



General Assembly

January Session, 2001

***Raised Bill No. 1047***

LCO No. 3198

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING CHILD SUPPORT ENFORCEMENT.***

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

1 Section 1. (NEW) The Support Enforcement Division of the judicial  
2 branch shall hereafter be known as Support Enforcement Services,  
3 which shall be the successor to the Support Enforcement Division and  
4 shall assume all the powers, duties and obligations of the Support  
5 Enforcement Division and its staff. Notwithstanding any other  
6 provision of the general statutes, the duties of the various personnel of  
7 the Support Enforcement Division and the staff of the Support  
8 Enforcement Division are hereby transferred to Support Enforcement  
9 Services, and the Support Enforcement Division is hereby dissolved.

10 Sec. 2. Subsection (d) of section 17b-137 of the general statutes is  
11 repealed and the following is substituted in lieu thereof:

12 (d) (1) For the purposes of this subsection, "high-volume automated  
13 administrative enforcement" means the identification of assets,  
14 through automated data matches with financial institutions and other  
15 entities, as provided in this section and required by federal law, and  
16 the seizure of such assets in accordance with subsections (d) and (e) of

17 section 52-362d.

18 (2) The IV-D agency shall: (A) Use high-volume automated  
19 administrative enforcement, as defined in subdivision (1) of this  
20 subsection, to the same extent as in intrastate cases; and (B) promptly  
21 report the results of such enforcement procedure to the requesting  
22 state.

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

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

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

40 Sec. 3. Subsection (b) of section 17b-745 of the general statutes is  
41 repealed and the following is substituted in lieu thereof:

42 (b) Except as provided in sections 46b-212 to 46b-213v, inclusive,  
43 any court or family support magistrate, called upon to enforce a  
44 support order, shall insure that such order is reasonable in light of the  
45 obligor's ability to pay. Except as provided in sections 46b-212 to 46b-  
46 213v, inclusive, any support order entered pursuant to this section, or

47 any support order from another jurisdiction subject to enforcement by  
48 the state of Connecticut, may be modified by motion of the party  
49 seeking such modification, including [the] Support Enforcement  
50 [Division] Services in TANF support cases as defined in subdivision  
51 (14) of subsection (b) of section 46b-231, upon a showing of a  
52 substantial change in the circumstances of either party or upon a  
53 showing that the final order for child support substantially deviates  
54 from the child support guidelines established pursuant to section 46b-  
55 215a, unless there was a specific finding on the record that the  
56 application of the guidelines would be inequitable or inappropriate,  
57 provided the court or family support magistrate finds that the obligor  
58 or the obligee and any other interested party have received actual  
59 notice of the pendency of such motion and of the time and place of the  
60 hearing on such motion. There shall be a rebuttable presumption that  
61 any deviation of less than fifteen per cent from the child support  
62 guidelines is not substantial and any deviation of fifteen per cent or  
63 more from the guidelines is substantial. Modification may be made of  
64 such support order without regard to whether the order was issued  
65 before, on or after May 9, 1991. In any hearing to modify any support  
66 order from another jurisdiction the court or the family support  
67 magistrate shall conduct the proceedings in accordance with the  
68 procedure set forth in sections 46b-213o to 46b-213q, inclusive. No  
69 such support orders may be subject to retroactive modification except  
70 that the court or family support magistrate may order modification  
71 with respect to any period during which there is a pending motion for  
72 a modification of an existing support order from the date of service of  
73 notice of such pending motion upon the opposing party pursuant to  
74 section 52-50.

75 Sec. 4. Section 46b-179a of the general statutes is repealed and the  
76 following is substituted in lieu thereof:

77 (a) [The] Support Enforcement [Division] Services of the Superior  
78 Court shall maintain a registry in the Family Support Magistrate  
79 Division of paternity judgments from other states. Any party to an

80 action in which a paternity judgment from another state was rendered  
81 may register the foreign paternity judgment in the registry maintained  
82 by [the] Support Enforcement [Division] Services without payment of  
83 a filing fee or other cost to the party.

84 (b) The party shall file a certified copy of the foreign paternity  
85 judgment and a certification that such judgment is final and has not  
86 been modified, altered, amended, set aside or vacated and that the  
87 enforcement of such judgment has not been stayed or suspended. Such  
88 certificate shall set forth the full name and last-known address of the  
89 other party to the judgment.

90 Sec. 5. Section 46b-179b of the general statutes is repealed and the  
91 following is substituted in lieu thereof:

92 Such foreign paternity judgment, on the filing with the registry  
93 maintained by [the] Support Enforcement [Division] Services, shall  
94 become a judgment of the Family Support Magistrate Division of the  
95 Superior Court and shall be enforced and otherwise treated in the  
96 same manner as a judgment of the Family Support Magistrate  
97 Division. A foreign paternity judgment so filed shall have the same  
98 effect and may be enforced in the same manner as any like judgment of  
99 a family support magistrate of this state, provided no such judgment  
100 shall be enforced for a period of twenty days after the filing thereof.

