



Senate

General Assembly

File No. 424

February Session, 2002

Substitute Senate Bill No. 633

Senate, April 10, 2002

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE COLLECTION OF CHILD SUPPORT.

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

1 Section 1. Section 17b-179 of the general statutes is amended by
2 adding subsection (o) as follows (*Effective October 1, 2002*):

3 (NEW) (o) The Connecticut Child Support Enforcement Bureau
4 shall maintain the addresses of the recipients of child support
5 enforcement services through the IV-D system. Any such address shall
6 be changed only upon the filing with the bureau of a written request
7 by the recipient of child support enforcement services, and any
8 address reported to the bureau must be the place where the recipient
9 resides.

10 Sec. 2. Subdivisions (1) and (2) of subsection (a) of section 17b-745 of
11 the general statutes are repealed and the following is substituted in
12 lieu thereof (*Effective October 1, 2002*):

13 (a) (1) The Superior Court or a family support magistrate shall have

14 authority to make and enforce orders for payment of support to the
15 Commissioner of Administrative Services or in IV-D cases, to the state
16 acting by and through the IV-D agency, directed to the husband or
17 wife and, if the patient [or person is under twenty-one or, on and after
18 October 1, 1972, under eighteen] is under the age of eighteen, or if the
19 person is under the age of twenty, provided the person is unmarried, a
20 full-time high school student and residing with the custodial parent,
21 any parent of any patient or person being supported by the state,
22 wholly or in part, in a state humane institution, or under any welfare
23 program administered by the state Department of Social Services, as
24 said court finds, in accordance with the provisions of subsection (b) of
25 section 17b-179, or section 17a-90, 17b-81, 17b-223, 46b-129, as
26 amended, or 46b-130, to be reasonably commensurate with the
27 financial ability of any such relative. Any court or family support
28 magistrate called upon to make or enforce such an order, including
29 one based upon a determination consented to by the relative, shall
30 insure that such order is reasonable in light of the relative's ability to
31 pay.

32 (2) (A) The court or family support magistrate shall include in each
33 support order in a IV-D support case a provision for the health care
34 coverage of the child which provision may include an order for either
35 parent to name any child under eighteen, or any child under twenty,
36 provided the child is unmarried, a full-time high school student and
37 residing with the custodial parent, as a beneficiary of any medical or
38 dental insurance or benefit plan carried by such parent or available to
39 such parent on a group basis through an employer or a union. If such
40 insurance coverage is unavailable at reasonable cost, the provision for
41 health care coverage may include an order for either parent to apply
42 for and maintain coverage on behalf of the child under the HUSKY
43 Plan, Part B. The noncustodial parent shall be ordered to apply for the
44 HUSKY Plan, Part B only if such parent is found to have sufficient
45 ability to pay the appropriate premium. In any IV-D support case in
46 which the noncustodial parent is found to have insufficient ability to
47 provide medical insurance coverage and the custodial party is the
48 HUSKY Plan, Part A or Part B applicant, the provision for health care

49 coverage may include an order for the noncustodial parent to pay such
50 amount as is specified by the court or family support magistrate to the
51 state or the custodial party, as their interests may appear, to offset the
52 cost of any insurance payable under the HUSKY Plan, Part A or Part B.
53 In no event may such order include payment to offset the cost of any
54 such premium if such payment would reduce the amount of current
55 support required under the child support guidelines.

56 (B) When a parent is ordered to provide insurance coverage in
57 accordance with subparagraph (A) of this subdivision, the court or
58 family support magistrate shall order the employer of such parent to
59 withhold from such employee's compensation the employee's share, if
60 any, of premiums for health coverage, except for certain circumstances
61 under which an employer may withhold less than such employee's
62 share of such premiums, as may be provided by regulation of the
63 Secretary of the United States Department of Health and Human
64 Services and pay such share of premiums to the insurer. The amount
65 withheld shall not exceed the maximum amount permitted to be
66 withheld as set forth in 15 USC 1673(b). Whenever an order of the
67 Superior Court or family support magistrate is issued against a parent
68 to cover the cost of such medical or dental insurance or benefit plan for
69 a child who is eligible for Medicaid benefits, and such parent has
70 received payment from a third party for the costs of such services but
71 such parent has not used such payment to reimburse, as appropriate,
72 either the other parent or guardian or the provider of such services, the
73 Department of Social Services shall have the authority to request the
74 court or family support magistrate to order the employer of such
75 parent to withhold from the wages, salary or other employment
76 income, of such parent to the extent necessary to reimburse the
77 Department of Social Services for expenditures for such costs under
78 the Medicaid program. However, any claims for current or past due
79 child support shall take priority over any such claims for the costs of
80 such services.

