



House of Representatives

General Assembly

File No. 594

January Session, 2001

Substitute House Bill No. 6701

House of Representatives, May 3, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ENHANCEMENTS TO THE CHILD SUPPORT ENFORCEMENT SYSTEM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4a-18 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 To assist in locating parents who have deserted their children and
4 other persons liable for support of dependents, the Commissioner of
5 Administrative Services, the Commissioner of Public Safety, [or] the
6 Commissioner of Social Services or a support enforcement officer of
7 the Superior Court may request and shall receive information from the
8 records of all departments, boards, bureaus or other agencies,
9 including law enforcement agencies of this state and the same are
10 authorized and required to provide such information promptly as is
11 necessary for this purpose, provided, only information directly bearing
12 on the identity and whereabouts of a person owing or asserted to be
13 owing an obligation of support shall be furnished by such

14 departments, boards, bureaus or other agencies as requested and used
15 or transmitted by the Commissioner of Administrative Services, the
16 Commissioner of Public Safety, [or] the Commissioner of Social
17 Services or a support enforcement officer of the Superior Court
18 pursuant to the authority conferred by this section. The Commissioner
19 of Social Services, acting by and through the IV-D agency, or a support
20 enforcement officer of the Superior Court may make such information
21 available only to federal agencies and public officials and agencies of
22 this state, other states and the political subdivisions of this state and
23 other states seeking to locate parents who have deserted their children
24 and other persons liable for support of dependents for the purpose of
25 enforcing their liability for support.

26 Sec. 2. Section 17b-93 of the general statutes is amended by adding
27 subsection (e) as follows:

28 (NEW) (e) The Commissioner of Social Services shall adopt
29 regulations, in accordance with chapter 54, establishing criteria and
30 procedures for adjustment of the claim of the state of Connecticut
31 under subsection (a) of this section. The purpose of any such
32 adjustment shall be to encourage family unification or reunification, or
33 to encourage noncustodial parents to begin making regular support
34 payments.

35 Sec. 3. Subsection (d) of section 17b-137 of the general statutes is
36 repealed and the following is substituted in lieu thereof:

37 (d) (1) For the purposes of this subsection, "high-volume automated
38 administrative enforcement" means the identification of assets,
39 through automated data matches with financial institutions and other
40 entities, as provided in this section and required by federal law, and
41 the seizure of such assets in accordance with subsections (d) and (e) of
42 section 52-362d, as amended by this act.

43 (2) The IV-D agency shall: (A) Use high-volume automated

44 administrative enforcement, as defined in subdivision (1) of this
45 subsection, to the same extent as in intrastate cases; and (B) promptly
46 report the results of such enforcement procedure to the requesting
47 state.

48 (3) [The] Support Enforcement [Division] Services or the IV-D
49 agency may, by electronic or other means, transmit to another state a
50 request for assistance in enforcing support orders administratively, in
51 a manner similar to this subsection, which request shall: (A) Include
52 information that shall enable the state to which the request is
53 transmitted to compare the information about the cases to the
54 information data bases of such state; and (B) constitute a certification
55 by this state (i) of the amount of support under an order the payment
56 of which is in arrears, and (ii) that this state has complied with all
57 procedural due process requirements applicable to each case.

58 (4) If the IV-D agency provides assistance under this subsection to
59 another state concerning a case, such case shall not be considered
60 transferred to the caseload of the IV-D agency.

61 (5) The IV-D agency shall maintain records of: (A) The number of
62 requests for assistance received under this subsection; (B) the number
63 of cases for which such agency collected support in response to such
64 requests; and (C) the amount of such collected support.

65 Sec. 4. Subsection (b) of section 17b-745 of the general statutes is
66 repealed and the following is substituted in lieu thereof:

67 (b) Except as provided in sections 46b-212 to 46b-213v, inclusive, as
68 amended by this act, any court or family support magistrate, called
69 upon to enforce a support order, shall insure that such order is
70 reasonable in light of the obligor's ability to pay. Except as provided in
71 sections 46b-212 to 46b-213v, inclusive, as amended by this act, any
72 support order entered pursuant to this section, or any support order
73 from another jurisdiction subject to enforcement by the state of

74 Connecticut, may be modified by motion of the party seeking such
75 modification, including [the] Support Enforcement [Division] Services
76 in TANF support cases as defined in subdivision (14) of subsection (b)
77 of section 46b-231, as amended by this act, upon a showing of a
78 substantial change in the circumstances of either party or upon a
79 showing that the final order for child support substantially deviates
80 from the child support guidelines established pursuant to section 46b-
81 215a, unless there was a specific finding on the record that the
82 application of the guidelines would be inequitable or inappropriate,
83 provided the court or family support magistrate finds that the obligor
84 or the obligee and any other interested party have received actual
85 notice of the pendency of such motion and of the time and place of the
86 hearing on such motion. There shall be a rebuttable presumption that
87 any deviation of less than fifteen per cent from the child support
88 guidelines is not substantial and any deviation of fifteen per cent or
89 more from the guidelines is substantial. Modification may be made of
90 such support order without regard to whether the order was issued
91 before, on or after May 9, 1991. In any hearing to modify any support
92 order from another jurisdiction the court or the family support
93 magistrate shall conduct the proceedings in accordance with the
94 procedure set forth in sections 46b-213o to 46b-213q, inclusive. No
95 such support orders may be subject to retroactive modification except
96 that the court or family support magistrate may order modification
97 with respect to any period during which there is a pending motion for
98 a modification of an existing support order from the date of service of
99 notice of such pending motion upon the opposing party pursuant to
100 section 52-50.

101 Sec. 5. Subsection (c) of section 31-254 of the general statutes is
102 repealed and the following is substituted in lieu thereof:

103 (c) (1) For the purposes of this section, "employer" does not include
104 any department, agency or instrumentality of the United States; or any
105 state agency performing intelligence or counterintelligence functions, if

106 the head of such agency has determined that reporting pursuant to this
107 section with respect to the employee could endanger the safety of the
108 employee or compromise an ongoing investigation or intelligence
109 mission.

110 (2) For the purposes of subsections (b) to (e), inclusive, of this
111 section, "employee" includes individuals under contract with an
112 employer to deliver personal services valued not less than five
113 thousand dollars.

114 [(2)] (3) An employer that has employees who are employed in this
115 state and one or more other states and that transmits reports
116 magnetically or electronically shall not be required to report to this
117 state if such employer has designated another state in which it has
118 employees to which it will transmit reports, provided such employer
119 has notified the Labor Commissioner, in writing, as to which other
120 state it has designated for the purpose of sending such reports.

121 Sec. 6. Section 36a-800 of the general statutes is repealed and the
122 following is substituted in lieu thereof:

123 As used in sections 36a-800 to 36a-810, inclusive, as amended by this
124 act, unless the context otherwise requires:

125 (1) "Consumer collection agency" means any person engaged in the
126 business of collecting or receiving for payment for others of any
127 account, bill or other indebtedness from a consumer debtor, including
128 any person who, by any device, subterfuge or pretense, makes a
129 pretended purchase or takes a pretended assignment of accounts from
130 any other person or municipality of such indebtedness for the purpose
131 of evading the provisions of sections 36a-800 to 36a-810, inclusive, as
132 amended by this act. It includes persons who furnish collection
133 systems carrying a name which simulates the name of a consumer
134 collection agency and who supply forms or form letters to be used by
135 the creditor, even though such forms direct the consumer debtor to

136 make payments directly to the creditor rather than to such fictitious
137 agency. "Consumer collection agency" further includes any person
138 who, in attempting to collect or in collecting such person's own
139 accounts or claims from a consumer debtor, uses a fictitious name or
140 any name other than such person's own name which would indicate to
141 the consumer debtor that a third person is collecting or attempting to
142 collect such account or claim. "Consumer collection agency" does not
143 include (A) an individual employed on the staff of a licensed consumer
144 collection agency, or by a creditor who is exempt from licensing, when
145 attempting to collect on behalf of such consumer collection agency, (B)
146 persons not primarily engaged in the collection of debts from
147 consumer debtors who receive funds in escrow for subsequent
148 distribution to others, including, but not limited to, real estate brokers
149 and lenders holding funds of borrowers for payment of taxes or
150 insurance, (C) any public officer or a person acting under the order of
151 any court, (D) any member of the bar of this state, and (E) a person
152 who services loans or accounts for the owners thereof when the
153 arrangement includes, in addition to requesting payment from
154 delinquent consumer debtors, the providing of other services such as
155 receipt of payment, accounting, record-keeping, data processing
156 services and remitting, for loans or accounts which are current as well
157 as those which are delinquent. Any person not included in the
158 definition contained in this subsection is, for purposes of sections 36a-
159 645 to 36a-647, inclusive, a "creditor", as defined in subdivision (3) of
160 section 36a-645;

161 (2) "Consumer debtor" means any natural person, not an
162 organization, who has incurred indebtedness or owes a debt for
163 personal, family or household purposes, including current or past due
164 child support, or who has incurred indebtedness or owes a debt to a
165 municipality due to a levy by such municipality of a personal property
166 tax;

167 (3) "Creditor" means a person, including a municipality, who

168 retains, hires, or engages the services of a consumer collection agency;

169 (4) "Municipality" means any town, city or borough, consolidated
170 town and city, consolidated town and borough, district as defined in
171 section 7-324 or municipal special services district established under
172 chapter 105a;

173 (5) "Organization" means a corporation, partnership, association,
174 trust or any other legal entity or an individual operating under a trade
175 name or a name having appended to it a commercial, occupational or
176 professional designation.

