



General Assembly

January Session, 2001

Raised Bill No. 1103

LCO No. 3572

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING REVISIONS TO THE CHILD SUPPORT STATUTES.

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

1 Section 1. Section 45a-707 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 As used in sections 45a-187, 45a-706 to 45a-709, inclusive, 45a-715 to
4 45a-718, inclusive, and 45a-724 to 45a-737, inclusive:

5 (1) "Adoption" means the establishment by court order of the legal
6 relationship of parent and child;

7 (2) "Child care facility" means a congregate residential setting for the
8 out-of-home placement of children or youth under eighteen years of
9 age, licensed by the Department of Children and Families;

10 (3) "Child-placing agency" means any agency within or without the
11 state of Connecticut licensed or approved by the Commissioner of
12 Children and Families in accordance with sections 17a-149 and
13 17a-151, and in accordance with standards established by regulations
14 of the Commissioner of Children and Families;

15 (4) "Guardianship" means guardianship, unless otherwise specified,
16 of the person of a minor and refers to the obligation of care and
17 control, the right to custody and the duty and authority to make major
18 decisions affecting the minor's welfare, including, but not limited to,
19 consent determinations regarding marriage, enlistment in the armed
20 forces and major medical, psychiatric or surgical treatment;

21 (5) "Parent" means a biological or adoptive parent;

22 (6) "Relative" means any person descended from a common
23 ancestor, whether by blood or adoption, not more than three
24 generations removed from the child;

25 (7) "Statutory parent" means the Commissioner of Children and
26 Families or the child-placing agency appointed by the court for the
27 purpose of the adoption of a minor child or minor children;

28 (8) "Termination of parental rights" means the complete severance
29 by court order of the legal relationship, with all its rights and
30 responsibilities, between the child and the child's parent or parents so
31 that the child is free for adoption except it shall not affect the right of
32 inheritance of the child or the religious affiliation of the child and shall
33 not affect the child support obligations of the parent or parents whose
34 rights are terminated until the child is adopted, provided the court
35 may determine that continuation of such child support obligation is
36 not in the child's best interests.

37 Sec. 2. Subsection (a) of section 46b-160 of the general statutes is
38 repealed and the following is substituted in lieu thereof:

39 (a) Proceedings to establish paternity of a child born or conceived
40 out of lawful wedlock, including one born to, or conceived by, a
41 married woman but begotten by a man other than her husband, shall
42 be commenced by the service on the putative father of a verified
43 petition of the mother or expectant mother. The verified petition,
44 summons and order shall be filed in the superior court for the judicial

45 district in which either she or the putative father resides or where the
46 child resides if the child does not reside with the mother or putative
47 father, except that in IV-D support cases, as defined in subdivision (13)
48 of subsection (b) of section 46b-231 and in petitions brought under
49 sections 46b-212 to 46b-213v, inclusive, such petition shall be filed with
50 the clerk for the Family Support Magistrate Division serving the
51 judicial district where either she or the putative father resides or where
52 the child resides if the child does not reside with the mother or
53 putative father. In cases involving public assistance recipients the
54 petition shall also be served upon the Attorney General who shall be
55 and remain a party to any paternity proceeding and to any
56 proceedings after judgment in such action. The court or any judge, or
57 family support magistrate, assigned to said court shall cause a
58 summons, signed by him, by the clerk of said court, or by a
59 commissioner of the Superior Court to be issued, requiring the
60 putative father to appear in court at a time and place as determined by
61 the clerk but not more than ninety days after the issuance of the
62 summons to show cause, if any he has, why the request for relief in
63 such petition should not be granted. A state marshal, proper officer or
64 investigator shall make due returns of process to the court not less
65 than twenty-one days before the date assigned for hearing. Such
66 petition, summons and order shall be on forms prescribed by the
67 Office of the Chief Court Administrator. In the case of a child or
68 expectant mother being supported wholly or in part by the state,
69 service of such petition may be made by any investigator employed by
70 the Department of Social Services and any proper officer authorized by
71 law. Such petition may be brought at any time prior to the child's
72 eighteenth birthday, provided liability for past support shall be limited
73 to the three years next preceding the date of the filing of any such
74 petition. If the putative father fails to appear in court at such time and
75 place, the court or family support magistrate shall hear the petitioner
76 and, upon a finding that process was served on the putative father,
77 shall enter a default judgment of paternity against such father and
78 such other orders as the facts may warrant. Such court or family