81 Sec. 3. Subdivision (1) of subsection (a) of section 46b-215 of the
82 general statutes is repealed and the following is substituted in lieu

83 thereof (*Effective October 1, 2002*):

84 (a) (1) The Superior Court or a family support magistrate shall have
85 authority to make and enforce orders for payment of support against
86 any person who neglects or refuses to furnish necessary support to
87 such person's spouse or a child under the age of eighteen or an
88 unmarried child under the age of twenty who is a full-time high school
89 student residing with the custodial parent, according to such person's
90 ability to furnish such support, notwithstanding the provisions of
91 section 46b-37, as amended.

92 Sec. 4. Subdivision (1) of subsection (a) of section 46b-171 of the
93 general statutes is repealed and the following is substituted in lieu
94 thereof (*Effective October 1, 2002*):

95 (a) (1) If the defendant is found to be the father of the child, the
96 court or family support magistrate shall order the defendant to stand
97 charged with the support and maintenance of such child, with the
98 assistance of the mother if such mother is financially able, as said court
99 finds, in accordance with the provisions of section 17b-81, 17b-223,
100 17b-745, as amended by this act, subsection (b) of section 17b-179,
101 section 17a-90, 46b-129, as amended, 46b-130 or 46b-215, as amended
102 by this act, to be reasonably commensurate with the financial ability of
103 the defendant, and to pay a certain sum periodically until the child
104 attains the age of eighteen years or until the child attains the age of
105 twenty years provided the child is unmarried, a full-time high school
106 student and residing with the custodial parent. The court or family
107 support magistrate shall order the defendant to pay such sum to the
108 complainant, or, if a town or the state has paid such expense, to the
109 town or the state, as the case may be, and shall grant execution for the
110 same and costs of suit taxed as in other civil actions, together with a
111 reasonable attorney's fee; and may require the defendant to become
112 bound with sufficient surety to perform such orders for support and
113 maintenance.

114 Sec. 5. Subsection (c) of section 46b-172 of the general statutes, as
115 amended by section 42 of public act 01-195, is repealed and the

116 following is substituted in lieu thereof (*Effective October 1, 2002*):

117 (c) At any time after the signing of any acknowledgment of
118 paternity, upon the application of any interested party, the court or
119 any judge thereof or any family support magistrate in IV-D support
120 cases and in matters brought under sections 46b-212 to 46b-213v,
121 inclusive, as amended, shall cause a summons, signed by such judge or
122 magistrate, by the clerk of said court or by a commissioner of the
123 Superior Court, to be issued, requiring the acknowledged father to
124 appear in court at a time and place as determined by the clerk but not
125 more than ninety days after the issuance of the summons, to show
126 cause why the court or the family support magistrate assigned to the
127 judicial district in IV-D support cases should not enter judgment for
128 support of the child by payment of a periodic sum until the child
129 attains the age of eighteen years or until the child attains the age of
130 twenty years, provided the child is unmarried, a full-time high school
131 student and residing with the custodial parent, together with provision
132 for reimbursement for past due support based upon ability to pay in
133 accordance with the provisions of section 17b-81, 17b-223, subsection
134 (b) of section 17b-179, section 17a-90, 46b-129, as amended, or 46b-130,
135 a provision for health coverage of the child as required by section 46b-
136 215, as amended by this act, and reasonable expense of the action
137 under this subsection. Such court or family support magistrate, in IV-D
138 cases, shall also have the authority to order the acknowledged father
139 who is subject to a plan for reimbursement of past-due support and is
140 not incapacitated, to participate in work activities which may include,
141 but shall not be limited to, job search, training, work experience and
142 participation in the job training and retraining program established by
143 the Labor Commissioner pursuant to section 31-3t. The application,
144 summons and order shall be on forms prescribed by the Office of the
145 Chief Court Administrator. Proceedings to obtain such orders of
146 support shall be commenced by the service of such summons on the
147 acknowledged father. A state marshal or proper officer shall make due
148 return of process to the court not less than twenty-one days before the
149 date assigned for hearing. The prior judgment as to paternity shall be
150 res judicata as to that issue for all paternity acknowledgments filed