177 Sec. 7. Subsection (a) of section 36a-801 of the general statutes is
178 repealed and the following is substituted in lieu thereof:

179 (a) No person shall act within this state as a consumer collection
180 agency, unless such person holds a license then in force from the
181 commissioner authorizing such person so to act. A consumer collection
182 agency is acting within this state if it (1) has its place of business
183 located within this state; (2) has its place of business located outside
184 this state and collects from consumer debtors who reside within this
185 state for creditors who are located within this state; [or] (3) has its place
186 of business located outside this state and regularly collects from
187 consumer debtors who reside within this state for creditors who are
188 located outside this state; or (4) has its place of business located
189 outside this state and is engaged in the business of collecting child
190 support for creditors located within this state from consumer debtors
191 who are located outside this state.

192 Sec. 8. Section 36a-804 of the general statutes is repealed and the
193 following is substituted in lieu thereof:

194 [The commissioner may suspend or revoke such license for cause
195 shown, in accordance with section 36a-51.]

196 The commissioner may suspend, revoke or refuse to renew any

197 license, in accordance with the provisions of section 36a-51, for any
198 reason which would be sufficient grounds for the commissioner to
199 deny an application for a license under sections 36a-800 to 36a-810,
200 inclusive, as amended by this act, or if the commissioner finds that the
201 licensee or any owner, director, officer, member, partner, shareholder,
202 trustee, employee or agent of such licensee has done any of the
203 following: (1) Made any material misstatement in the application; (2)
204 committed any fraud or misrepresentation; (3) violated any of the
205 provisions of sections 36a-800 to 36a-810, inclusive, as amended by this
206 act, or of any regulations adopted pursuant thereto, or any other law
207 or regulation applicable to the conduct of its business; or (4) failed to
208 perform any agreement with a creditor.

209 Sec. 9. Section 36a-805 of the general statutes is repealed and the
210 following is substituted in lieu thereof:

211 (a) No consumer collection agency shall: (1) Furnish legal advice or
212 perform legal services or represent that it is competent to do so, or
213 institute judicial proceedings on behalf of others; (2) communicate with
214 debtors in the name of an attorney or upon the stationery of an
215 attorney, or prepare any forms or instruments which only attorneys
216 are authorized to prepare; (3) purchase or receive assignments of
217 claims for the purpose of collection or institute suit thereon in any
218 court; (4) assume authority on behalf of a creditor to employ or
219 terminate the services of an attorney unless such creditor has
220 authorized such agency in writing to act as [his] such creditor's agent
221 in the selection of an attorney to collect the creditor's accounts; (5)
222 demand or obtain in any manner a share of the proper compensation
223 for services performed by an attorney in collecting a claim, whether or
224 not such agency has previously attempted collection thereof; (6) solicit
225 claims for collection under an ambiguous or deceptive contract; (7)
226 refuse to return any claim or claims upon written request of the
227 creditor, claimant or forwarder, which claims are not in the process of
228 collection after the tender of such amounts, if any, as may be due and

229 owing to the agency; (8) advertise or threaten to advertise for sale any
230 claim as a means of forcing payment thereof, unless such agency is
231 acting as the assignee for the benefit of creditors; (9) refuse or fail to
232 account for and remit to its clients all money collected which is not in
233 dispute within sixty days from the last day of the month in which said
234 money is collected; (10) refuse or intentionally fail to return to the
235 creditor all valuable papers deposited with a claim when such claim is
236 returned; (11) refuse or fail to furnish at intervals of not less than
237 ninety days, upon the written request of the creditor, claimant or
238 forwarder, a written report upon claims received from such creditor,
239 claimant or forwarder; (12) commingle money collected for a creditor,
240 claimant or forwarder with its own funds or use any part of a
241 creditor's, claimant's or forwarder's money in the conduct of its
242 business; (13) add any charge or fee to the amount of any claim which
243 it receives for collection or knowingly accept for collection any claim to
244 which any charge or fee has already been added to the amount of the
245 claim unless the consumer debtor is legally liable therefor, in which
246 case, the charge or collection fee may not be in excess of fifteen per cent
247 of the amount actually collected on the debt; (14) use or attempt to use
248 or make reference to the term "bonded by the state of Connecticut",
249 "bonded" or "bonded collection agency" or any combination of such
250 terms or words, except that the word "bonded" may be used on the
251 stationery of any such agency in type not larger than twelve-point; or
252 (15) engage in any activities prohibited by sections 36a-800 to 36a-810,
253 inclusive, as amended by this act.

254 (b) No consumer collection agency shall impose a charge or fee for
255 any child support payments collected through the efforts of a
256 governmental agency. If the imposition of a charge or fee is permitted
257 under section 10 of this act, no consumer collection agency shall
258 impose a charge or fee for the collection of any child support payments
259 in excess of the following amounts: (1) Upon any arrearage recovered
260 as a lump sum payment, fifteen per cent; (2) upon any periodic
261 payments, fifteen per cent during the first thirteen weeks of such

262 collection, ten per cent during the next thirteen weeks of such
263 collection and five per cent thereafter.

264 Sec. 10. (NEW) No consumer collection agency may collect child
265 support payments unless such consumer collection agency has entered
266 into a written agreement with the creditor to whom the child support
267 is owed. The agreement shall specify the charge or fee for collecting the
268 child support and state, in bold type, that child support collection
269 services are offered by the state of Connecticut or any other state for a
270 nominal fee. The creditor may terminate the agreement at any time by
271 sending the consumer collection agency a written notice of termination
272 which shall include the address to which future payments should be
273 sent. Within thirty days of receipt of the notice of termination the
274 consumer collection agency shall notify the consumer debtor or any
275 other person, including a governmental agency, that is forwarding the
276 consumer debtor's payments to the consumer collection agency, that
277 future payments should be sent to the creditor at the address provided
278 in the termination notice.

279 Sec. 11. Subsection (a) of section 46b-179a of the general statutes is
280 repealed and the following is substituted in lieu thereof:

281 (a) [The] Support Enforcement [Division] Services of the Superior
282 Court shall maintain a registry in the Family Support Magistrate
283 Division of paternity judgments from other states. Any party to an
284 action in which a paternity judgment from another state was rendered
285 may register the foreign paternity judgment in the registry maintained
286 by [the] Support Enforcement [Division] Services without payment of
287 a filing fee or other cost to the party.

288 Sec. 12. Section 46b-179b of the general statutes is repealed and the
289 following is substituted in lieu thereof:

290 Such foreign paternity judgment, on the filing with the registry
291 maintained by [the] Support Enforcement [Division] Services, shall

292 become a judgment of the Family Support Magistrate Division of the
293 Superior Court and shall be enforced and otherwise treated in the
294 same manner as a judgment of the Family Support Magistrate
295 Division. A foreign paternity judgment so filed shall have the same
296 effect and may be enforced in the same manner as any like judgment of
297 a family support magistrate of this state, provided no such judgment
298 shall be enforced for a period of twenty days after the filing thereof.

299 Sec. 13. Section 46b-207 of the general statutes is repealed and the
300 following is substituted in lieu thereof:

301 The court is authorized to establish and maintain [a] Support
302 Enforcement [Division] Services and such [division] offices as it
303 determines are necessary for the proper handling of the administrative
304 details incident to proceedings under sections 46b-212 to 46b-213v,
305 inclusive, as amended by this act, and may appoint such personnel as
306 necessary for the proper administration of the nonjudicial functions of
307 proceedings under sections 46b-212 to 46b-213v, inclusive, as amended
308 by this act.

