including any acknowledgment filed in accordance with section 46b-
601 172 of the general statutes, whether issued by a court of this state or a
602 court of any other jurisdiction, shall have the following effect:

603 (a) All rights, duties and other legal consequences of a biological
604 relation of child and parent shall thereafter exist between the child and
605 the acknowledging and affirming or adjudicated parents and the
606 relatives' parents. Such child shall be treated as the biological child of
607 such parents for all purposes;

608 (b) Such parents and the child shall have rights of inheritance from

609 and through each other and the biological and adopted relatives of
610 such parents. The right of inheritance of an acknowledged child or a
611 child whose parentage is adjudicated extends to the heirs of such
612 person;

613 (c) An acknowledged child or a child whose parentage is
614 adjudicated and the biological or adopted children of an
615 acknowledging, affirming or adjudicated parent shall be treated as
616 siblings, having rights of inheritance from and through each other.
617 Such rights of inheritance extend to the heirs of such persons;

618 (d) The acknowledged or adjudicated child shall, except as
619 hereinafter provided, be treated as the biological child of the
620 acknowledging, affirming or adjudicated parents for purposes of the
621 applicability of all documents and instruments, whether executed
622 before or after the paternity judgment is issued, unless such child is
623 expressly excluded. The words "child", "children", "issue",
624 "descendant", "descendants", "heir", "heirs", "lawful heirs",
625 "grandchild" and "grandchildren", when used in any will or trust
626 instrument shall include legally acknowledged or adjudicated persons
627 unless such document clearly indicates a contrary intention. Nothing
628 in this section shall be construed to alter or modify the provisions of
629 section 45a-257 of the general statutes concerning revocation of a will
630 when a child is born as the result of artificial insemination.

631 Sec. 11. Section 46b-1 of the general statutes is repealed and the
632 following is substituted in lieu thereof:

633 (a) Matters within the jurisdiction of the Superior Court deemed to
634 be family relations matters shall be matters affecting or involving: (1)
635 Dissolution of marriage, contested and uncontested, except dissolution
636 upon conviction of crime as provided in section 46b-47; (2) legal
637 separation; (3) annulment of marriage; (4) alimony, support, custody
638 and change of name incident to dissolution of marriage, legal
639 separation and annulment; (5) actions brought under section 46b-15;
640 (6) complaints for change of name; (7) civil support obligations; (8)

641 habeas corpus and other proceedings to determine the custody and
642 visitation of children; (9) habeas corpus brought by or in behalf of any
643 mentally ill person except a person charged with a criminal offense;
644 (10) appointment of a commission to inquire whether a person is
645 wrongfully confined as provided by section 17a-523; (11) juvenile
646 matters as provided in section 46b-121; (12) all rights and remedies
647 provided for in chapter 815j; (13) the establishing of paternity; (14)
648 appeals from probate concerning: (a) Adoption or termination of
649 parental rights; (b) appointment and removal of guardians; (c) custody
650 of a minor child; (d) appointment and removal of conservators; (e)
651 orders for custody of any child; (f) orders of commitment of persons to
652 public and private institutions and to other appropriate facilities as
653 provided by statute; (15) actions related to prenuptial and separation
654 agreements and to matrimonial decrees of a foreign jurisdiction; (16)
655 custody proceeding brought under the provisions of chapter 815o; and
656 (17) all such other matters within the jurisdiction of the Superior Court
657 concerning children or family relations as may be determined by the
658 judges of said court.

659 (b) In any family action or petition under this section in which the
660 interest of a child or children issue of the same parents may be at issue,
661 the plaintiff or petitioner may include in his complaint any causes of
662 action under this section, and may demand any legal or equitable
663 remedies appropriate to matters under this section. Where separate
664 actions exist regarding support, custody, visitation or parentage of
665 children of the same parents the court, including a family support
666 magistrate, may, on motion of any party or on its own motion, may
667 order the actions to be joined and united into the same action; but, if
668 several causes of action are united in the same complaint, they shall be
669 separately stated; and, in any case in which several causes of action are
670 joined in the same complaint, or as a matter of counterclaim or set-off
671 in the answer, if it appears to the court, including the family support
672 magistrate division, that they cannot all be conveniently heard
673 together, the court may order a separate trial of any such cause of
674 action or may direct that any one or more of them be expunged from

675 the complaint or answer. For purposes of this section, "children of the
676 same parents" shall include children issue of marriage, children born
677 out of wedlock, acknowledged children and adopted children.