101 Sec. 6. Section 46b-207 of the general statutes is repealed and the  
102 following is substituted in lieu thereof:

103 The court is authorized to establish and maintain [a] Support  
104 Enforcement [Division] Services and such [division] offices thereof as it  
105 determines are necessary for the proper handling of the administrative  
106 details incident to proceedings under sections 46b-212 to 46b-213v,  
107 inclusive, and may appoint such personnel as necessary for the proper  
108 administration of the nonjudicial functions of proceedings under  
109 sections 46b-212 to 46b-213v, inclusive.

110 Sec. 7. Section 46b-208 of the general statutes is repealed and the  
111 following is substituted in lieu thereof:

112 The support service investigators of [the] Support Enforcement  
113 [Division] Services of the Superior Court shall, while acting within the  
114 scope of their duties as such, pursuant to matters under sections 46b-  
115 212 to 46b-213v, inclusive, have the powers of service and of execution  
116 of summons and orders for withholding, and the conduct of  
117 investigations.

118 Sec. 8. Section 46b-212a of the general statutes is repealed and the  
119 following is substituted in lieu thereof:

120 As used in sections 46b-212 to 46b-213v, inclusive:

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

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

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

131 (4) "Governor" means an individual performing the functions of  
132 Governor or the executive authority of a state covered by sections 46b-  
133 212 to 47b-213v, inclusive.

134 (5) "Home state" means the state in which a child lived with a parent  
135 or a person acting as parent for at least six consecutive months  
136 immediately preceding the time of filing of a petition or comparable  
137 pleading for support and, if such child is less than six months old, the  
138 state in which such child lived from birth with such parent or person

139 acting as parent. A period of temporary absence of such parent or  
140 person acting as parent is counted as part of the six-month or other  
141 period.

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

145 (7) "Income withholding order" means an order or other legal  
146 process directed to an obligor's employer, as defined in section 52-362,  
147 to withhold support from the income of the obligor.

148 (8) "Initiating state" means a state from which a proceeding is  
149 forwarded under sections 46b-212 to 46b-213v, inclusive, or a law or  
150 procedure substantially similar to said sections, the Uniform  
151 Reciprocal Enforcement of Support Act or the Revised Uniform  
152 Reciprocal Enforcement of Support Act.

153 (9) "Initiating tribunal" means the authorized tribunal in an  
154 initiating state.

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

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

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

161 (13) "Obligee" means: (A) An individual to whom a duty of support  
162 is or is alleged to be owed or in whose favor a support order has been  
163 issued or a judgment determining paternity has been rendered; (B) a  
164 state or political subdivision to which the rights under a duty of  
165 support or support order have been assigned or which has  
166 independent claims based on financial assistance provided to an  
167 individual obligee; or (C) an individual seeking a judgment

168 determining paternity of the individual's child.

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

173 (15) "Register" means to file a support order or judgment  
174 determining paternity in the registry of support orders of the Family  
175 Support Magistrate Division of the Superior Court. Such a support  
176 order or judgment shall be filed by delivery of the order or judgment  
177 for filing to [the] Support Enforcement [Division] Services of the  
178 Superior Court which shall maintain the registry on behalf of the  
179 Family Support Magistrate Division.

180 (16) "Registering tribunal" means a tribunal in which a support  
181 order is registered.

182 (17) "Responding state" means a state in which a proceeding is filed  
183 or to which a proceeding is forwarded for filing under sections 46b-212  
184 to 46b-213v, inclusive, or a law or procedure substantially similar to  
185 said sections, the Uniform Reciprocal Enforcement of Support Act or  
186 the Revised Uniform Reciprocal Enforcement of Support Act.

187 (18) "Responding tribunal" means the authorized tribunal in a  
188 responding state.

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

191 (20) "State" means a state of the United States, the District of  
192 Columbia, Puerto Rico, the U.S. Virgin Islands or any territory or  
193 insular possession subject to the jurisdiction of the United States. The  
194 term "state" includes an Indian tribe and a foreign jurisdiction that has  
195 enacted a law or established procedures for issuance and enforcement  
196 of support orders which are substantially similar to the procedure  
197 under sections 46b-212 to 46b-213v, inclusive, the Uniform Reciprocal

198 Enforcement of Support Act or the Revised Uniform Enforcement of  
199 Support Act.

200 (21) "Support enforcement agency" means a public official or agency  
201 authorized to seek: (A) Enforcement of support orders or laws relating  
202 to the duty of support; (B) establishment or modification of child  
203 support; (C) determination of paternity; or (D) the location of obligors  
204 or their assets.

205 (22) "Support order" means a judgment, decree or order, whether  
206 temporary, final or subject to modification, for the benefit of a child, a  
207 spouse or a former spouse, which provides for monetary support,  
208 health care, arrearages or reimbursement, and may include related  
209 costs and fees, interest, income withholding, attorney's fees and other  
210 relief.

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

214 Sec. 9. Section 46b-212b of the general statutes is repealed and the  
215 following is substituted in lieu thereof:

216 The Superior Court and the Family Support Magistrate Division of  
217 the Superior Court are the tribunals of this state. The Family Support  
218 Magistrate Division is the tribunal for the filing of petitions under  
219 sections 46b-212 to 46b-213v, inclusive, provided clerical,  
220 administrative and other nonjudicial functions in proceedings before  
221 the Family Support Magistrate Division may be performed by [the]  
222 Support Enforcement [Division] Services of the Superior Court.