309 Sec. 14. Section 46b-208 of the general statutes is repealed and the
310 following is substituted in lieu thereof:

311 The support service investigators of [the] Support Enforcement
312 [Division] Services of the Superior Court shall, while acting within the
313 scope of their duties as such, pursuant to matters under sections 46b-
314 212 to 46b-213v, inclusive, as amended by this act, have the powers of
315 service and of execution of summons and orders for withholding, and
316 the conduct of investigations.

317 Sec. 15. Section 46b-212a of the general statutes is repealed and the
318 following is substituted in lieu thereof:

319 As used in sections 46b-212 to 46b-213v, inclusive, as amended by
320 this act:

321 (1) "Child" means an individual, whether over or under the age of
322 majority, who is or is alleged to be owed a duty of support by the
323 individual's parent or who is or is alleged to be the beneficiary of a
324 support order directed to the parent.

325 (2) "Child support order" means a support order for a child,
326 including a child who has attained the age of majority under the law of
327 the issuing state.

328 (3) "Duty of support" means an obligation imposed or imposable by
329 law to provide support for a child, spouse or former spouse, including
330 an unsatisfied obligation to provide support.

331 (4) "Governor" means an individual performing the functions of
332 Governor or the executive authority of a state covered by sections 46b-
333 212 to 47b-213v, inclusive, as amended by this act.

334 (5) "Home state" means the state in which a child lived with a parent
335 or a person acting as parent for at least six consecutive months
336 immediately preceding the time of filing of a petition or comparable
337 pleading for support and, if such child is less than six months old, the
338 state in which such child lived from birth with such parent or person
339 acting as parent. A period of temporary absence of such parent or
340 person acting as parent is counted as part of the six-month or other
341 period.

342 (6) "Income" includes earnings or other periodic entitlements to
343 money from any source and any other property subject to withholding
344 for support under the laws of this state.

345 (7) "Income withholding order" means an order or other legal
346 process directed to an obligor's employer, as defined in section 52-362,
347 as amended by this act, to withhold support from the income of the
348 obligor.

349 (8) "Initiating state" means a state from which a proceeding is

350 forwarded under sections 46b-212 to 46b-213v, inclusive, as amended
351 by this act, or a law or procedure substantially similar to said sections,
352 the Uniform Reciprocal Enforcement of Support Act or the Revised
353 Uniform Reciprocal Enforcement of Support Act.

354 (9) "Initiating tribunal" means the authorized tribunal in an
355 initiating state.

356 (10) "Issuing state" means the state in which a tribunal issues a
357 support order or renders a judgment determining paternity.

358 (11) "Issuing tribunal" means the tribunal which issues a support
359 order or renders a judgment determining paternity.

360 (12) "Law" includes decisional and statutory law and rules and
361 regulations having the force of law.

362 (13) "Obligee" means: (A) An individual to whom a duty of support
363 is or is alleged to be owed or in whose favor a support order has been
364 issued or a judgment determining paternity has been rendered; (B) a
365 state or political subdivision to which the rights under a duty of
366 support or support order have been assigned or which has
367 independent claims based on financial assistance provided to an
368 individual obligee; or (C) an individual seeking a judgment
369 determining paternity of the individual's child.

370 (14) "Obligor" means an individual, or the estate of a decedent: (A)
371 Who owes or is alleged to owe a duty of support; (B) who is alleged
372 but has not been adjudicated to be a parent of a child; or (C) who is
373 liable under a support order.

374 (15) "Register" means to file a support order or judgment
375 determining paternity in the registry of support orders of the Family
376 Support Magistrate Division of the Superior Court. Such a support
377 order or judgment shall be filed by delivery of the order or judgment
378 for filing to [the] Support Enforcement [Division] Services of the

379 Superior Court which shall maintain the registry on behalf of the
380 Family Support Magistrate Division.

381 (16) "Registering tribunal" means a tribunal in which a support
382 order is registered.

383 (17) "Responding state" means a state in which a proceeding is filed
384 or to which a proceeding is forwarded for filing under sections 46b-212
385 to 46b-213v, inclusive, as amended by this act, or a law or procedure
386 substantially similar to said sections, the Uniform Reciprocal
387 Enforcement of Support Act or the Revised Uniform Reciprocal
388 Enforcement of Support Act.

389 (18) "Responding tribunal" means the authorized tribunal in a
390 responding state.

391 (19) "Spousal-support order" means a support order for a spouse or
392 former spouse of the obligor.

393 (20) "State" means a state of the United States, the District of
394 Columbia, Puerto Rico, the U.S. Virgin Islands or any territory or
395 insular possession subject to the jurisdiction of the United States. The
396 term "state" includes an Indian tribe and a foreign jurisdiction that has
397 enacted a law or established procedures for issuance and enforcement
398 of support orders which are substantially similar to the procedure
399 under sections 46b-212 to 46b-213v, inclusive, as amended by this act,
400 the Uniform Reciprocal Enforcement of Support Act or the Revised
401 Uniform Enforcement of Support Act.

402 (21) "Support enforcement agency" means a public official or agency
403 authorized to seek: (A) Enforcement of support orders or laws relating
404 to the duty of support; (B) establishment or modification of child
405 support; (C) determination of paternity; or (D) the location of obligors
406 or their assets.

407 (22) "Support order" means a judgment, decree or order, whether

408 temporary, final or subject to modification, for the benefit of a child, a
409 spouse or a former spouse, which provides for monetary support,
410 health care, arrearages or reimbursement, and may include related
411 costs and fees, interest, income withholding, attorney's fees and other
412 relief.

413 (23) "Tribunal" means a court, administrative agency or quasi-
414 judicial entity authorized to establish, enforce or modify support
415 orders or to determine paternity.

416 Sec. 16. Section 46b-212b of the general statutes is repealed and the
417 following is substituted in lieu thereof:

418 The Superior Court and the Family Support Magistrate Division of
419 the Superior Court are the tribunals of this state. The Family Support
420 Magistrate Division is the tribunal for the filing of petitions under
421 sections 46b-212 to 46b-213v, inclusive, as amended by this act,
422 provided clerical, administrative and other nonjudicial functions in
423 proceedings before the Family Support Magistrate Division may be
424 performed by [the] Support Enforcement [Division] Services of the
425 Superior Court.

426 Sec. 17. Section 46b-212q of the general statutes is repealed and the
427 following is substituted in lieu thereof:

428 (a) When the Family Support Magistrate Division receives a petition
429 or comparable pleading from an initiating tribunal or directly pursuant
430 to subsection (c) of section 46b-212m, the Family Support Magistrate
431 Division, or [the] Support Enforcement [Division] Services acting on its
432 behalf shall promptly cause the petition or pleading to be filed and
433 notify the petitioner by first class mail where and when it was filed.

434 (b) In matters arising under this section, family support magistrates
435 shall have the same powers and authority as provided by law for IV-D
436 support cases.

437 (c) The family support magistrate may not condition the payment of
438 a support order issued under sections 46b-212 to 46b-213v, inclusive,
439 as amended by this act, upon compliance by a party with provisions
440 for visitation.

441 (d) If the Family Support Magistrate Division issues an order under
442 sections 46b-212 to 46b-213v, inclusive, as amended by this act, the
443 Family Support Magistrate Division, or [the] Support Enforcement
444 [Division] Services acting on its behalf, shall send a copy of the order
445 by first class mail to the petitioner and the respondent and to the
446 initiating tribunal, if any.

447 Sec. 18. Section 46b-212v of the general statutes is repealed and the
448 following is substituted in lieu thereof:

449 (a) [The] Support Enforcement [Division] Services of the Superior
450 Court is the state information agency under sections 46b-212 to 46b-
451 213v, inclusive, as amended by this act.

452 (b) The state information agency shall: (1) Compile and maintain a
453 current list, including addresses, of the tribunals in this state which
454 have jurisdiction under sections 46b-212 to 46b-213v, inclusive, as
455 amended by this act, and any support enforcement agencies in this
456 state and transmit a copy to the state information agency of every
457 other state; (2) maintain a registry of tribunals and support
458 enforcement agencies received from other states; (3) forward to the
459 appropriate tribunal in the place in this state in which the individual
460 obligee or the obligor resides, or in which the obligor's property is
461 believed to be located, all documents concerning a proceeding under
462 sections 46b-212 to 46b-213v, inclusive, as amended by this act,
463 received from an initiating tribunal or the state information agency of
464 the initiating state; and (4) obtain information concerning the location
465 of the obligor and the obligor's property within this state not exempt
466 from execution.

