



General Assembly

Substitute Bill No. 1103

January Session, 2001

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2 repealed and the following is substituted in lieu thereof:

3 (a) Proceedings to establish paternity of a child born or conceived
4 out of lawful wedlock, including one born to, or conceived by, a
5 married woman but begotten by a man other than [her] such married
6 woman's husband, shall be commenced by the service on the putative
7 father of a verified petition of the mother or expectant mother. The
8 verified petition, summons and order shall be filed in the superior
9 court for the judicial district [in which] where either [she] the mother
10 or expectant mother or the putative father resides or where the child
11 resides if the child does not reside with the mother or putative father,
12 except that in IV-D support cases, as defined in subdivision (13) of
13 subsection (b) of section 46b-231 and in petitions brought under
14 sections 46b-212 to 46b-213v, inclusive, such petition shall be filed with
15 the clerk for the Family Support Magistrate Division serving the
16 judicial district where either [she] the mother or expectant mother or
17 the putative father resides or where the child resides if the child does
18 not reside with the mother or putative father. In cases involving public
19 assistance recipients the petition shall also be served upon the
20 Attorney General who shall be and remain a party to any paternity

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

55 Sec. 2. Subdivision (1) of subsection (a) of section 46b-215 of the
56 general statutes is repealed and the following is substituted in lieu
57 thereof:

58 (a) (1) The Superior Court or a family support magistrate shall have
59 authority to make and enforce orders for payment of support against
60 any person who neglects or refuses to furnish necessary support to
61 such person's spouse or a child under the age of eighteen or an
62 unmarried child under the age of nineteen and who is a full-time high
63 school student residing with the custodial parent, according to such
64 person's ability to furnish such support, notwithstanding the
65 provisions of section 46b-37.

66 Sec. 3. Subdivision (1) of subsection (a) of section 46b-171 of the
67 general statutes is repealed and the following is substituted in lieu
68 thereof:

69 (a) (1) If the defendant is found to be the father of the child, the
70 court or family support magistrate shall order the defendant to stand
71 charged with the support and maintenance of such child, with the
72 assistance of the mother if such mother is financially able, as said court
73 finds, in accordance with the provisions of section 17b-81, 17b-223,
74 17b-745, subsection (b) of section 17b-179, section 17a-90, 46b-129,
75 46b-130 or 46b-215 to be reasonably commensurate with the financial
76 ability of the defendant, and to pay a certain sum periodically until the
77 child attains the age of eighteen years or until the child attains the age
78 of nineteen if such child is unmarried and is a full-time high school
79 student residing with the custodial parent. The court or family support
80 magistrate shall order the defendant to pay such sum to the
81 complainant, or, if a town or the state has paid such expense, to the
82 town or the state, as the case may be, and shall grant execution for the
83 same and costs of suit taxed as in other civil actions, together with a
84 reasonable attorney's fee; and may require the defendant to become
85 bound with sufficient surety to perform such orders for support and
86 maintenance.

87 Sec. 4. Subsection (c) of section 46b-213w of the general statutes is
88 repealed and the following is substituted in lieu thereof:

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

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

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

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

102 (4) Notice of the right to object to the validity or enforcement of such
103 income withholding order in a court in this state and of the right to
104 seek modification of the underlying support order in the court of
105 continuing exclusive jurisdiction;

106 (5) Notice of the right to seek the assistance of the Child Support
107 Enforcement Bureau of the Department of Social Services and the toll-
108 free telephone number at which the bureau can be contacted;

109 (6) A claim form which shall include (A) a list of the most common
110 defenses and exemptions to such income withholding order in a
111 manner which allows the obligor to check any of the defenses and
112 exemptions which apply; (B) a space where the obligor may briefly
113 explain [his] the obligor's claim or defense; (C) a space where the
114 obligor may initiate a request for services to modify the support order;
115 (D) a space for the obligor to provide [his] the obligor's address and
116 the name of the town in which [he] the obligor principally conducts

117 [his] the obligor's work for the employer; (E) a space for the obligor to
118 sign [his] the obligor's name; (F) the address of the Bureau of Child
119 Support Enforcement of the Department of Social Services to which the
120 claim form is to be sent in order to contest the validity or enforcement
121 of the income withholding order or to initiate a request for
122 modification; and (G) space for the employer to state the date upon
123 which the form was actually delivered to the obligor.

Statement of Legislative Commissioners:

In section 1, "in which" was changed to "where" for statutory consistency and section 3 was reworded for clarity and consistency with existing language.

JUD JOINT FAVORABLE SUBST.