



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11 the general statutes are repealed and the following is substituted in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, subsection (b) of section 17b-179, section 17a-90,
101 46b-129, as amended, 46b-130 or 46b-215 to be reasonably
102 commensurate with the financial ability of the defendant, and to pay a
103 certain sum periodically until the child attains the age of eighteen
104 years or until the child attains the age of twenty years provided the
105 child is unmarried, a full-time high school student and residing with
106 the custodial parent. The court or family support magistrate shall
107 order the defendant to pay such sum to the complainant, or, if a town
108 or the state has paid such expense, to the town or the state, as the case
109 may be, and shall grant execution for the same and costs of suit taxed
110 as in other civil actions, together with a reasonable attorney's fee; and
111 may require the defendant to become bound with sufficient surety to
112 perform such orders for support and maintenance.

113 Sec. 5. Subsection (c) of section 46b-172 of the general statutes, as
114 amended by section 42 of public act 01-195, is repealed and the
115 following is substituted in lieu thereof (*Effective October 1, 2002*):

116 (c) At any time after the signing of any acknowledgment of
117 paternity, upon the application of any interested party, the court or
118 any judge thereof or any family support magistrate in IV-D support

119 cases and in matters brought under sections 46b-212 to 46b-213v,
120 inclusive, as amended, shall cause a summons, signed by such judge or
121 magistrate, by the clerk of said court or by a commissioner of the
122 Superior Court, to be issued, requiring the acknowledged father to
123 appear in court at a time and place as determined by the clerk but not
124 more than ninety days after the issuance of the summons, to show
125 cause why the court or the family support magistrate assigned to the
126 judicial district in IV-D support cases should not enter judgment for
127 support of the child by payment of a periodic sum until the child
128 attains the age of eighteen years or until the child attains the age of
129 twenty years, provided the child is unmarried, a full-time high school
130 student and residing with the custodial parent, together with provision
131 for reimbursement for past due support based upon ability to pay in
132 accordance with the provisions of section 17b-81, 17b-223, subsection
133 (b) of section 17b-179, section 17a-90, 46b-129, as amended, or 46b-130,
134 a provision for health coverage of the child as required by section 46b-
135 215, as amended by this act, and reasonable expense of the action
136 under this subsection. Such court or family support magistrate, in IV-D
137 cases, shall also have the authority to order the acknowledged father
138 who is subject to a plan for reimbursement of past-due support and is
139 not incapacitated, to participate in work activities which may include,
140 but shall not be limited to, job search, training, work experience and
141 participation in the job training and retraining program established by
142 the Labor Commissioner pursuant to section 31-3t. The application,
143 summons and order shall be on forms prescribed by the Office of the
144 Chief Court Administrator. Proceedings to obtain such orders of
145 support shall be commenced by the service of such summons on the
146 acknowledged father. A state marshal or proper officer shall make due
147 return of process to the court not less than twenty-one days before the
148 date assigned for hearing. The prior judgment as to paternity shall be
149 res judicata as to that issue for all paternity acknowledgments filed
150 with the court on or after March 1, 1981, but before July 1, 1997, and
151 shall not be reconsidered by the court unless the person seeking review
152 of the acknowledgment petitions the superior court for the judicial
153 district having venue for a hearing on the issue of paternity within

154 three years of such judgment. In addition to such review, if the
155 acknowledgment of paternity was filed prior to March 1, 1981, the
156 acknowledgment of paternity may be reviewed by denying the
157 allegation of paternity in response to the initial petition for support,
158 whenever it is filed. All such payments shall be made to the petitioner,
159 except that in IV-D support cases, as defined in subsection (b) of
160 section 46b-231, payments shall be made to the state, acting by and
161 through the IV-D agency.

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

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

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

183 (d) Whenever an order of the Superior Court or a family support
184 magistrate for support of a minor child or children is issued or an
185 order of another state is registered pursuant to section 46b-213h, as

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