467 (c) In addition to its duties as the state information agency [the]
468 Support Enforcement [Division] Services of the Superior Court shall
469 maintain a registry of support orders and judgments in the Family
470 Support Magistrate Division of the Superior Court and shall perform
471 such clerical, administrative and other nonjudicial functions on behalf
472 of the Family Support Magistrate Division as may be required, or as
473 are otherwise agreed upon, pursuant to sections 46b-62, 46b-69, 46b-
474 179a, 46b-179b, as amended by this act, 46b-207, as amended by this
475 act, 46b-208, 46b-212 to 46b-213v, inclusive, as amended by this act,
476 46b-231, as amended by this act, 52-362, as amended by this act, and
477 52-362f, as amended by this act.

478 Sec. 19. Section 46b-213f of the general statutes is repealed and the
479 following is substituted in lieu thereof:

480 (a) A party seeking to enforce a support order or an income
481 withholding order, or both, issued by a tribunal of another state may
482 send the documents required for registering the order to [the] Support
483 Enforcement [Division] Services.

484 (b) Upon receipt of the documents, [the] Support Enforcement
485 [Division] Services, with the assistance of the Bureau of Child Support
486 Enforcement within the Department of Social Services, as appropriate,
487 without initially seeking to register the order, shall consider and, if
488 appropriate, use any administrative procedure authorized by the law
489 of this state to enforce a support order or an income withholding
490 order, or both. If the obligor does not contest administrative
491 enforcement, the order need not be registered. If the obligor contests
492 the validity or administrative enforcement of the order, the support
493 enforcement agency shall file the order with [the] Support
494 Enforcement [Division] Services of the Superior Court to be recorded
495 in the registry of support orders of the Family Support Magistrate
496 Division.

497 Sec. 20. Section 46b-213g of the general statutes is repealed and the

498 following is substituted in lieu thereof:

499 A support order or an income withholding order issued by a
500 tribunal of another state may be registered in this state for enforcement
501 with the registry of support orders of the Family Support Magistrate
502 Division maintained by [the] Support Enforcement [Division] Services
503 of the Superior Court.

504 Sec. 21. Section 46b-213h of the general statutes is repealed and the
505 following is substituted in lieu thereof:

506 (a) A support order or income withholding order of another state
507 may be registered in this state by sending the following documents
508 and information to [the] Support Enforcement [Division] Services for
509 filing in the registry of support orders of the Family Support
510 Magistrate Division: (1) A letter of transmittal to [the] Support
511 Enforcement [Division] Services requesting registration and
512 enforcement; (2) two copies, including one certified copy, of all orders
513 to be registered, including any modification of an order; (3) a sworn
514 statement by the party seeking registration or a certified statement by
515 the custodian of the records showing the amount of any arrearage; (4)
516 the name of the obligor and, if known: (A) The obligor's address and
517 Social Security number; (B) the name and address of the obligor's
518 employer and any other source of income of the obligor; and (C) a
519 description and the location of property of the obligor in this state not
520 exempt from execution; (5) the name and address of the obligee and, if
521 applicable, the agency or person to whom support payments are to be
522 remitted; and (6) a statement disclosing whether or not any other
523 action or proceeding is currently pending concerning the support of
524 the child who is the subject of such support order.

525 (b) On receipt of a request for registration, [the] Support
526 Enforcement [Division] Services shall cause the order to be filed as a
527 foreign judgment in the registry of support orders of the Family
528 Support Magistrate Division, together with one copy of the documents

529 and information, regardless of their form.

530 (c) A petition or comparable pleading seeking a remedy that is
531 required to be affirmatively sought under other law of this state may
532 be filed at the same time as the request for registration or later. The
533 pleading shall specify the grounds for the remedy sought.

534 Sec. 22. Subsection (a) of section 46b-213i of the general statutes is
535 repealed and the following is substituted in lieu thereof:

536 (a) A support order or income withholding order issued in another
537 state is registered when the order is filed with [the] Support
538 Enforcement [Division] Services for registration in the registry of
539 support orders.

540 Sec. 23. Section 46b-213k of the general statutes is repealed and the
541 following is substituted in lieu thereof:

542 (a) When a support order or income withholding order issued in
543 another state is registered, the Family Support Magistrate Division or
544 [the] Support Enforcement [Division] Services acting on its behalf,
545 shall notify the nonregistering party. Notice must be given by first
546 class, certified or registered mail or by any means of personal service
547 authorized by the law of this state. The notice must be accompanied by
548 a copy of the registered order and the documents and relevant
549 information accompanying the order.

550 (b) The notice must inform the nonregistering party: (1) That a
551 registered order is enforceable as of the date of registration in the same
552 manner as an order issued by a tribunal of this state; (2) that a hearing
553 before the Family Support Magistrate Division to contest the validity
554 or enforcement of the registered order must be requested within
555 twenty days after the date of mailing or personal service of the notice;
556 (3) that failure to contest the validity or enforcement of the registered
557 order in a timely manner will result in confirmation of the order and

558 enforcement of the order and the alleged arrearages and precludes
559 further contest of that order with respect to any matter that could have
560 been asserted; and (4) of the amount of any alleged arrearages.

561 (c) Upon registration of an income withholding order for
562 enforcement, the Family Support Magistrate Division, or [the] Support
563 Enforcement [Division] Services acting on its behalf, shall notify the
564 obligor's employer pursuant to section 52-362, as amended by this act.

565 Sec. 24. Subsection (c) of section 46b-213w of the general statutes is
566 repealed and the following is substituted in lieu thereof:

567 (c) The Department of Social Services shall distribute to all
568 employers in this state a standard notice and claim form, written in
569 clear and simple language, which shall include:

570 (1) Notice that money will be withheld from the employee's wages
571 for child support and health insurance;

572 (2) Notice that eighty-five per cent of the first one hundred forty-
573 five dollars per week of disposable earnings are exempt from the
574 income withholding order;

575 (3) Notice that the amount of the income withholding order may not
576 exceed the maximum permitted by federal law under Section 1673 of
577 Title 15 of the United States Code, together with a statement of the
578 obligor's right to claim any other applicable state or federal
579 exemptions;

580 (4) Notice of the right to object to the validity or enforcement of such
581 income withholding order in a court in this state and of the right to
582 seek modification of the underlying support order in the court of
583 continuing exclusive jurisdiction;

584 (5) Notice of the right to seek the assistance of the Child Support
585 Enforcement Bureau of the Department of Social Services and the toll-

586 free telephone number at which the bureau can be contacted;

587 (6) A claim form which shall include (A) a list of the most common
588 defenses and exemptions to such income withholding order in a
589 manner which allows the obligor to check any of the defenses and
590 exemptions which apply; (B) a space where the obligor may briefly
591 explain [his] the obligor's claim or defense; (C) a space where the
592 obligor may initiate a request for services to modify the support order;
593 (D) a space for the obligor to provide [his] the obligor's address and
594 the name of the town in which [he] the obligor principally conducts
595 [his] the obligor's work for the employer; (E) a space for the obligor to
596 sign [his] the obligor's name; (F) the address of the Bureau of Child
597 Support Enforcement of the Department of Social Services to which the
598 claim form is to be sent in order to contest the validity or enforcement
599 of the income withholding order or to initiate a request for
600 modification; and (G) space for the employer to state the date upon
601 which the form was actually delivered to the obligor.

602 Sec. 25. Subsection (s) of section 46b-231 of the general statutes is
603 repealed and the following is substituted in lieu thereof:

604 (s) Support enforcement officers of [the] Support Enforcement
605 [Division] Services of the Superior Court shall:

606 (1) Supervise the payment of any child or spousal support order
607 made by a family support magistrate. Supervision of such orders is
608 defined as the utilization of all procedures available by law to collect
609 child or spousal support, including issuance and implementation of
610 income withholdings ordered by the Superior Court or a family
611 support magistrate pursuant to section 52-362, as amended by this act,
612 and if necessary, bringing an application for contempt to a family
613 support magistrate and, in connection with such application, issuing
614 an order requiring the obligor to appear before a family support
615 magistrate to show cause why such obligor should not be held in
616 contempt for failure to pay an order for child or spousal support

617 entered by the Superior Court or a family support magistrate;

618 (2) In non-TANF cases, have the authority to bring petitions for
619 support orders pursuant to section 46b-215, file agreements for support
620 with the assistant clerk of the Family Support Magistrate Division, and
621 bring applications for show cause orders pursuant to section 46b-172,
622 and in IV-D cases and cases under sections 46b-212 to 46b-213v,
623 inclusive, as amended by this act, enforce foreign support orders
624 registered with the Family Support Magistrate Division pursuant to
625 sections 46b-213f to 46b-213i, inclusive, as amended by this act, and file
626 agreements for support with the assistant clerk of the Family Support
627 Magistrate Division;