223 Sec. 10. Section 46b-212q of the general statutes is repealed and the  
224 following is substituted in lieu thereof:

225 (a) When the Family Support Magistrate Division receives a petition  
226 or comparable pleading from an initiating tribunal or directly pursuant  
227 to subsection (c) of section 46b-212m, the Family Support Magistrate

228 Division, or [the] Support Enforcement [Division] Services acting on its  
229 behalf shall promptly cause the petition or pleading to be filed and  
230 notify the petitioner by first class mail where and when it was filed.

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

234 (c) The family support magistrate may not condition the payment of  
235 a support order issued under sections 46b-212 to 46b-213v, inclusive,  
236 upon compliance by a party with provisions for visitation.

237 (d) If the Family Support Magistrate Division issues an order under  
238 sections 46b-212 to 46b-213v, inclusive, the Family Support Magistrate  
239 Division, or [the] Support Enforcement [Division] Services acting on its  
240 behalf, shall send a copy of the order by first class mail to the  
241 petitioner and the respondent and to the initiating tribunal, if any.

242 Sec. 11. Section 46b-212v of the general statutes is repealed and the  
243 following is substituted in lieu thereof:

244 (a) [The] Support Enforcement [Division] Services of the Superior  
245 Court is the state information agency under sections 46b-212 to 46b-  
246 213v, inclusive.

247 (b) The state information agency shall: (1) Compile and maintain a  
248 current list, including addresses, of the tribunals in this state which  
249 have jurisdiction under sections 46b-212 to 46b-213v, inclusive, and  
250 any support enforcement agencies in this state and transmit a copy to  
251 the state information agency of every other state; (2) maintain a  
252 registry of tribunals and support enforcement agencies received from  
253 other states; (3) forward to the appropriate tribunal in the place in this  
254 state in which the individual obligee or the obligor resides, or in which  
255 the obligor's property is believed to be located, all documents  
256 concerning a proceeding under sections 46b-212 to 46b-213v, inclusive,  
257 received from an initiating tribunal or the state information agency of

258 the initiating state; and (4) obtain information concerning the location  
259 of the obligor and the obligor's property within this state not exempt  
260 from execution.

261 (c) In addition to its duties as the state information agency [the]  
262 Support Enforcement [Division] Services of the Superior Court shall  
263 maintain a registry of support orders and judgments in the Family  
264 Support Magistrate Division of the Superior Court and shall perform  
265 such clerical, administrative and other nonjudicial functions on behalf  
266 of the Family Support Magistrate Division as may be required, or as  
267 are otherwise agreed upon, pursuant to sections 46b-62, 46b-69, 46b-  
268 179a, 46b-179b, 46b-207, 46b-208, 46b-212 to 46b-213v, inclusive, 46b-  
269 231, 52-362 and 52-362f.

270 Sec. 12. Section 46b-213f of the general statutes is repealed and the  
271 following is substituted in lieu thereof:

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

276 (b) Upon receipt of the documents, [the] Support Enforcement  
277 [Division] Services, with the assistance of the Bureau of Child Support  
278 Enforcement within the Department of Social Services, as appropriate,  
279 without initially seeking to register the order, shall consider and, if  
280 appropriate, use any administrative procedure authorized by the law  
281 of this state to enforce a support order or an income withholding  
282 order, or both. If the obligor does not contest administrative  
283 enforcement, the order need not be registered. If the obligor contests  
284 the validity or administrative enforcement of the order, the support  
285 enforcement agency shall file the order with [the] Support  
286 Enforcement [Division] Services of the Superior Court to be recorded  
287 in the registry of support orders of the Family Support Magistrate  
288 Division.

289       Sec. 13. Section 46b-213g of the general statutes is repealed and the  
290 following is substituted in lieu thereof:

291       A support order or an income withholding order issued by a  
292 tribunal of another state may be registered in this state for enforcement  
293 with the registry of support orders of the Family Support Magistrate  
294 Division maintained by [the] Support Enforcement [Division] Services  
295 of the Superior Court.

296       Sec. 14. Section 46b-213h of the general statutes is repealed and the  
297 following is substituted in lieu thereof:

298       (a) A support order or income withholding order of another state  
299 may be registered in this state by sending the following documents  
300 and information to [the] Support Enforcement [Division] Services for  
301 filing in the registry of support orders of the Family Support  
302 Magistrate Division: (1) A letter of transmittal to [the] Support  
303 Enforcement [Division] Services requesting registration and  
304 enforcement; (2) two copies, including one certified copy, of all orders  
305 to be registered, including any modification of an order; (3) a sworn  
306 statement by the party seeking registration or a certified statement by  
307 the custodian of the records showing the amount of any arrearage; (4)  
308 the name of the obligor and, if known: (A) The obligor's address and  
309 Social Security number; (B) the name and address of the obligor's  
310 employer and any other source of income of the obligor; and (C) a  
311 description and the location of property of the obligor in this state not  
312 exempt from execution; (5) the name and address of the obligee and, if  
313 applicable, the agency or person to whom support payments are to be  
314 remitted; and (6) a statement disclosing whether or not any other  
315 action or proceeding is currently pending concerning the support of  
316 the child who is the subject of such support order.