151 with the court on or after March 1, 1981, but before July 1, 1997, and
152 shall not be reconsidered by the court unless the person seeking review
153 of the acknowledgment petitions the superior court for the judicial
154 district having venue for a hearing on the issue of paternity within
155 three years of such judgment. In addition to such review, if the
156 acknowledgment of paternity was filed prior to March 1, 1981, the
157 acknowledgment of paternity may be reviewed by denying the
158 allegation of paternity in response to the initial petition for support,
159 whenever it is filed. All such payments shall be made to the petitioner,
160 except that in IV-D support cases, as defined in subsection (b) of
161 section 46b-231, payments shall be made to the state, acting by and
162 through the IV-D agency.

163 Sec. 6. Subdivision (2) of subsection (n) of section 46b-231 of the
164 general statutes is repealed and the following is substituted in lieu
165 thereof (*Effective October 1, 2002*):

166 (2) Proceedings for such appeal shall be instituted by filing a
167 petition in superior court for the judicial district in which the decision
168 of the family support magistrate was rendered not later than fourteen
169 days after filing of the final decision with an assistant clerk assigned to
170 the Family Support Magistrate Division or, if a rehearing is requested,
171 not later than fourteen days, or, in cases decided pursuant to sections
172 46b-212 to 46b-213v, inclusive, as amended, not later than thirty days,
173 after filing of the notice of the decision thereon. In a IV-D support case,
174 such petitions shall be accompanied by a certification that copies of the
175 petition have been served upon the IV-D agency as defined in
176 subsection (b) of this section and all parties of record. Service upon the
177 IV-D agency may be made by the appellant mailing a copy of the
178 petition by certified mail to the office of the Attorney General in
179 Hartford.

180 Sec. 7. Subsection (d) of section 52-362d of the general statutes, as
181 amended by section 23 of public act 01-91 and section 10 of public act
182 01-207, is repealed and the following is substituted in lieu thereof
183 (*Effective October 1, 2002*):

184 (d) Whenever an order of the Superior Court or a family support
 185 magistrate for support of a minor child or children is issued or an
 186 order of another state is registered pursuant to section 46b-213h, as
 187 amended, or section 46b-213o, and such payments have been ordered
 188 through the IV-D agency, and the obligor against whom such support
 189 order was issued owes overdue support under such order in the
 190 amount of five hundred dollars or more, the IV-D agency, as defined
 191 in subdivision (12) of subsection (b) of section 46b-231, or Support
 192 Enforcement Services of the Superior Court may notify (1) any state or
 193 local agency with authority to distribute benefits to such obligor
 194 including, but not limited to, unemployment compensation and
 195 workers' compensation, (2) any person having or expecting to have
 196 custody or control of or authority to distribute any amounts due such
 197 obligor under any judgment or settlement, (3) any financial institution
 198 holding assets of such obligor, and (4) any public or private entity
 199 administering a public or private retirement fund in which such
 200 obligor has an interest that such obligor owes overdue support in a IV-
 201 D support case. Upon receipt of such notice, such agency, person,
 202 institution or entity shall withhold delivery or distribution of any such
 203 benefits, amounts, assets or funds until receipt of further notice from
 204 the IV-D agency.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>

Statement of Legislative Commissioners:

In the last sentence in section 1, "enforcement services" was added after "child support" for consistency, and an obsolete reference was bracketed out in section 2.