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

635 (4) In non-TANF IV-D cases, review child support orders at the
636 request of [either parent subject] any party to a support order or, in
637 TANF cases, review child support orders at the request of the Bureau
638 of Child Support Enforcement, and initiate an action before a family
639 support magistrate to modify such support order if it is determined
640 upon such review that the order substantially deviates from the child
641 support guidelines established pursuant to section 46b-215a or 46b-
642 215b. The authority to initiate such action includes issuance of the
643 summons and order necessary to commence the action. The requesting
644 party shall have a right to such review every three years without
645 proving a substantial change in circumstances; more frequent reviews
646 shall be made only if the requesting party demonstrates a substantial
647 change in circumstances. There shall be a rebuttable presumption that

648 any deviation of less than fifteen per cent from the child support
649 guidelines is not substantial and any deviation of fifteen per cent or
650 more from the guidelines is substantial. Modification may be made of
651 such support order without regard to whether the order was issued
652 before, on or after May 9, 1991. In determining whether to modify a
653 child support order based on a substantial deviation from such child
654 support guidelines, consideration shall be given to the division of real
655 and personal property between the parties set forth in any final decree
656 entered pursuant to chapter 815j and the benefits accruing to the child
657 as the result of such division. No order for periodic payment of
658 support may be subject to retroactive modification, except that the
659 family support magistrate may order modification with respect to any
660 period during which there is a pending motion for modification of a
661 support order from the date of service of notice of such pending
662 motion to the opposing party pursuant to section 52-50.

663 Sec. 26. Subsection (a) of section 52-259a of the general statutes is
664 repealed and the following is substituted in lieu thereof:

665 (a) Any member of the Division of Criminal Justice, the Division of
666 Public Defender Services or the Family Division or Support
667 Enforcement [Division] Services of the Superior Court, the Attorney
668 General, an assistant attorney general, the Consumer Counsel, any
669 attorney employed by the Office of Consumer Counsel within the
670 Department of Public Utility Control, the Department of Revenue
671 Services, the Commission on Human Rights and Opportunities, the
672 Freedom of Information Commission, the Board of Labor Relations or
673 the Office of Protection and Advocacy for Persons with Disabilities, or
674 any attorney appointed by the court to assist any of them or to act for
675 any of them in a special case or cases, while acting in [his] the
676 attorney's official capacity or in the capacity for which [he] the attorney
677 was appointed, shall not be required to pay the fees specified in
678 sections 52-258, 52-259 and 52-259c, subsection (a) of section 52-356a,
679 subsection (a) of section 52-361a and subsection (n) of section 46b-231.

680 Sec. 27. Subsection (a) of section 52-362 of the general statutes is
681 repealed and the following is substituted in lieu thereof:

682 (a) For purposes of this section:

683 (1) "Dependent" means a spouse, former spouse or child entitled to
684 payments under a support order, provided [the] Support Enforcement
685 [Division] Services of the Superior Court or the state acting under an
686 assignment of a dependent's support rights or under an application for
687 child support enforcement services shall, through an officer of [the]
688 Support Enforcement [Division] Services or the Bureau of Child
689 Support Enforcement within the Department of Social Services or an
690 investigator of the Department of Administrative Services or the
691 Attorney General, take any action which the dependent could take to
692 enforce a support order;

693 (2) "Disposable earnings" means that part of the earnings of an
694 individual remaining after deduction from those earnings of amounts
695 required to be withheld for the payment of federal, state and local
696 income taxes, employment taxes, normal retirement contributions,
697 union dues and initiation fees, and group life and health insurance
698 premiums;

699 (3) "Earnings" means any debt accruing to an obligor by reason of
700 such obligor's personal services, including any compensation payable
701 by an employer to an employee for such personal services whether
702 denominated as wages, salary, commission, bonus or otherwise,
703 including unemployment compensation if a purchase of service
704 agreement between the Commissioner of Social Services and the Labor
705 Commissioner is in effect pursuant to subsection (e) of section 17b-179;

706 (4) "Employer" means any person, including the Labor
707 Commissioner, who owes earnings to an obligor;

708 (5) "Income" means any periodic form of payment due to an

709 individual, regardless of source, including, but not limited to,
710 disposable earnings, workers' compensation and disability benefits,
711 payments pursuant to a pension or retirement program and interest;

712 (6) "Obligor" means a person required to make payments under a
713 support order;

714 (7) "Support order" means a court order, or order of a family
715 support magistrate including an agreement approved by a court or a
716 family support magistrate, that requires the payment to a dependent of
717 either current support payments, payments on an arrearage, or both;

718 (8) "Unemployment compensation" means any compensation
719 payable under chapter 567, including amounts payable by the
720 administrator of the unemployment compensation law pursuant to an
721 agreement under any federal law providing for compensation,
722 assistance or allowances with respect to unemployment.

723 Sec. 28. Subsections (e) and (f) of section 52-362 of the general
724 statutes are repealed and the following is substituted in lieu thereof:

725 (e) A withholding order shall issue in the amount necessary to
726 enforce a support order against only such nonexempt income of the
727 obligor as exceeds the greater of (1) eighty-five per cent of the first one
728 hundred forty-five dollars per week of disposable income, or (2) the
729 amount exempt under Section 1673 of Title 15 of the United States
730 Code, or against any lesser amount which the court or family support
731 magistrate deems equitable. The withholding order shall secure
732 payment of past and future amounts due under the support order and
733 an additional amount computed in accordance with the child support
734 guidelines established in accordance with section 46b-215a, to be
735 applied toward liquidation of any arrearage accrued under such order,
736 unless contested by the obligor after a notice has been served pursuant
737 to subsection (c) of this section, in which case the court or family
738 support magistrate may determine the amount to be applied toward

739 the liquidation of the arrearage found to have accrued under prior
740 order of the court or family support magistrate. In no event shall such
741 additional amount be applied if there is an existing arrearage order
742 from the court or family support magistrate in a IV-D support case, as
743 defined in subdivision (13) of subsection (b) of section 46b-231. Any
744 investigator or other authorized employee of the Bureau of Child
745 Support Enforcement within the Department of Social Services, or any
746 officer of [the] Support Enforcement [Division] Services of the Superior
747 Court, shall issue a withholding order pursuant to this subsection
748 when the obligor becomes subject to withholding under subsection (c)
749 of this section. On service of the order of withholding on an existing or
750 any future employer or other payer of income, and until the support
751 order is fully satisfied or modified, the order of withholding is a
752 continuing lien and levy on the obligor's income as it becomes due.

753 (f) Commencing no later than the first pay period in the case of an
754 employer, or the date of periodic payment in the case of a payer of
755 income other than an employer, that occurs after fourteen days
756 following the date of service of an order for withholding and within
757 seven business days of the date the obligor is paid thereafter, an
758 employer or other payer of income shall pay sums withheld pursuant
759 to the withholding order to the state disbursement unit, as required by
760 subsection (p) of this section. [When orders for withholding are
761 payable on behalf of a dependent in a IV-D support case, as defined in
762 subdivision (14) of subsection (b) of section 46b-231, the] The employer
763 or other payer of income (1) shall specify the dates on which each
764 withholding occurred and the amount withheld for each obligor on
765 each such date, and (2) may combine all withheld amounts into a
766 single payment to the state disbursement unit with the portion thereof
767 which is attributable to each individual obligor being separately
768 designated. If an employer or other payer of income fails to withhold
769 from income due an obligor pursuant to an order for withholding or
770 fails to make those payments, such employer or other payer of income
771 is liable to such person for the full amount of income not withheld

772 since receipt of proper notice in an action therefor, and the amount
773 secured in the action shall be applied by such person toward the
774 arrearage owed by the obligor. Such employer or other payer of
775 income shall be subject to a finding of contempt by the court or family
776 support magistrate for failure to honor such order for withholding,
777 provided service of the order is made in accordance with section 52-57
778 or by certified mail, return receipt requested.

779 Sec. 29. Subsection (h) of section 52-362 of the general statutes is
780 repealed and the following is substituted in lieu thereof:

781 (h) Service of any process under this section, including any notice,
782 may be made in accordance with section 52-57, or by certified mail,
783 return receipt requested. If service is made on behalf of the state, it
784 may be made by an authorized employee of [the] Support Enforcement
785 [Division of the court] Services, or by an investigator or other officer of
786 the Bureau of Child Support Enforcement within the Department of
787 Social Services or by an investigator of the Department of
788 Administrative Services or by the Attorney General. Service of income
789 withholding orders by Support Enforcement Services or by an
790 investigator or other officer of said bureau upon an employer under
791 this section may be made in accordance with section 52-57, by certified
792 mail, return receipt requested, or by first class mail.

