



General Assembly

January Session, 2001

**Committee Bill No. 6126**

LCO No. 3867

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING CONTRIBUTION BY DIVORCED PARENTS TO EDUCATIONAL EXPENSES OF CHILDREN.**

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

1 Section 46b-84 of the general statutes is repealed and the following  
2 is substituted in lieu thereof:

3 (a) Upon or subsequent to the annulment or dissolution of any  
4 marriage or the entry of a decree of legal separation or divorce, the  
5 parents of a minor child of the marriage, shall maintain the child  
6 according to their respective abilities, if the child is in need of  
7 maintenance.

8 (b) If there is an unmarried child of the marriage who has attained  
9 the age of eighteen, is a full-time high school student and resides with  
10 a parent, the parents shall maintain the child according to their  
11 respective abilities if the child is in need of maintenance until such  
12 time as such child completes the twelfth grade or attains the age of  
13 nineteen, whichever first occurs. The provisions of this subsection shall  
14 apply only in cases where the decree of dissolution of marriage, legal  
15 separation or annulment is entered on or after July 1, 1994.

16 (c) If there is an unmarried child of the marriage who is a full-time  
17 student at an institution of higher education, the parents shall maintain  
18 the child according to their respective abilities if the child is in need of  
19 maintenance until such time as such child attains the age of twenty-  
20 two. The provisions of this subsection shall apply only in cases where  
21 the decree of dissolution of marriage, legal separation or annulment is  
22 entered on or after the effective date of this act.

23 [(c)] (d) The court may make appropriate orders of support of any  
24 child with mental retardation, as defined in section 1-1g, or a mental  
25 disability or physical disability, as defined in subdivision (15) of  
26 section 46a-51, who resides with a parent and is principally dependent  
27 upon such parent for maintenance until such child attains the age of  
28 twenty-one. The child support guidelines established pursuant to  
29 section 46b-215a shall not apply to orders entered under this  
30 subsection. The provisions of this subsection shall apply only in cases  
31 where the decree of dissolution of marriage, legal separation or  
32 annulment is entered on or after October 1, 1997, or where the initial  
33 support orders in actions not claiming any such decree are entered on  
34 or after October 1, 1997.

35 [(d)] (e) In determining whether a child is in need of maintenance  
36 and, if in need, the respective abilities of the parents to provide such  
37 maintenance and the amount thereof, the court shall consider the age,  
38 health, station, occupation, earning capacity, amount and sources of  
39 income, estate, vocational skills and employability of each of the  
40 parents, and the age, health, station, occupation, educational status  
41 and expectation, amount and sources of income, vocational skills,  
42 employability, estate and needs of the child.

43 [(e)] (f) At any time at which orders are entered in a proceeding for  
44 dissolution of marriage, annulment, legal separation, custody, or  
45 support, whether before, at the time of, or after entry of a decree or  
46 judgment, if health insurance coverage for a child is ordered by the  
47 court to be maintained, the court shall provide in the order that (1) the

48 signature of the custodial parent or custodian of the insured  
49 dependent shall constitute a valid authorization to the insurer for  
50 purposes of processing an insurance reimbursement payment to the  
51 provider of the medical services, to the custodial parent or to the  
52 custodian, (2) neither parent shall prevent or interfere with the timely  
53 processing of any insurance reimbursement claim, and (3) if the parent  
54 receiving an insurance reimbursement payment is not the parent or  
55 custodian who is paying the bill for the services of the medical  
56 provider, the parent receiving such insurance reimbursement payment  
57 shall promptly pay to the parent or custodian paying such bill any  
58 insurance reimbursement for such services. For purposes of  
59 subdivision (1) of this subsection, the custodial parent or custodian is  
60 responsible for providing the insurer with a certified copy of the order  
61 of dissolution or other order requiring maintenance of insurance for a  
62 child provided if such custodial parent or custodian fails to provide  
63 the insurer with a copy of such order, the Commissioner of Social  
64 Services may provide the insurer with a copy of such order. Such  
65 insurer may thereafter rely on such order and is not responsible for  
66 inquiring as to the legal sufficiency of the order. The custodial parent  
67 or custodian shall be responsible for providing the insurer with a  
68 certified copy of any order which materially alters the provision of the  
69 original order with respect to the maintenance of insurance for a child.  
70 If presented with an insurance reimbursement claim signed by the  
71 custodial parent or custodian, such insurer shall reimburse the  
72 provider of the medical services, if payment is to be made to such  
73 provider under the policy, or shall otherwise reimburse the custodial  
74 parent or custodian.