678 Sec. 12. Subsection (b) of section 46b-231 of the general statutes, as
679 amended by section 11 of public act 99-193, is repealed and the
680 following is substituted in lieu thereof:

681 (b) For the purposes of this section:

682 (1) "Chief Family Support Magistrate" means the family support
683 magistrate designated by the Chief Court Administrator as provided
684 in subsection (g) of this section;

685 (2) "Child support enforcement services" means the services
686 provided by the IV-D agency or an agency under cooperative or
687 purchase of service agreement therewith pursuant to Title IV-D of the
688 Social Security Act, including, but not limited to, location;
689 establishment of paternity; establishment, modification and
690 enforcement of child and medical support orders and the collection
691 and distribution of support payments;

692 (3) "Commissioner" means the Commissioner of Social Services or a
693 designee or authorized representative;

694 (4) "Bureau of Child Support Enforcement" means a division within
695 the Department of Social Services established pursuant to section
696 17b-179;

697 (5) "Department" means the Department of Social Services or any
698 bureau, division or agency of the Department of Social Services;

699 (6) "Family Support Magistrate Division" means a division of the
700 Superior Court created by this section for the purpose of establishing
701 and enforcing child and spousal support in IV-D cases and in cases
702 brought pursuant to sections 46b-212 to 46b-213v, inclusive, utilizing
703 quasi-judicial proceedings;

704 (7) "Family support magistrate" means a person, appointed as
705 provided in subsection (f) of this section to establish and enforce child
706 and spousal support orders;

707 (8) "Foster care cases" are cases in which children are receiving
708 foster care under part I of chapter 319a or part I of chapter 815t, but
709 does not include cases in which children reside in detention facilities,
710 forestry camps, training schools or other facilities operated primarily
711 for the detention of children adjudicated as delinquent;

712 (9) "Law" includes both common and statute law;

713 (10) "Obligee" means any person to whom a duty of support is
714 owed;

715 (11) "Obligor" means any person owing a duty of support;

716 (12) "IV-D agency" means the Bureau of Child Support Enforcement
717 within the Department of Social Services, created by section 17b-179
718 and authorized to administer the child support program mandated by
719 Title IV-D of the Social Security Act;

720 (13) "IV-D support cases" are those in which the IV-D agency is
721 providing child support enforcement services under Title IV-D of the
722 Social Security Act, including all foster care cases referred to the
723 Bureau of Child Support Enforcement under section 46b-130 and shall
724 include any action for paternity filed after October 1, 2000; and

725 (14) "Support order" means a judgment, decree or order, whether
726 temporary, final or subject to modification, issued by a court of
727 competent jurisdiction, for the support and maintenance of a child,
728 including a child who has attained the age of majority under the law of
729 the issuing state, or a child and parent with whom the child is living,
730 which provides for monetary support, health care, arrearages or
731 reimbursement, and which may include related costs and fees, interest
732 and penalties, income withholding, attorneys' fees and other relief.

733 Sec. 13. Subsection (f) of section 46b-231 of the general statutes is

734 repealed and the following is substituted in lieu thereof:

735 (f) The Family Support Magistrate Division shall include [nine]
736 twelve family support magistrates who shall be appointed by the
737 Governor to serve in that capacity for a term of three years. A family
738 support magistrate may be reappointed upon completion of his term
739 of office by the Governor. To be eligible for appointment, a family
740 support magistrate must have engaged in the practice of law for five
741 years prior to his appointment and shall be experienced in the field of
742 family law. He shall devote full time to his duties as a family support
743 magistrate and shall not engage in the private practice of law. A family
744 support magistrate may be removed from office by the Governor for
745 cause.