793 Sec. 30. Subsection (k) of section 52-362 of the general statutes is
794 repealed and the following is substituted in lieu thereof:

795 (k) The employer shall notify promptly the dependent or [the]
796 Support Enforcement [Division] Services as directed when the obligor
797 terminates employment, makes a claim for workers' compensation
798 benefits or makes a claim for unemployment compensation benefits
799 and shall provide the obligor's last-known address and the name and
800 address of the obligor's new employer, if known.

801 Sec. 31. Subsection (a) of section 52-362d of the general statutes is

802 repealed and the following is substituted in lieu thereof:

803 (a) Whenever an order of the Superior Court or a family support
804 magistrate for support of a minor child or children is issued and such
805 payments have been ordered to be made to the state acting by and
806 through the IV-D agency and the person against whom such support
807 order was issued owes past-due support in the amount of five
808 hundred dollars or more, the state shall have a lien on any property,
809 real or personal, in which such person has an interest to enforce
810 payment of such past-due support after first providing such person
811 with notice of intent to place such lien, and an opportunity for a
812 hearing before a hearing officer to contest the amount of such past-due
813 support. The lien for past-due child support shall be secured by the IV-
814 D agency pursuant to procedures contained in the general statutes
815 applicable to the type of property to be secured. Any such lien on real
816 property may, at any time during which the obligor owes the amount
817 of past-due child support secured by such lien, be foreclosed in an
818 action brought in a court of competent jurisdiction by the
819 Commissioner of Social Services in a title IV-D case or by the person to
820 whom the child support is due. When past-due support is owing both
821 to a family and to the state, the proceeds of the lien shall be applied to
822 the family's current and past-due support first and, when [that] such
823 support is satisfied, to the state's past-due support. A lien for past-due
824 support arising in any other state shall be given full faith and credit by
825 this state provided such other state has complied with its procedural
826 rules relating to recording or serving of liens.

827 Sec. 32. Subsections (c) to (e), inclusive, of section 52-362d of the
828 general statutes are repealed and the following is substituted in lieu
829 thereof:

830 (c) The [Comptroller] Connecticut Lottery Corporation, upon
831 notification by the Commissioner of Social Services that money is due
832 from any person as a result of a claim for support which has been

833 assigned to the state pursuant to section 17b-77 or is to be paid to the
834 state acting by and through the IV-D agency, shall withhold [any order
835 upon the Treasurer for payment due] from any lottery winnings
836 [pursuant to chapter 226] payable to such person [unless the amount
837 payable is first reduced by] under the provisions of chapter 226 or
838 chapter 229a the amount of such claim for support owed to an
839 individual for any portion of support which has not been assigned to
840 the state and then [by] the amount of such claim for support owed to
841 the state, provided the [Comptroller] Connecticut Lottery Corporation
842 shall notify such person that (1) [an order upon the Treasurer for
843 payment has] lottery winnings have been withheld as a result of the
844 amount due for such support, and (2) [he] such person has the right to
845 a hearing before a hearing officer designated by the Commissioner of
846 Social Services if [he] such person contests the amount of the alleged
847 claim for support. The [Comptroller] Connecticut Lottery Corporation
848 shall [submit an order to the Treasurer for payment to] pay such
849 persons in accordance with any decisions of the hearing officer or the
850 court upon appeal of the hearing officer's decision.

851 (d) Whenever an order of the Superior Court or a family support
852 magistrate for support of a minor child or children is issued and such
853 payments have been ordered through the IV-D agency, and the obligor
854 against whom such support order was issued owes overdue support
855 under such order in the amount of five hundred dollars or more, the
856 IV-D agency, as defined in subdivision (12) of subsection (b) of section
857 46b-231, or [the] Support Enforcement [Division] Services of the
858 Superior Court may notify (1) any state or local agency with authority
859 to distribute benefits to such obligor including, but not limited to,
860 unemployment compensation and workers' compensation, (2) any
861 person having or expecting to have custody or control of or authority
862 to distribute any amounts due such obligor under any judgment or
863 settlement, (3) any financial institution holding assets of such obligor,
864 and (4) any public or private entity administering a public or private
865 retirement fund in which such obligor has an interest that such obligor

866 owes overdue support in a IV-D support case. Upon receipt of such
867 notice, such agency, person, institution or entity shall withhold
868 delivery or distribution of any such benefits, amounts, assets or funds
869 until receipt of further notice from the IV-D agency.

870 (e) In IV-D cases in which a notice is sent pursuant to subsection (d)
871 of this section, the IV-D agency shall notify the obligor that such
872 benefits, amounts, assets or funds have been withheld as a result of
873 overdue support in a IV-D support case in accordance with an order of
874 the Superior Court or family support magistrate. The IV-D agency
875 shall further notify the agency, person, institution or entity to whom
876 notice was sent pursuant to subsection (d) of this section as follows: (1)
877 Upon expiration of the time for requesting a hearing specified in
878 section 17b-60, to make payment to the state from any such benefits,
879 amounts, assets or funds withheld in accordance with subsection (d) of
880 this section to satisfy such overdue support and any current support
881 obligation provided, in the case of retirement funds, such payment
882 shall only be made in accordance with a withholding order issued
883 under section 52-362, as amended by this act, when the obligor is
884 entitled to receive retirement benefits from such fund; (2) upon
885 payment of such overdue support by such obligor, to release or
886 distribute, as appropriate, such benefits, amounts, assets or funds to
887 such obligor; or (3) upon issuance of a decision by the hearing officer
888 or the court upon appeal of such officer's decision, to take such other
889 action as may be ordered by such officer or such court, and such
890 agency, person, institution or entity shall forthwith comply with such
891 notice received from the IV-D agency.

892 Sec. 33. Subsection (d) of section 52-362e of the general statutes is
893 repealed and the following is substituted in lieu thereof:

894 (d) The Commissioner of Social Services shall adopt regulations, in
895 accordance with chapter 54, setting forth procedures in compliance
896 with federal law and regulations under Title IV-D of the Social Security

897 Act providing for adequate notice of (1) the right to a review by [the]
898 Support Enforcement [Division] Services of the Superior Court, (2) the
899 right to a fair hearing before a hearing officer, (3) a list of available
900 defenses including the defense described in section 52-362h, and (4)
901 procedures for a fair hearing for any person who is alleged to owe
902 past-due support and is subject to the provisions of this section.

903 Sec. 34. Subsections (c) and (d) of section 52-362f of the general
904 statutes are repealed and the following is substituted in lieu thereof:

905 (c) When a support order has been issued in this state and the
906 obligor has earnings subject to income withholding in another
907 jurisdiction, (1) the agency shall on application of a resident of this
908 state, (2) [the] Support Enforcement [Division] Services shall on behalf
909 of any client for whom [the] Support Enforcement [Division] Services
910 is providing services, (3) an obligee or obligor of a support order
911 issued by this state may, or (4) an agency to whom the obligee has
912 assigned support rights may, promptly request the agency of another
913 jurisdiction in which the obligor of a support order derives income to
914 enter the order for the purpose of obtaining income withholding
915 against such income. The agency or [the] Support Enforcement
916 [Division] Services, as the case may be, shall compile and transmit
917 promptly to the agency of the other jurisdiction all documentation
918 required to enter a support order for this purpose. The agency or
919 Support Enforcement [Division] Services also shall transmit
920 immediately to the agency of the other jurisdiction a certified copy of
921 any subsequent modifications of the support order. If the agency or
922 Support Enforcement [Division] Services receives notice that the
923 obligor is contesting income withholding in another jurisdiction, it
924 shall immediately notify the individual obligee of the date, time and
925 place of the hearings and of the obligee's right to attend.

926 (d) When a support order is issued in another jurisdiction and the
927 obligor has income subject to withholding in accordance with the

928 provisions of section 52-362, as amended by this act, [the] Support
929 Enforcement [Division] Services shall, upon receiving a support order
930 of another jurisdiction with the documentation specified in this
931 subsection from an agency of another jurisdiction, or from an obligee,
932 and obligor or an attorney for either the obligee or obligor, file such
933 support order and documents in the registry maintained by [the]
934 Support Enforcement [Division] Services. Documentation required for
935 the entry of a support order for another jurisdiction for the purpose of
936 withholding of income shall comply with the requirements of section
937 46b-213i, as amended by this act. If the documentation received by
938 [the] Support Enforcement [Division] Services does not conform to
939 those requirements, [the] Support Enforcement [Division] Services
940 shall remedy any defect which it can without the assistance of the
941 obligee or requesting agency or person. If [the] Support Enforcement
942 [Division] Services is unable to make such corrections, the requesting
943 agency or person shall immediately be notified of the necessary
944 additions or corrections. [The] Support Enforcement [Division]
945 Services shall accept the documentation required by this subsection so
946 long as the substantive requirements of this subsection are met.