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

321 and information, regardless of their form.

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

326 Sec. 15. Section 46b-213i of the general statutes is repealed and the  
327 following is substituted in lieu thereof:

328 (a) A support order or income withholding order issued in another  
329 state is registered when the order is filed with [the] Support  
330 Enforcement [Division] Services for registration in the registry of  
331 support orders.

332 (b) A registered order issued in another state is enforceable in the  
333 same manner and is subject to the same procedures as an order issued  
334 by a tribunal of this state.

335 (c) Except as otherwise provided in sections 46b-213g to 46b-213r,  
336 inclusive, a tribunal of this state shall recognize and enforce, but may  
337 not modify, a registered order if the issuing tribunal had jurisdiction.

338 Sec. 16. Section 46b-213k of the general statutes is repealed and the  
339 following is substituted in lieu thereof:

340 (a) When a support order or income withholding order issued in  
341 another state is registered, the Family Support Magistrate Division or  
342 [the] Support Enforcement [Division] Services acting on its behalf,  
343 shall notify the nonregistering party. Notice must be given by first  
344 class, certified or registered mail or by any means of personal service  
345 authorized by the law of this state. The notice must be accompanied by  
346 a copy of the registered order and the documents and relevant  
347 information accompanying the order.

348 (b) The notice must inform the nonregistering party: (1) That a  
349 registered order is enforceable as of the date of registration in the same

350 manner as an order issued by a tribunal of this state; (2) that a hearing  
351 before the Family Support Magistrate Division to contest the validity  
352 or enforcement of the registered order must be requested within  
353 twenty days after the date of mailing or personal service of the notice;  
354 (3) that failure to contest the validity or enforcement of the registered  
355 order in a timely manner will result in confirmation of the order and  
356 enforcement of the order and the alleged arrearages and precludes  
357 further contest of that order with respect to any matter that could have  
358 been asserted; and (4) of the amount of any alleged arrearages.

359 (c) Upon registration of an income withholding order for  
360 enforcement, the Family Support Magistrate Division, or [the] Support  
361 Enforcement [Division] Services acting on its behalf, shall notify the  
362 obligor's employer pursuant to section 52-362.

363 Sec. 17. Subsection (s) of section 46b-231 of the general statutes is  
364 repealed and the following is substituted in lieu thereof:

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

367 (1) Supervise the payment of any child or spousal support order  
368 made by a family support magistrate. Supervision of such orders is  
369 defined as the utilization of all procedures available by law to collect  
370 child or spousal support, including issuance and implementation of  
371 income withholdings ordered by the Superior Court or a family  
372 support magistrate pursuant to section 52-362, issuance of an order  
373 requiring any party to appear before a family support magistrate on an  
374 action to modify a support order pursuant to subdivision (4) of this  
375 subsection, and if necessary, bringing an application for contempt to a  
376 family support magistrate and, in connection with such application,  
377 issuing an order requiring the obligor to appear before a family  
378 support magistrate to show cause why such obligor should not be held  
379 in contempt for failure to pay an order for child or spousal support  
380 entered by the Superior Court or a family support magistrate;

381 (2) In non-TANF cases, have the authority to bring petitions for  
382 support orders pursuant to section 46b-215, file agreements for support  
383 with the assistant clerk of the Family Support Magistrate Division, and  
384 bring applications for show cause orders pursuant to section 46b-172,  
385 and in IV-D cases and cases under sections 46b-212 to 46b-213v,  
386 inclusive, enforce foreign support orders registered with the Family  
387 Support Magistrate Division pursuant to sections 46b-213f to 46b-213i,  
388 inclusive, and file agreements for support with the assistant clerk of  
389 the Family Support Magistrate Division;

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

397 (4) In non-TANF IV-D cases, review child support orders at the  
398 request of either parent or custodial party subject to a support order or,  
399 in TANF cases, review child support orders at the request of the  
400 Bureau of Child Support Enforcement, and initiate an action before a  
401 family support magistrate to modify such support order if it is  
402 determined upon such review that the order substantially deviates  
403 from the child support guidelines established pursuant to section 46b-  
404 215a or 46b-215b. The requesting party shall have a right to such  
405 review every three years without proving a substantial change in  
406 circumstances; more frequent reviews shall be made only if the  
407 requesting party demonstrates a substantial change in circumstances.  
408 There shall be a rebuttable presumption that any deviation of less than  
409 fifteen per cent from the child support guidelines is not substantial and  
410 any deviation of fifteen per cent or more from the guidelines is  
411 substantial. Modification may be made of such support order without  
412 regard to whether the order was issued before, on or after May 9, 1991.  
413 In determining whether to modify a child support order based on a

414 substantial deviation from such child support guidelines,  
415 consideration shall be given to the division of real and personal  
416 property between the parties set forth in any final decree entered  
417 pursuant to chapter 815j and the benefits accruing to the child as the  
418 result of such division. No order for periodic payment of support may  
419 be subject to retroactive modification, except that the family support  
420 magistrate may order modification with respect to any period during  
421 which there is a pending motion for modification of a support order  
422 from the date of service of notice of such pending motion to the  
423 opposing party pursuant to section 52-50.