746 Sec. 14. Subsection (g) of section 46b-231 of the general statutes is
747 repealed and the following is substituted in lieu thereof:

748 (g) A Chief Family Support Magistrate shall be designated by the
749 Chief Court Administrator of the Superior Court from among the
750 [nine] twelve family support magistrates appointed by the Governor
751 pursuant to subsection (f) of this section. Under the direction of the
752 Chief Court Administrator, the Chief Family Support Magistrate shall
753 supervise the Family Support Magistrate Division and submit an
754 annual report to the Chief Court Administrator and perform such
755 other duties as provided in this section.

756 Sec. 15. Subsection (m) of section 46b-231 of the general statutes is
757 repealed and the following is substituted in lieu thereof:

758 (m) The Chief Family Support Magistrate and the family support
759 magistrates shall have the powers and duties enumerated in this
760 subsection.

761 (1) A family support magistrate in IV-D support cases may compel
762 the attendance of witnesses or the obligor under a summons issued
763 pursuant to sections 17b-745, 46b-172, and 46b-215 or under a
764 subpoena issued pursuant to section 52-143, or a citation for failure to

765 obey an order of a family support magistrate or a judge of the Superior
766 Court. If a person is served with a summons, subpoena or citation
767 issued by the family support magistrate or the assistant clerk of the
768 Family Support Magistrate Division and fails to appear, a family
769 support magistrate may issue a *capias mittimus* directed to some
770 proper officer to arrest the obligor or the witness and bring him before
771 a family support magistrate. Whenever such a *capias mittimus* is
772 ordered, the family support magistrate shall establish a recognizance
773 to the state of Connecticut in the form of a bond of such character and
774 amount as to assure the appearance of the obligor at the next regular
775 session of the Family Support Magistrate Division in the judicial
776 district in which the matter is pending. If the obligor posts such a
777 bond, and thereafter fails to appear before the family support
778 magistrate at the time and place he is ordered to appear, the family
779 support magistrate may order the bond forfeited, and the proceeds
780 thereof paid to the state in [TANF] TFA cases or the obligee in [non-
781 TANF] non-TFA cases.

782 (2) Family support magistrates shall hear and determine matters
783 involving child and spousal support in IV-D support cases including
784 petitions for support brought pursuant to sections 17b-81, 17b-179,
785 17b-745 and 46b-215; applications for show cause orders in IV-D
786 support cases brought pursuant to subsection (b) of section 46b-172,
787 and actions for interstate enforcement of child and spousal support
788 and paternity under sections 46b-212 to 46b-213v, inclusive, and shall
789 hear and determine all motions for modifications of child and spousal
790 support in such cases. In all IV-D cases, family support magistrates
791 shall have the authority to order any obligor who is subject to a plan
792 for reimbursement of past-due support and is not incapacitated, to
793 participate in work activities which may include, but shall not be
794 limited to, job search, training, work experience and participation in
795 the job training and retraining program established by the Labor
796 Commissioner pursuant to section 31-3t. A family support magistrate
797 shall not modify an order for periodic payment on an arrearage due
798 the state for state assistance which has been discontinued to increase

799 such payments, unless the family support magistrate first determines
800 that the state has made a reasonable effort to notify the current
801 recipient of child support, at the most current address available to the
802 IV-D agency, of the pendency of the motion to increase such periodic
803 arrearage payments and of the time and place of the hearing on such
804 motion. If such recipient appears, either personally or through a
805 representative, at such hearing, the family support magistrate shall
806 determine whether the order in effect for child support is reasonable in
807 relation to the current financial circumstances of the parties, prior to
808 modifying an order increasing such periodic arrearage payments.

809 (3) Family support magistrates shall review and approve or modify
810 all agreements for support in IV-D support cases filed with the Family
811 Support Magistrate Division in accordance with sections 17b-179, 17b-
812 745, 46b-172, 46b-215 and subsection (c) of section 53-304.