947 Sec. 35. Subsection (f) of section 52-362f of the general statutes is
948 repealed and the following is substituted in lieu thereof:

949 (f) Upon registration of a support order from another jurisdiction
950 pursuant to subsection (d) of this section, Family Support Magistrate
951 Division or [the] Support Enforcement [Division] Services of the
952 Superior Court acting on its behalf shall proceed as provided in section
953 46b-213k, as amended by this act.

954 Sec. 36. Subsections (h) to (j), inclusive, of section 52-362f of the
955 general statutes are repealed and the following is substituted in lieu
956 thereof:

957 (h) The agency or [the] Support Enforcement [Division] Services
958 upon receiving a certified copy of any amendment or modification to a

959 support order entered pursuant to subsection (d) of this section, shall
960 file such certified copy with the clerk of [the] Support Enforcement
961 [Division] Services, and [the division] Support Enforcement Services
962 shall amend or modify the order for withholding to conform to the
963 modified support order.

964 (i) If the agency or [the] Support Enforcement [Division] Services
965 determines that the obligor has obtained employment in another state
966 or has a new or additional source of income in another state, it shall
967 notify the agency which requested the income withholding of the
968 changes within ten days of receiving that information and shall
969 forward to such agency all information it has or can obtain with
970 respect to the obligor's new address and the name and address of the
971 obligor's new employer or other source of income. The agency or [the]
972 Support Enforcement [Division] Services shall include with the notice
973 a certified copy of the order for withholding in effect in this state.

974 (j) Any person who is the obligor on a support order of another
975 jurisdiction may obtain a voluntary income withholding by filing with
976 the agency a request for such withholding and a certified copy of the
977 support order issued by such jurisdiction. The agency shall file such
978 request for a voluntary withholding with the certified copy of the
979 support order from the jurisdiction that entered such order with the
980 clerk of [the] Support Enforcement [Division] Services of the Superior
981 Court and [the division] Support Enforcement Services, acting on
982 behalf of the Family Support Magistrate Division, shall issue an order
983 for withholding. Any order for withholding thus issued shall be
984 subject to all applicable provisions of this section.

985 Sec. 37. Section 52-362i of the general statutes is repealed and the
986 following is substituted in lieu thereof:

987 If the court or family support magistrate finds that (1) an obligor is
988 delinquent on payment of child support, and (2) future support
989 payments are in jeopardy, or (3) the obligor has exhibited or expressed

990 an intention not to pay any such support, the court or family support
991 magistrate may order the obligor to provide a cash deposit not to
992 exceed the amount of four times the current monthly support and
993 arrearage obligation, to be held in escrow by the Connecticut Child
994 Support Enforcement Bureau or Support Enforcement Services. Any
995 funds from such cash deposit may be disbursed by the Connecticut
996 Child Support Enforcement Bureau or Support Enforcement Services
997 to the custodial parent upon a determination by said support
998 enforcement bureau or Support Enforcement Services that the obligor
999 has failed to pay the full amount of the monthly support obligation.
1000 Payment shall be in an amount that, when combined with the obligor's
1001 payment, would not exceed the monthly support obligation. Payment
1002 from such cash deposit shall not preclude a finding of delinquency
1003 during the period of time in which the obligor failed to pay current
1004 support.

1005 Sec. 38. Subsection (a) of section 53-304 of the general statutes is
1006 repealed and the following is substituted in lieu thereof:

1007 (a) Any person who neglects or refuses to furnish reasonably
1008 necessary support to the person's spouse, child under the age of
1009 eighteen or parent under the age of sixty-five shall be deemed guilty of
1010 nonsupport and shall be imprisoned not more than one year, unless
1011 the person shows to the court before which the trial is had that, owing
1012 to physical incapacity or other good cause, the person is unable to
1013 furnish such support. Such court may suspend the execution of any
1014 community correctional center sentence imposed, upon any terms or
1015 conditions that it deems just, may suspend the execution of the balance
1016 of any such sentence in a like manner, and, in addition to any other
1017 sentence or in lieu thereof, may order that the person convicted shall
1018 pay to the Commissioner of Administrative Services directly or
1019 through [the] Support Enforcement [Division] Services of the Superior
1020 Court, such support, in such amount as the court may find
1021 commensurate with the necessities of the case and the ability of such

1022 person, for such period as the court shall determine. Any such order of
1023 support may, at any time thereafter, be set aside or altered by such
1024 court for cause shown. Failure of any defendant to make any payment
1025 may be punished as contempt of court and, in addition thereto or in
1026 lieu thereof, the court may order the issuance of a wage withholding in
1027 the same manner as is provided in section 17b-748, which withholding
1028 order shall have the same precedence as is provided in section 52-362,
1029 as amended by this act. The amounts withheld under such
1030 withholding order shall be remitted to the Department of
1031 Administrative Services by the person or corporation to whom the
1032 withholding order is presented at such intervals as such withholding
1033 order directs. For purposes of this section, the term "child" shall
1034 include one born out of wedlock whose father has acknowledged in
1035 writing his paternity of such child or has been adjudged the father by a
1036 court of competent jurisdiction.

1037 Sec. 39. Subsection (d) of section 53-304 of the general statutes is
1038 repealed and the following is substituted in lieu thereof:

1039 (d) Family relations caseworkers of the Family Division and support
1040 enforcement officers of [the] Support Enforcement [Division] Services
1041 may administer oaths in all affidavits, statements, complaints and
1042 reports made to or by family relations caseworkers and support
1043 enforcement officers of the Superior Court in the performance of their
1044 duties.

1045 Sec. 40. Section 53-308 of the general statutes is repealed and the
1046 following is substituted in lieu thereof:

1047 When any bond or recognizance conditioned for the appearance of
1048 any person accused in any information or complaint charging a
1049 violation of any of the provisions of section 53-304, as amended by this
1050 act, becomes forfeited or whenever any person convicted under the
1051 provisions of said section gives a bond and fails to comply with the
1052 provisions of the same, the court before which such information or

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Savings

Affected Agencies: Judicial Department

Municipal Impact: None

Explanation

State Impact:

The bill would result in an estimated savings of \$135,000 to the Judicial Department by allowing the service of income-withholding orders by first-class mail rather than by certified mail. The Judicial Department spent an estimated \$150,000 in FY 00 on certified mailings in these cases. Certified mail costs \$3.40 per letter when a return receipt is included compared to \$0.34 per letter for first class mail.

The remainder of the bill results in administrative efficiencies and makes technical changes that have no fiscal impact.

OLR Bill Analysis

sHB 6701

AN ACT CONCERNING ENHANCEMENTS TO THE CHILD SUPPORT ENFORCEMENT SYSTEM.

SUMMARY:

This bill requires private child support collection agencies to be licensed by the state Banking Department as consumer collection agencies, gives the banking commissioner regulatory authority over them, and limits the fees they can charge their clients. It also requires them to enter into a written agreement with their client and make certain disclosures in the agreement. It allows the client to terminate the agreement at any time and, in such cases, gives the collection agency 30 days to notify the child support debtor of the address to which he must continue sending the payments.

The bill changes the name of the Support Enforcement Division of the Superior Court to Support Enforcement Services in the statute to reflect the name change already made by the Judicial Branch and broadens the unit's support enforcement officers' authority in several ways. This entity provides investigative, administrative, clerical, and other support to the Family Support Magistrate Division of the Superior Court. The unit's child support enforcement officers are authorized by law to supervise the payment of family support magistrate child or spousal support orders.

The bill also requires the social services commissioner to adopt regulations establishing criteria and procedures for adjusting the state's claim for child support arrearages assigned to it when families have received welfare assistance if the adjustment encourages family unification or reunification, or encourages noncustodial parents to begin making regular child support payments.

Finally, the bill (1) requires employers to report to the state as new hires any independent contractors with personal service contracts of at least \$5,000; (2) makes several changes in the child support income

withholding process and notice requirements; (3) gives child support payments owed to families priority over support payments owed to the state; and (4) makes other minor, conforming, and technical changes.

EFFECTIVE DATE: July 1, 2001

PRIVATE CHILD SUPPORT COLLECTION AGENCIES

Licensing of Private Agencies

The bill includes private child support collection agencies in the state's existing Fair Debt Collection Act and gives the Banking Department authority to license and regulate them. By making someone who owes current or past due child support a "consumer debtor" under the act, the bill affords people who owe child support the same protection that other debtors have under the law against being called at unreasonable hours and other harassing activities.