424 Sec. 18. Section 52-259a of the general statutes is repealed and the  
425 following is substituted in lieu thereof:

426 (a) Any member of the Division of Criminal Justice, the Division of  
427 Public Defender Services or the Family Division or Support  
428 Enforcement [Division] Services of the Superior Court, the Attorney  
429 General, an assistant attorney general, the Consumer Counsel, any  
430 attorney employed by the Office of Consumer Counsel within the  
431 Department of Public Utility Control, the Department of Revenue  
432 Services, the Commission on Human Rights and Opportunities, the  
433 Freedom of Information Commission, the Board of Labor Relations or  
434 the Office of Protection and Advocacy for Persons with Disabilities, or  
435 any attorney appointed by the court to assist any of them or to act for  
436 any of them in a special case or cases, while acting in his official  
437 capacity or in the capacity for which he was appointed, shall not be  
438 required to pay the fees specified in sections 52-258, 52-259 and 52-  
439 259c, subsection (a) of section 52-356a, subsection (a) of section 52-361a  
440 and subsection (n) of section 46b-231.

441 (b) The Immigration and Naturalization Service shall not be  
442 required to pay any fees specified in section 52-259 for any certified  
443 copy of any criminal record.

444 Sec. 19. Subsection (a) of section 52-362 of the general statutes is  
445 repealed and the following is substituted in lieu thereof:

446 (a) For purposes of this section:

447 (1) "Dependent" means a spouse, former spouse or child entitled to  
448 payments under a support order, provided [the] Support Enforcement  
449 [Division] Services of the Superior Court or the state acting under an  
450 assignment of a dependent's support rights or under an application for  
451 child support enforcement services shall, through an officer of [the]  
452 Support Enforcement [Division] Services or the Bureau of Child  
453 Support Enforcement within the Department of Social Services or an  
454 investigator of the Department of Administrative Services or the  
455 Attorney General, take any action which the dependent could take to  
456 enforce a support order;

457 (2) "Disposable earnings" means that part of the earnings of an  
458 individual remaining after deduction from those earnings of amounts  
459 required to be withheld for the payment of federal, state and local  
460 income taxes, employment taxes, normal retirement contributions,  
461 union dues and initiation fees, and group life and health insurance  
462 premiums;

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

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

472 (5) "Income" means any periodic form of payment due to an  
473 individual, regardless of source, including, but not limited to,  
474 disposable earnings, workers' compensation and disability benefits,  
475 payments pursuant to a pension or retirement program and interest;

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

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

482 (8) "Unemployment compensation" means any compensation  
483 payable under chapter 567, including amounts payable by the  
484 administrator of the unemployment compensation law pursuant to an  
485 agreement under any federal law providing for compensation,  
486 assistance or allowances with respect to unemployment.

487 Sec. 20. Subsection (e) of section 52-362 of the general statutes is  
488 repealed and the following is substituted in lieu thereof:

489 (e) A withholding order shall issue in the amount necessary to  
490 enforce a support order against only such nonexempt income of the  
491 obligor as exceeds the greater of (1) eighty-five per cent of the first one  
492 hundred forty-five dollars per week of disposable income, or (2) the  
493 amount exempt under Section 1673 of Title 15 of the United States  
494 Code, or against any lesser amount which the court or family support  
495 magistrate deems equitable. The withholding order shall secure  
496 payment of past and future amounts due under the support order and  
497 an additional amount computed in accordance with the child support  
498 guidelines established in accordance with section 46b-215a, to be  
499 applied toward liquidation of any arrearage accrued under such order,  
500 unless contested by the obligor after a notice has been served pursuant  
501 to subsection (c) of this section, in which case the court or family  
502 support magistrate may determine the amount to be applied toward  
503 the liquidation of the arrearage found to have accrued under prior  
504 order of the court or family support magistrate. In no event shall such  
505 additional amount be applied if there is an existing arrearage order  
506 from the court or family support magistrate in a IV-D support case, as  
507 defined in subdivision (13) of subsection (b) of section 46b-231. Any

508 investigator or other authorized employee of the Bureau of Child  
509 Support Enforcement within the Department of Social Services, or any  
510 officer of [the] Support Enforcement [Division] Services of the Superior  
511 Court, shall issue a withholding order pursuant to this subsection  
512 when the obligor becomes subject to withholding under subsection (c)  
513 of this section. On service of the order of withholding on an existing or  
514 any future employer or other payer of income, and until the support  
515 order is fully satisfied or modified, the order of withholding is a  
516 continuing lien and levy on the obligor's income as it becomes due.