79 support magistrate may order continuance of such hearing; and if such
80 mother or expectant mother continues constant in her accusation, it
81 shall be evidence that the respondent is the father of such child. The
82 court or family support magistrate shall, upon motion by a party, issue
83 an order for temporary support of the child by the respondent pending
84 a final judgment of the issue of paternity if such court or magistrate
85 finds that there is clear and convincing evidence of paternity which
86 evidence shall include, but not be limited to, genetic test results
87 indicating a ninety-nine per cent or greater probability that such
88 respondent is the father of the child.

89 Sec. 3. Subdivision (1) of subsection (a) of section 46b-215 of the
90 general statutes is repealed and the following is substituted in lieu
91 thereof:

92 (a) (1) The Superior Court or a family support magistrate shall have
93 authority to make and enforce orders for payment of support against
94 any person who neglects or refuses to furnish necessary support to
95 such person's spouse or a child under the age of eighteen or an
96 unmarried child under the age of nineteen and who is a full-time high
97 school student residing with the custodial parent, according to such
98 person's ability to furnish such support, notwithstanding the
99 provisions of section 46b-37.

100 Sec. 4. Subdivision (1) of subsection (a) of section 46b-171 of the
101 general statutes is repealed and the following is substituted in lieu
102 thereof:

103 (a) (1) If the defendant is found to be the father of the child, the
104 court or family support magistrate shall order the defendant to stand
105 charged with the support and maintenance of such child, with the
106 assistance of the mother if such mother is financially able, as said court
107 finds, in accordance with the provisions of section 17b-81, 17b-223,
108 17b-745, subsection (b) of section 17b-179, section 17a-90, 46b-129,
109 46b-130 or 46b-215 to be reasonably commensurate with the financial
110 ability of the defendant, and to pay a certain sum periodically until the

111 child attains the age of eighteen years or an unmarried child under the
112 age of nineteen and who is a full-time high school student living with a
113 custodial parent. The court or family support magistrate shall order
114 the defendant to pay such sum to the complainant, or, if a town or the
115 state has paid such expense, to the town or the state, as the case may
116 be, and shall grant execution for the same and costs of suit taxed as in
117 other civil actions, together with a reasonable attorney's fee; and may
118 require the defendant to become bound with sufficient surety to
119 perform such orders for support and maintenance.

120 Sec. 5. Subsection (c) of section 46b-213w of the general statutes is
121 repealed and the following is substituted in lieu thereof:

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

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

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

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

135 (4) Notice of the right to object to the validity or enforcement of such
136 income withholding order in a court in this state and of the right to
137 seek modification of the underlying support order in the court of
138 continuing exclusive jurisdiction;

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

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

142 (6) A claim form which shall include (A) a list of the most common
143 defenses and exemptions to such income withholding order in a
144 manner which allows the obligor to check any of the defenses and
145 exemptions which apply; (B) a space where the obligor may briefly
146 explain [his] the obligor's claim or defense; (C) a space where the
147 obligor may initiate a request for services to modify the support order;
148 (D) a space for the obligor to provide [his] the address and the name of
149 the town in which [he] the obligor principally conducts [his] the
150 obligor's work for the employer; (E) a space for the obligor to sign [his]
151 the obligor's name; (F) the address of the Bureau of Child Support
152 Enforcement of the Department of Social Services to which the claim
153 form is to be sent in order to contest the validity or enforcement of the
154 income withholding order or to initiate a request for modification; and
155 (G) space for the employer to state the date upon which the form was
156 actually delivered to the obligor.

Statement of Purpose:

To require a parent whose parental rights have been terminated to continue to pay child support payments until the child is adopted, permit paternity petition to be brought in judicial district where child resides if child does not reside with mother or putative father, extend child support orders to pay support for unmarried child under the age of nineteen who is a full-time high school student and living with the custodial parent and make notice provisions for income withholding consistent with the Uniform Interstate Family Support Act.

[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.]