The law requires anyone acting as a consumer collection agency in Connecticut to first obtain a license from the banking commissioner. It considers an entity to be acting within the state if it (1) has a business place here, (2) has its business place outside the state and collects from in-state consumer debtors for in-state creditors, or (3) has its place of business outside the state and regularly collects from in-state consumer debtors for out-of-state creditors. The bill additionally considers a collection agency to be acting in this state if it has an out-of-state business place and engages in the business of collecting child support for in-state creditors from out-of-state debtors.

Suspension, Revocation, or Refusal to Renew License

The bill allows the banking commissioner to suspend or revoke any consumer collection agency license for any reason that would be sufficient grounds for him to deny an initial license application and adds authority for him to refuse to renew a license on the same grounds. It also allows him to take any of these actions if he finds that the licensee, owner, other parties involved in the company, its shareholders, employees, or agents have (1) materially misstated anything in the application; (2) committed any fraud or

misrepresentation; (3) violated any provisions of the Fair Debt Collections Act, its regulations, or any other law applicable to its business; or (4) failed to perform any agreement with a creditor.

Child Support Collection Fee Limits

The bill limits what consumer collection agencies can charge for collecting child support payments to no more than:

1. 15% on any arrearage recovered as a lump sum payment (the same as for other kinds of debts) and
2. 15% on any periodic payments for the first 13 weeks of the collection, 10% during the next 13 weeks, and 5% after that.

The bill also prohibits any consumer collection agency from imposing a charge or fee for any child support payments collected through a government agency's efforts.

In order to charge any fees for collecting child support under the bill, the collection agency must enter into a written agreement with the creditor owed the support. The agreement must specify the charge for collecting the support and state, in bold type, that child support collection services are offered by the state of Connecticut or any other state for a nominal fee (in Connecticut this fee is \$25). The bill allows the creditor to terminate the agreement at any time by sending the agency a written termination notice that includes the address to which future payments should be sent. The bill gives the agency 30 days after receiving this notice to notify the debtor or anyone else, including a government agency that is forwarding the debtor's payments to the collection agency to send future payments to the creditor at the address in the termination notice.

Broadening of Support Enforcement Services Powers

The bill broadens the powers of the renamed Support Enforcement Services unit in several ways.

First, it allows the unit's support enforcement officers to request and receive information from all state agencies, including law enforcement

agencies, about the identity and whereabouts of parents who owe child support. The bill allows the officers to make this information available only to federal agencies and public officials and agencies of Connecticut, other states, or their political subdivisions seeking to locate parents who have deserted their children or owe child support. This is the same authority that the administrative services, public safety, and social services commissioners already have.

Second, the bill allows support enforcement officers to issue a summons when a child support order review results in a determination that a modification is appropriate. They can already issue contempt applications and income withholding orders. Currently, they can (1) review child support orders at the request of either parent subject to a support order or at the request of the Bureau of Child Support Enforcement when parents are receiving welfare assistance and (2) initiate an action before a family support magistrate to modify the support order. The bill specifies that the authority to initiate this action includes issuing the summons and order necessary to commence the action. It also allows any party to a support order (for instance, a legal caretaker who is not a parent) to request such a review, instead of only a parent.

Third, the bill allows Support Enforcement Services to be the agent holding the money in a court-ordered child support escrow account and to disburse this money to the custodial parent if it determines that the person owing the support has failed to pay the full monthly obligation. The Child Support Enforcement Bureau already has this authority. The law allows a court or family support magistrate to order someone owing child support to provide a cash escrow deposit up to four times the monthly support and back payment obligation if it finds the person (1) is delinquent and future support payments are in jeopardy or (2) has shown or expressed an intention not to pay.

CHILD SUPPORT ARREARAGE ADJUSTMENTS

The bill requires the social services commissioner to adopt regulations establishing criteria and procedures for adjusting the state's claim for child support arrearages assigned to it. The bill states that the purpose of any such adjustment must be to encourage family unification or reunification or to encourage noncustodial parents to begin making

regular child support payments. When families receive state welfare cash assistance, the state requires them to assign any rights they have to unpaid child support to the state as reimbursement for the cash benefits. Child support collected on behalf of a family that is or has been on welfare is shared between the state and the federal government to help recover the cost of the assistance. The state can accept less than the full payment of arrearages assigned to it.

NEW HIRE REPORTING OF INDEPENDENT CONTRACTORS

The bill makes individuals under contract with an employer for personal services worth at least \$5,000 “employees” for purposes of the “new hire” reporting requirement. Employers must already report employment information for most new employees to the State Directory of New Hires administered by the Department of Labor. The DSS IV-D agency (see BACKGROUND) and its cooperating agencies use this information to identify and place income withholding orders on new employees who owe child support.

INCOME WITHHOLDING

The bill:

1. authorizes service of income withholding orders and notices by first class mail if made by an authorized representative of the state,
2. specifies that the court or family support magistrate cannot hold an employer in contempt for failing to honor a withholding order unless the order is served personally or by certified mail, and
3. expands the existing requirement for employers to report the dates and amounts of each withholding to the state disbursement unit to cover cases not connected to the IV-D system. (They must already report this for IV-D cases).

DSS SELF-SUPPORT RESERVE NOTICE

The bill changes the required contents of a standard notice and claim form that DSS must distribute to employers in the state for them to give to employees whose incomes are subject to child support

withholding. It specifies that the notice, among its other provisions, must disclose that 85% of the first \$145 per week of disposable earnings are exempt from income withholding. This change makes the notice requirement consistent with changes made elsewhere in statute by PA 99-193, which reduced the exempt amount (sometimes called the "self-support reserve") from \$145 to 85% of that (\$123.25).

APPLICATION OF LIEN PROCEEDS

The law gives the state a lien on the real and personal property of anyone who owes the state \$500 or more of past-due child support. The state can foreclose on the lien. When the person owes past-due support to both a family and the state, the bill requires the lien's proceeds to be applied first to the family's current and past-due support, then the state's past-due support. Current law already requires the money to go first to the family's past-due support and then to what the state is owed.

The bill updates the statute by requiring the Connecticut Lottery Corporation, instead of the state comptroller, to withhold child support claims from lottery winnings. This conforms the statute to other existing law and practice.

BACKGROUND

Child Support Collectors

State agencies are the primary collectors of court-ordered child support. In Connecticut, these are the Department of Social Services' (DSS) Bureau of Child Support Enforcement (BCSE), the Judicial Department's Support Enforcement Services Unit, and the Office of the Attorney General. Private attorneys who represent the person owed the child support may also collect it.

A person owed child support can also contract with a private child support collection agency to collect money from someone who has violated a court order by not paying the required support. These private agencies are not currently licensed or regulated by any state agency and their charges are also not limited.

IV-D Child Support Enforcement Program

The IV-D program is the technical name for the government-administered child support enforcement program. The term “IV-D” comes from Title IV-D of the Social Security Act, which is the program’s federal enabling statute. In Connecticut, a case is considered IV-D if (1) the family has received welfare benefits or (2) the custodial parent has filed an application for services with either the Bureau of Child Support Enforcement or the Support Enforcement Services unit. The IV-D program performs a variety of services, including locating absent parents; establishing paternity; establishing, enforcing, reviewing, and adjusting support orders; and processing support payments. It must provide services to anyone who requests them.

DSS’ BCSE administers the program in cooperation with the Office of the Attorney General and the Judicial Branch’s Support Enforcement Services unit. The Judicial Branch enforces the child support orders and reviews and modifies them. The attorney general provides legal representation for the program in court.

Family Support Magistrate Division

By law, the Superior Court’s Family Support Magistrate Division has jurisdiction over child support cases in which (1) the child is receiving, or has received, welfare cash or foster care assistance or (2) where a child’s parent or guardian has paid a fee and asked BCSE for help to collect support. It is also the tribunal designated by state law to handle interstate family support and paternity issues.

Related Bills

sSB 1103, reported favorably by the Judiciary Committee, makes the same change concerning notice about the reduced self-support reserve.

sSB 1047, reported favorably by the Judiciary and Appropriations committees, contains some of the same provisions as this bill. It (1) changes the name of the Support Enforcement Services Division to Support Enforcement Services, (2) allows service of income withholding orders on employers by first class mail, (3) allows child

support enforcement officers to (a) issue the summons for people to attend support modification hearings and (b) distribute money from a child support escrow account, and (4) allows a child's custodian to ask for review and modification of a support order.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute Change of Reference

Yea 15 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 38 Nay 0