517 Sec. 21. Subsection (h) of section 52-362 of the general statutes is  
518 repealed and the following is substituted in lieu thereof:

519 (h) Service of any process under this section, including any notice,  
520 may be made in accordance with section 52-57, or by certified mail,  
521 return receipt requested. If service is made on behalf of the state, it  
522 may be made by first class mail by an authorized employee of [the]  
523 Support Enforcement [Division of the court] Services, or by an  
524 investigator or other officer of the Bureau of Child Support  
525 Enforcement within the Department of Social Services or by an  
526 investigator of the Department of Administrative Services or by the  
527 Attorney General.

528 Sec. 22. Subsection (k) of section 52-362 of the general statutes is  
529 repealed and the following is substituted in lieu thereof:

530 (k) The employer shall notify promptly the dependent or [the]  
531 Support Enforcement [Division] Services as directed when the obligor  
532 terminates employment, makes a claim for workers' compensation  
533 benefits or makes a claim for unemployment compensation benefits  
534 and shall provide the obligor's last-known address and the name and  
535 address of the obligor's new employer, if known.

536 Sec. 23. Subsection (d) of section 52-362d of the general statutes is  
537 repealed and the following is substituted in lieu thereof:

538 (d) Whenever an order of the Superior Court or a family support  
539 magistrate for support of a minor child or children is issued and such  
540 payments have been ordered through the IV-D agency, and the obligor  
541 against whom such support order was issued owes overdue support  
542 under such order in the amount of five hundred dollars or more, the  
543 IV-D agency, as defined in subdivision (12) of subsection (b) of section  
544 46b-231, or [the] Support Enforcement [Division of the Superior Court]  
545 Services may notify (1) any state or local agency with authority to  
546 distribute benefits to such obligor including, but not limited to,  
547 unemployment compensation and workers' compensation, (2) any  
548 person having or expecting to have custody or control of or authority  
549 to distribute any amounts due such obligor under any judgment or  
550 settlement, (3) any financial institution holding assets of such obligor,  
551 and (4) any public or private entity administering a public or private  
552 retirement fund in which such obligor has an interest that such obligor  
553 owes overdue support in a IV-D support case. Upon receipt of such  
554 notice, such agency, person, institution or entity shall withhold  
555 delivery or distribution of any such benefits, amounts, assets or funds  
556 until receipt of further notice from the IV-D agency.

557 Sec. 24. Subsection (d) of section 52-362e of the general statutes is  
558 repealed and the following is substituted in lieu thereof:

559 (d) The Commissioner of Social Services shall adopt regulations, in  
560 accordance with chapter 54, setting forth procedures in compliance  
561 with federal law and regulations under Title IV-D of the Social Security  
562 Act providing for adequate notice of (1) the right to a review by [the]  
563 Support Enforcement [Division of the Superior Court] Services, (2) the  
564 right to a fair hearing before a hearing officer, (3) a list of available  
565 defenses including the defense described in section 52-362h, and (4)  
566 procedures for a fair hearing for any person who is alleged to owe  
567 past-due support and is subject to the provisions of this section.

568 Sec. 25. Section 52-362f of the general statutes is repealed and the  
569 following is substituted in lieu thereof:

570 (a) As used in this section, unless the context requires otherwise:

571 (1) "Agency" means the Bureau of Child Support Enforcement  
572 within the Department of Social Services of this state and, when the  
573 context requires, means either the court or agency of any other  
574 jurisdiction with functions similar to those defined in this section,  
575 including the issuance and enforcement of support orders.

576 (2) "Child" means any child, whether above or below the age of  
577 majority, with respect to whom a support order exists.

578 (3) "Court" means the Superior Court of this state, including the  
579 Family Support Magistrate Division, or the court or agency of any  
580 other jurisdiction with functions similar to those defined in this  
581 section, including the issuance and enforcement of support orders.

582 (4) "Income" means earnings as defined in subdivision (3) of  
583 subsection (a) of section 52-362.

584 (5) "Income derived in this jurisdiction" means any earnings, the  
585 payer of which is subject to the jurisdiction of this state for the purpose  
586 of imposing and enforcing an order for withholding under section 52-  
587 362.

588 (6) "Jurisdiction" means any state or political subdivision, territory  
589 or possession of the United States, the District of Columbia, and the  
590 Commonwealth of Puerto Rico.

591 (7) "Obligee" means any person or entity which is entitled to receive  
592 support under an order of support and shall include an agency of  
593 another jurisdiction to which a person has assigned his or her right to  
594 support.

595 (8) "Obligor" means any person required to make payments under  
596 the terms of a support order for a child, spouse, or former spouse.

597 (9) "Payer" means any payer of income.

598 (10) "Support order" means any order, decree, or judgment for the  
599 support, or for the payment of arrearages on such support, of a child,  
600 spouse, or former spouse issued by a court or agency of another  
601 jurisdiction, whether interlocutory or final, whether or not  
602 prospectively or retroactively modifiable, whether incidental to a  
603 proceeding for divorce, judicial or legal separation, separate  
604 maintenance, paternity, guardianship, civil protection, or otherwise.

605 (b) The remedies herein provided are in addition to and not in  
606 substitution for any other remedies.