813 (4) Motions for modification of existing child and spousal support
814 orders entered by the Superior Court in IV-D support cases, including
815 motions to modify existing child and spousal support orders entered
816 in actions brought pursuant to chapter 815j, shall be brought in the
817 Family Support Magistrate Division and decided by a family support
818 magistrate. Family support magistrates, in deciding if a spousal or
819 child support order should be modified, shall make such
820 determination based upon the criteria set forth in section 46b-84 and
821 section 46b-215b. A person who is aggrieved by a decision of a family
822 support magistrate modifying a Superior Court order is entitled to
823 appeal such decision in accordance with the provisions of subsection
824 (n) of this section.

825 (5) Proceedings to establish paternity [in IV-D support cases] shall
826 be filed in the family support magistrate division for the judicial
827 district where the mother or putative father resides. The matter shall
828 be heard and determined by the family support magistrate in
829 accordance with the provisions of chapter 815y.

830 (6) Agreements for support obtained in IV-D support cases shall be

831 filed with the assistant clerk of the family support magistrate division
832 for the judicial district where the mother or the father of the child
833 resides, pursuant to subsection (b) of section 46b-172, and shall become
834 effective as an order upon filing with the clerk. Such support
835 agreements shall be reviewed by the family support magistrate who
836 shall approve or disapprove the agreement. If the support agreement
837 filed with the clerk is disapproved by a family support magistrate,
838 such disapproval shall have a retroactive effect.

839 (7) Family support magistrates shall enforce orders for child and
840 spousal support entered by such family support magistrate and by the
841 Superior Court in IV-D support cases by citing an obligor for
842 contempt. Family support magistrates, in IV-D cases, shall have the
843 authority to order any obligor who is subject to a plan for
844 reimbursement of past-due support and is not incapacitated, to
845 participate in work activities which may include, but shall not be
846 limited to, job search, training, work experience and participation in
847 the job training and retraining program established by the Labor
848 Commissioner pursuant to section 31-3t. Family support magistrates
849 shall also enforce income withholding orders entered pursuant to
850 section 52-362, including any additional amounts to be applied toward
851 liquidation of any arrearage, as required under subsection (e) of said
852 section. Family support magistrates may require the obligor to furnish
853 recognizance to the state of Connecticut in the form of a cash deposit
854 or bond of such character and in such amount as the Family Support
855 Magistrate Division deems proper to assure appearance at the next
856 regular session of the Family Support Magistrate Division in the
857 judicial district in which the matter is pending. Upon failure of the
858 obligor to post such bond, the family support magistrate may refer the
859 obligor to a community correctional center until he has complied with
860 such order, provided that the obligor shall be heard at the next regular
861 session of the Family Support Magistrate Division in the court to
862 which he was summoned. If no regular session is held within seven
863 days of such referral, the family support magistrate shall either cause a
864 special session of the Family Support Magistrate Division to be

865 convened, or the obligor shall be heard by a Superior Court judge in
866 the judicial district. If the obligor fails to appear before the family
867 support magistrate at the time and place he is ordered to appear, the
868 family support magistrate may order the bond, if any, forfeited, and
869 the proceeds thereof paid to the state in [TANF] TFA cases or the
870 obligee in [non-TANF] non-TFA cases, as the family support
871 magistrate may determine, and the family support magistrate may
872 issue a *capias mittimus* for the arrest of the obligor, ordering him to
873 appear before the family support magistrate. A family support
874 magistrate may determine whether or not an obligor is in contempt of
875 the order of the Superior Court or of a family support magistrate and
876 may make such orders as are provided by law to enforce a support
877 obligation, except that if the family support magistrate determines that
878 incarceration of an obligor for failure to obey a support order may be
879 indicated, the family support magistrate shall inform the obligor of his
880 right to be represented by an attorney and his right to a court-
881 appointed attorney to represent him if he is indigent. If the obligor
882 claims he is indigent and desires an attorney to represent him, the
883 family support magistrate shall conduct a hearing to determine if the
884 obligor is indigent; and if he so finds, he will appoint an attorney to
885 represent him.