75 ~~[(f)]~~ (g) After the granting of a decree annulling or dissolving the  
76 marriage or ordering a legal separation, and upon complaint or motion  
77 with order and summons made to the Superior Court by either parent  
78 or by the Commissioner of Administrative Services in any case arising  
79 under subsection (a), ~~[or]~~ (b) or (c) of this section, the court shall  
80 inquire into the child's need of maintenance and the respective abilities  
81 of the parents to supply maintenance. The court shall make and

82 enforce the decree for the maintenance of the child as it considers just,  
83 and may direct security to be given therefor, including an order to  
84 either party to contract with a third party for periodic payments or  
85 payments contingent on a life to the other party. The court shall  
86 include in each support order a provision for the health care coverage  
87 of the child which provision may include an order for either parent to  
88 name any child who is subject to the provisions of subsection (a), [or]  
89 (b) or (c) of this section as a beneficiary of any medical or dental  
90 insurance or benefit plan carried by such parent or available to such  
91 parent on a group basis through an employer or a union. If such  
92 insurance coverage is unavailable at reasonable cost, the provision for  
93 health care coverage may include an order for either parent to apply  
94 for and maintain coverage on behalf of the child under the HUSKY  
95 Plan, Part B. The noncustodial parent shall be ordered to apply for the  
96 HUSKY Plan, Part B only if such parent is found to have sufficient  
97 ability to pay the appropriate premium. In any IV-D support case in  
98 which the noncustodial parent is found to have insufficient ability to  
99 provide medical insurance coverage and the custodial party is the  
100 HUSKY Plan, Part A or Part B applicant, the provision for health care  
101 coverage may include an order for the noncustodial parent to pay such  
102 amount as is specified by the court or family support magistrate to the  
103 state or the custodial party, as their interests may appear, to offset the  
104 cost of any insurance payable under the HUSKY Plan, Part A or Part B.  
105 In no event may such order include payment to offset the cost of any  
106 such premium if such payment would reduce the amount of current  
107 support required under the child support guidelines.

108 [(g)] (h) Whenever an obligor is before the court in proceedings to  
109 establish, modify or enforce a support order, and such order is not  
110 secured by an income withholding order, the court may require the  
111 obligor to execute a bond or post other security sufficient to perform  
112 such order for support, provided the court finds that such a bond is  
113 available for purchase within the financial means of the obligor. Upon  
114 failure of such obligor to comply with such support order, the court  
115 may order the bond or the security forfeited and the proceeds thereof

116 paid to the state in TANF cases or to the obligee in non-TANF cases. In  
117 any IV-D case in which the obligor is found by the court to owe past-  
118 due support, the court may issue an order for the periodic payment of  
119 such support or, if such obligor is not incapacitated, order such obligor  
120 to participate in work activities which may include, but shall not be  
121 limited to, job search, training, work experience and participation in  
122 the job training and retraining program established by the Labor  
123 Commissioner pursuant to section 31-3t.

124 [(h)] (i) In IV-D support cases, as defined in subdivision (13) of  
125 subsection (b) of section 46b-231, a copy of any support order  
126 established or modified pursuant to this section or, in the case of a  
127 motion for modification of an existing support order, a notice of  
128 determination that there should be no change in the amount of the  
129 support order, shall be provided to each party and the state case  
130 registry within fourteen days after issuance of such order or  
131 determination.

**Statement of Purpose:**

To help children of divorced parents afford higher education.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. FELTMAN, 6th Dist.