607 (c) When a support order has been issued in this state and the  
608 obligor has earnings subject to income withholding in another  
609 jurisdiction, (1) the agency shall on application of a resident of this  
610 state, (2) [the] Support Enforcement [Division] Services shall on behalf  
611 of any client for whom [the] Support Enforcement [Division] Services  
612 is providing services, (3) an obligee or obligor of a support order  
613 issued by this state may, or (4) an agency to whom the obligee has  
614 assigned support rights may, promptly request the agency of another  
615 jurisdiction in which the obligor of a support order derives income to  
616 enter the order for the purpose of obtaining income withholding  
617 against such income. The agency or [the] Support Enforcement  
618 [Division] Services, as the case may be, shall compile and transmit  
619 promptly to the agency of the other jurisdiction all documentation  
620 required to enter a support order for this purpose. The agency or  
621 Support Enforcement [Division] Services also shall transmit  
622 immediately to the agency of the other jurisdiction a certified copy of  
623 any subsequent modifications of the support order. If the agency or  
624 Support Enforcement [Division] Services receives notice that the  
625 obligor is contesting income withholding in another jurisdiction, it  
626 shall immediately notify the individual obligee of the date, time and  
627 place of the hearings and of the obligee's right to attend.

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

630 provisions of section 52-362, [the] Support Enforcement [Division]  
631 Services shall, upon receiving a support order of another jurisdiction  
632 with the documentation specified in this subsection from an agency of  
633 another jurisdiction, or from an obligee, and obligor or an attorney for  
634 either the obligee or obligor, file such support order and documents in  
635 the registry maintained by [the] Support Enforcement [Division]  
636 Services. Documentation required for the entry of a support order for  
637 another jurisdiction for the purpose of withholding of income shall  
638 comply with the requirements of section 46b-213i. If the  
639 documentation received by [the] Support Enforcement [Division]  
640 Services does not conform to those requirements, [the] Support  
641 Enforcement [Division] Services shall remedy any defect which it can  
642 without the assistance of the obligee or requesting agency or person. If  
643 [the] Support Enforcement [Division] Services is unable to make such  
644 corrections, the requesting agency or person shall immediately be  
645 notified of the necessary additions or corrections. [The] Support  
646 Enforcement [Division] Services shall accept the documentation  
647 required by this subsection so long as the substantive requirements of  
648 this subsection are met.

649 (e) A support order registered under subsection (d) of this section  
650 shall be enforceable by withholding in the manner and with the effect  
651 as set forth for registered support orders of another jurisdiction  
652 pursuant to section 52-362. A support order from another jurisdiction  
653 filed under this section shall not be subject to modification by a court  
654 or other agency of this state except as provided in sections 46b-213o to  
655 46b-213q, inclusive. Entry of the order shall not confer jurisdiction on  
656 any court of this state for any purpose other than withholding of  
657 income.

658 (f) Upon registration of a support order from another jurisdiction  
659 pursuant to subsection (d) of this section, Family Support Magistrate  
660 Division or [the] Support Enforcement [Division] Services of the  
661 Superior Court acting on its behalf shall proceed as provided in section  
662 46b-213k.

663 (g) An income withholding order under this section shall direct  
664 payment to the Bureau of Child Support Enforcement or its designated  
665 collection agent. The bureau or its designated agent shall promptly  
666 distribute payments received pursuant to an income withholding  
667 order or garnishment based on a support order of another jurisdiction  
668 entered under this section to the agency or person designated pursuant  
669 to subdivision (5) of subsection (a) of section 46b-213f. A support order  
670 entered pursuant to subsection (d) of this section does not nullify and  
671 is not nullified by a support order made by a court of this state  
672 pursuant to any other section of the general statutes or a support order  
673 made by a court of any other state. Amounts collected by any  
674 withholding of income shall be credited against the amounts accruing  
675 or accrued for any period under any support orders issued either by  
676 this state or by another jurisdiction.

677 (h) The agency or [the] Support Enforcement [Division] Services  
678 upon receiving a certified copy of any amendment or modification to a  
679 support order entered pursuant to subsection (d) of this section, shall  
680 file such certified copy with the clerk of [the] Support Enforcement  
681 [Division] Services, and the [division] Support Enforcement Services  
682 shall amend or modify the order for withholding to conform to the  
683 modified support order.

684 (i) If the agency or [the] Support Enforcement [Division] Services  
685 determines that the obligor has obtained employment in another state  
686 or has a new or additional source of income in another state, it shall  
687 notify the agency which requested the income withholding of the  
688 changes within ten days of receiving that information and shall  
689 forward to such agency all information it has or can obtain with  
690 respect to the obligor's new address and the name and address of the  
691 obligor's new employer or other source of income. The agency or [the]  
692 Support Enforcement [Division] Services shall include with the notice  
693 a certified copy of the order for withholding in effect in this state.

694 (j) Any person who is the obligor on a support order of another

695 jurisdiction may obtain a voluntary income withholding by filing with  
696 the agency a request for such withholding and a certified copy of the  
697 support order issued by such jurisdiction. The agency shall file such  
698 request for a voluntary withholding with the certified copy of the  
699 support order from the jurisdiction that entered such order with the  
700 clerk of [the] Support Enforcement [Division] Services of the Superior  
701 Court and the division, acting on behalf of the Family Support  
702 Magistrate Division, shall issue an order for withholding. Any order  
703 for withholding thus issued shall be subject to all applicable provisions  
704 of this section.