886 (8) Agreements between parties as to custody and visitation of
887 minor children in IV-D support cases may be filed with the assistant
888 clerk of the Family Support Magistrate Division. Such agreements shall
889 be reviewed by a family support magistrate, who shall approve the
890 agreement unless he finds such agreement is not in the best interests of
891 the child. Agreements between parties as to custody and visitation in
892 IV-D support cases shall be enforced in the same manner as
893 agreements for support are enforced, pursuant to subdivision (7) of
894 this subsection.

895 (9) Whenever an obligor is before a family support magistrate in
896 proceedings to establish, modify or enforce a support order in a IV-D
897 support case [and such order is not secured by an income withholding
898 order], the family support magistrate may require the obligor to

899 execute a bond or post other security sufficient to perform such order
900 for support, provided the magistrate finds that such a bond is available
901 for purchase within the financial means of the obligor. Upon failure of
902 such obligor to comply with such support order, the family support
903 magistrate may order the bond or the security forfeited and the
904 proceeds thereof paid to the state in [TANF] IFA cases or to the
905 obligee in [non-TANF] non-TFA cases.

906 (10) In any proceeding in the Family Support Magistrate Division, if
907 the family support magistrate finds that a party is indigent and unable
908 to pay a fee or fees payable to the court or to pay the cost of service of
909 process, the family support magistrate shall waive such fee or fees and
910 the cost of service of process shall be paid by the state.

911 (11) A family support magistrate may dismiss any action or
912 proceeding which the family support magistrate may hear and
913 determine.

914 (12) A family support magistrate may order parties to participate in
915 the parenting education program in accordance with the provisions of
916 section 46b-69b.

917 Sec. 16. Subsection (s) of section 46b-231 of the general statutes, as
918 amended by section 12 of public act 99-193, is repealed and the
919 following is substituted in lieu thereof:

920 (s) Support enforcement officers of the Support Enforcement
921 Division of the Superior Court shall:

922 (1) Supervise the payment of any child or spousal support order
923 made by a family support magistrate. Supervision of such orders is
924 defined as the utilization of all procedures available by law to collect
925 child or spousal support, including issuance and implementation of
926 income withholdings ordered by the Superior Court or a family
927 support magistrate pursuant to section 52-362, and if necessary,
928 bringing an application for contempt to a family support magistrate
929 and, in connection with such application, issuing an order requiring

930 the obligor to appear before a family support magistrate to show cause
931 why such obligor should not be held in contempt for failure to pay an
932 order for child or spousal support entered by the Superior Court or a
933 family support magistrate;

934 (2) In [non-TANF] non-TFA cases, have the authority to bring
935 petitions for support orders pursuant to section 46b-215, file
936 agreements for support with the assistant clerk of the Family Support
937 Magistrate Division, and bring applications for show cause orders
938 pursuant to section 46b-172, and in IV-D cases and cases under
939 sections 46b-212 to 46b-213v, inclusive, enforce foreign support orders
940 registered with the Family Support Magistrate Division pursuant to
941 sections 46b-213f to 46b-213i, inclusive, and file agreements for support
942 with the assistant clerk of the Family Support Magistrate Division;

943 (3) In connection with any order or agreement entered by, or filed
944 with, the Family Support Magistrate Division, or any order entered by
945 the Superior Court in a IV-D support case upon order, investigate the
946 financial situation of the parties and report findings to the family
947 support magistrate regarding: (A) Any pending motion to modify such
948 order or agreement or (B) any request or application for modification
949 of such order or agreement made by an obligee;

950 (4) In [non-TANF] non-TFA IV-D cases, review child support orders
951 at the request of either parent subject to a support order or, in [TANF]
952 TFA cases, review child support orders at the request of the Bureau of
953 Child Support Enforcement, and initiate an action before a family
954 support magistrate to modify such support order if it is determined
955 upon such review that the order substantially deviates from the child
956 support guidelines established pursuant to section 46b-215a or 46b-
957 215b. The requesting party shall have a right to such review every
958 three years without proving a substantial change in circumstances;
959 more frequent reviews shall be made only if the requesting party
960 demonstrates a substantial change in circumstances. There shall be a
961 rebuttable presumption that any deviation of less than fifteen per cent
962 from the child support guidelines is not substantial and any deviation