JUD *Joint Favorable Subst.*

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:

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF - Cost	Social Services, Dept.	-	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill’s changes to support obligations would not substantially alter the support enforcement workload of the Judicial Department’s Support Enforcement Services division or the Child Support Enforcement Bureau of the Department of Social Services (DSS). Consequently, there would be no fiscal impact to either agency associated with these changes. The bill requires the DSS to maintain the addresses of recipients of child support enforcement services and update the list upon written request. The DSS is expected to incur a minimal additional administrative cost to maintain and update this list.

OLR Bill Analysis

sSB 633

AN ACT CONCERNING THE COLLECTION OF CHILD SUPPORT**SUMMARY:**

This bill allows family court judges and support magistrates to impose reasonable support obligations, including medical and dental insurance coverage, on the parents of unmarried offspring who are (1) 18 or 19 years old, (2) full-time high school students, and (3) living with a custodial parent (presumably, a parent who had custody on the day before the child's 18th birthday). This is already the law in child support matters where the parents divorce, but in other circumstances parents must support their children only until their 18th birthday.

The longer support obligation also applies to a parent's obligation to repay the state for medical and public assistance these offspring receive. Currently, this obligation also ends when children turn age 18.

The bill also (1) permits the Department of Social Services' Bureau of Child Support Enforcement (BCSE) to use the same methods to intercept payments going to a person who owes child support under an order issued in another state as it can currently use when the order is from a Connecticut tribunal, (2) prescribes the method for people to report their addresses and address changes to BCSE, and (3) lengthens a deadline for filing court appeals in interstate child support cases.

EFFECTIVE DATE: October 1, 2002

OBLIGATION TO REPAY THE STATE

Under the bill, parents continue to be financially responsible for repaying the state for assistance it provided to 18- and 19-year-olds. This assistance includes emergency housing, cash and medical assistance, and support in state-run mental hospitals and humane institutions. By law, judges or magistrates can order parents to pay the Department of Administrative Services or BCSE, depending on the

type of assistance the state provided. The court must set payment amounts that are reasonable in light of the person's ability to pay.

COLLECTING OVERDUE CHILD SUPPORT

By law, BCSE and the Judicial Department's Support Enforcement Services Division (SES) can intercept certain payments going to people who owe more than \$500 in past-due child support to a minor child under a Connecticut support order. The bill permits BCSE and SES to use this procedure for past-due support when an out-of-state support order is registered with BCSE.

They can do this by notifying:

1. any state or local agency with authority to distribute benefits, including unemployment and workers' compensation;
2. people having or expecting to have custody or distribution authority over money from settlements or court judgments;
3. financial institutions; and
4. retirement fund administrators.

Entities that receive notice must withhold delivery or distribution of the money until they get further notice from BCSE.

REPORTING ADDRESSES TO BCSE

The bill requires BCSE to keep a record of addresses of the people to whom it has given child support enforcement assistance. Recipients must give the bureau the address where they actually reside, and the bureau cannot change it without the recipient's written request to do so.

EXTENDED PERIODS FOR FILING APPEALS

The bill increases, from 14 to 30 days after notice of a rehearing decision, the deadline for filing appeals from a family support magistrate's final child support decision when one of the parties is not a state resident. The 14-day deadline for filing appeals when no rehearing is requested remains unchanged.

BACKGROUND

Child Support Enforcement Program

BCSE is the state's designated IV-D agency. This is the technical name for the government-administered child support enforcement program, named after Title IV-D of the federal Social Security Act. In Connecticut, a case is considered IV-D if the family has received state welfare or foster care assistance or a parent has applied to BCSE for assistance in collecting child support.

The IV-D program must provide services to anyone who requests them. BCSE also maintains a registry of child support orders issued by other states, and provides enforcement assistance on request when the noncustodial parent lives, works, or has property in Connecticut.

Family Support Magistrate Division

By law, the Superior Court's Family Support Magistrate Division has jurisdiction over IV-D cases. It is also the tribunal designated by state law to handle interstate family support matters.

Related Bill

sHB 5088 permits judges and family support magistrates to order parents to pay support through age 22 for offspring enrolled in college or vocational programs.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0