705 Sec. 26. Section 52-362i of the general statutes is repealed and the  
706 following is substituted in lieu thereof:

707 If the court or family support magistrate finds that (1) an obligor is  
708 delinquent on payment of child support, and (2) future support  
709 payments are in jeopardy, or (3) the obligor has exhibited or expressed  
710 an intention not to pay any such support, the court or family support  
711 magistrate may order the obligor to provide a cash deposit not to  
712 exceed the amount of four times the current monthly support and  
713 arrearage obligation, to be held in escrow by the Connecticut Child  
714 Support Enforcement Bureau or Support Enforcement Services. Any  
715 funds from such cash deposit may be disbursed by the Connecticut  
716 Child Support Enforcement Bureau or Support Enforcement Services  
717 to the custodial parent upon a determination by said support  
718 enforcement bureau or Support Enforcement Services that the obligor  
719 has failed to pay the full amount of the monthly support obligation.  
720 Payment shall be in an amount that, when combined with the obligor's  
721 payment, would not exceed the monthly support obligation. Payment  
722 from such cash deposit shall not preclude a finding of delinquency  
723 during the period of time in which the obligor failed to pay current  
724 support.

725 Sec. 27. Section 53-304 of the general statutes is repealed and the  
726 following is substituted in lieu thereof:

727 (a) Any person who neglects or refuses to furnish reasonably  
728 necessary support to the person's spouse, child under the age of  
729 eighteen or parent under the age of sixty-five shall be deemed guilty of  
730 nonsupport and shall be imprisoned not more than one year, unless  
731 the person shows to the court before which the trial is had that, owing  
732 to physical incapacity or other good cause, the person is unable to  
733 furnish such support. Such court may suspend the execution of any  
734 community correctional center sentence imposed, upon any terms or  
735 conditions that it deems just, may suspend the execution of the balance  
736 of any such sentence in a like manner, and, in addition to any other  
737 sentence or in lieu thereof, may order that the person convicted shall  
738 pay to the Commissioner of Administrative Services directly or  
739 through [the] Support Enforcement [Division] Services of the Superior  
740 Court, such support, in such amount as the court may find  
741 commensurate with the necessities of the case and the ability of such  
742 person, for such period as the court shall determine. Any such order of  
743 support may, at any time thereafter, be set aside or altered by such  
744 court for cause shown. Failure of any defendant to make any payment  
745 may be punished as contempt of court and, in addition thereto or in  
746 lieu thereof, the court may order the issuance of a wage withholding in  
747 the same manner as is provided in section 17b-748, which withholding  
748 order shall have the same precedence as is provided in section 52-362.  
749 The amounts withheld under such withholding order shall be remitted  
750 to the Department of Administrative Services by the person or  
751 corporation to whom the withholding order is presented at such  
752 intervals as such withholding order directs. For purposes of this  
753 section, the term "child" shall include one born out of wedlock whose  
754 father has acknowledged in writing his paternity of such child or has  
755 been adjudged the father by a court of competent jurisdiction.

756 (b) Any person who violates any provision of this section may be  
757 prosecuted before any court of this state in the same manner as if such  
758 offense had been committed within the territorial jurisdiction of such  
759 court.

760 (c) A written agreement to support or any modification of an  
761 agreement to support filed with said court or the assistant clerk of the  
762 Family Support Magistrate Division shall have the same force and  
763 effect as an order of support by the Superior Court and shall be  
764 enforceable in the same manner as is provided herein for orders of  
765 support issued by the court.

766 (d) Family relations caseworkers of the Family Division and support  
767 enforcement officers of [the] Support Enforcement [Division] Services  
768 may administer oaths in all affidavits, statements, complaints and  
769 reports made to or by family relations caseworkers and support  
770 enforcement officers of the Superior Court in the performance of their  
771 duties.

772 Sec. 28. Section 53-308 of the general statutes is repealed and the  
773 following is substituted in lieu thereof:

774 When any bond or recognizance conditioned for the appearance of  
775 any person accused in any information or complaint charging a  
776 violation of any of the provisions of section 53-304 becomes forfeited or  
777 whenever any person convicted under the provisions of said section  
778 gives a bond and fails to comply with the provisions of the same, the  
779 court before which such information or complaint is pending or in  
780 which such conviction was had, upon collection or settlement of such  
781 forfeited bond or recognizance, may order the avails or any portion  
782 thereof to be paid to the spouse or for the support of the children or  
783 both, in such manner and installments as such court may find  
784 reasonable, or may order the avails or any portion thereof to be paid to  
785 the selectmen of the town, [the] Support Enforcement [Division]  
786 Services of the Superior Court, or the Commissioner of Administrative  
787 Services, who shall administer the same for the benefit of the spouse or  
788 children or both, as they or he may find reasonable.

***Statement of Purpose:***

To change the name of the Support Enforcement Division to Support  
Enforcement Services; to add to the powers of support enforcement

officers; and to give Support Enforcement Services authority comparable to that of the Department of Social Services in regard to distribution of performance bonds.

*[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.]*