963 of fifteen per cent or more from the guidelines is substantial.
964 Modification may be made of such support order without regard to
965 whether the order was issued before, on or after May 9, 1991. In
966 determining whether to modify a child support order based on a
967 substantial deviation from such child support guidelines,
968 consideration shall be given to the division of real and personal
969 property between the parties set forth in any final decree entered
970 pursuant to chapter 815j and the benefits accruing to the child as the
971 result of such division. No order for periodic payment of support may
972 be subject to retroactive modification, except that the family support
973 magistrate may order modification with respect to any period during
974 which there is a pending motion for modification of a support order
975 from the date of service of notice of such pending motion to the
976 opposing party pursuant to section 52-50.

977 Sec. 17. Subsection (d) of section 46b-129 of the general statutes is
978 repealed and the following is substituted in lieu thereof:

979 (d) The preliminary hearing on the order of temporary custody or
980 order to appear or the first hearing on a petition filed pursuant to
981 subsection (a) of this section shall be held in order for the court to: (1)
982 Advise the parent or guardian of the allegations contained in all
983 petitions and applications that are the subject of the hearing; (2) assure
984 that an attorney, and where appropriate, a separate guardian ad litem
985 has been appointed to represent the child or youth in accordance with
986 section 46b-129a and section 46b-136; (3) upon request, appoint an
987 attorney to represent the respondent when [he] the respondent is
988 unable to afford representation, as determined by the court; (4) advise
989 the parent or guardian of the right to a hearing on the petitions and
990 applications, to be held within ten days from the date of the
991 preliminary hearing if the hearing is pursuant to an order of temporary
992 custody or an order to show cause; (5) accept a plea regarding the truth
993 of such allegations; (6) make any interim orders, including visitation,
994 that the court determines are in the best interests of the child or youth.
995 The court, after a hearing pursuant to this subsection, shall [provide to]
996 order specific steps the commissioner and the parent or guardian

997 [specific steps necessary for each to take] shall take for the parent or
998 guardian to regain or to retain custody of the child or youth; (7) take
999 steps to determine the identity of the father of the child or youth,
1000 including ordering genetic testing, if necessary, and order service of
1001 the petition and notice of the hearing date, if any, to be made upon
1002 him; (8) if the person named as the father appears, and admits that he
1003 is the father, the court shall ascertain whether any other person has
1004 been legally established or presumed to be the father of the child and
1005 whether genetic tests have been conducted, or shall order such genetic
1006 tests; if no other person is established or presumed to be the father of
1007 the child and if genetic test results consistent with the presumptive
1008 level established in section 46b-168(b) are placed in evidence, provide
1009 him and the mother with the notices which comply with section 17b-27
1010 and provide them with the opportunity to sign a paternity
1011 acknowledgment and affirmation on forms which comply with section
1012 17b-27. These documents shall be executed and filed in accordance
1013 with chapter 815y and a copy delivered to the clerk of the superior
1014 court [for juvenile matters]; and (9) in the event that the person named
1015 as a father appears and denies that he is the father of the child or
1016 youth, [advise him that he may have no further standing in any
1017 proceeding concerning the child, and either] order genetic testing to
1018 determine paternity. [or direct him to execute a written denial of
1019 paternity on a form promulgated by the Office of the Chief Court
1020 Administrator.] Upon [execution of such a form by the putative
1021 father,] return of the results of such genetic test [the court may remove
1022 him from the case and afford him no further standing in the case or in
1023 any subsequent proceeding] regarding the child or youth [until such
1024 time as] paternity [is] or a judgment that the putative father is not the
1025 father of the child or youth shall be established by formal
1026 acknowledgment or adjudication in a court of competent jurisdiction.
1027 If putative father is adjudged not to be the father of the child or youth
1028 the court may remove him from the case and afford him no further
1029 standing in the case or in any subsequent proceeding.

1030 Sec. 18. Sections 46b-167, 46b-176, 46b-177 and section 7 of public act

1031 99-193 are repealed."