House of Representatives

General Assembly

File No. 382

January Session, 2003

Substitute House Bill No. 6489

House of Representatives, April 15, 2003

The Committee on Human Services reported through REP. VILLANO of the 91st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING JUDICIAL REMEDIES FOR CHILD SUPPORT ENFORCEMENT.

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

Section 1. Section 29-1g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

The Commissioner of Public Safety may appoint **[**not more than two**]** persons nominated by the Commissioner of Social Services as special policemen in the Bureau of Child Support Enforcement of the Department of Social Services for the service of any warrant or capias mittimus issued by the courts on child support matters. Such appointees, having been sworn, shall serve at the pleasure of the Commissioner of Public Safety and, during such tenure, shall have all the powers conferred on **[**the**]** state policemen. **[**and state marshals.**]**

Sec. 2. Subsection (m) of section 46b-231 of the general statutes is amended by adding subdivision (13) as follows (*Effective October 1,*

13 *2003*):

14 (NEW) (13) In IV-D support cases, family support magistrates may
15 issue writs of habeas corpus ad testificandum for persons in the
16 custody of the Commissioner of Correction.

17 Sec. 3. Subdivision (4) of subsection (s) of section 46b-231 of the
18 general statutes is repealed and the following is substituted in lieu
19 thereof (*Effective October 1, 2003*):

20 (4) **[**In non-TANF IV-D cases, review**]** Review child support orders
21 (A) in non-TANF IV-D cases at the request of either parent or custodial
22 party subject to a support order, **[**or,**]** (B) in TANF cases, review child
23 support orders at the request of the Bureau of Child Support
24 Enforcement, or (C) as required to comply with federal requirements
25 for the Title IV-D child support enforcement program; and initiate an
26 action before a family support magistrate to modify such support
27 order if it is determined upon such review that the order substantially
28 deviates from the child support guidelines established pursuant to
29 section 46b-215a or 46b-215b. The requesting party shall have a right to
30 such review every three years without proving a substantial change in
31 circumstances; more frequent reviews shall be made only if the
32 requesting party demonstrates a substantial change in circumstances.
33 There shall be a rebuttable presumption that any deviation of less than
34 fifteen per cent from the child support guidelines is not substantial and
35 any deviation of fifteen per cent or more from the guidelines is
36 substantial. Modification may be made of such support order without
37 regard to whether the order was issued before, on or after May 9, 1991.
38 In determining whether to modify a child support order based on a
39 substantial deviation from such child support guidelines,
40 consideration shall be given to the division of real and personal
41 property between the parties set forth in any final decree entered
42 pursuant to chapter 815j and the benefits accruing to the child as the
43 result of such division. No order for periodic payment of support may
44 be subject to retroactive modification, except that the family support
45 magistrate may order modification with respect to any period during

46 which there is a pending motion for modification of a support order
47 from the date of service of notice of such pending motion to the
48 opposing party pursuant to section 52-50.

This act shall take effect as follows:	
Section 1	*October 1, 2003*
Sec. 2	*October 1, 2003*
Sec. 3	*October 1, 2003*

Statement of Legislative Commissioners:
In section 1, the phrase "conferred **[**on**]** the" was changed to "conferred on **[**the**]**" for grammatical reasons.

HS *Joint Favorable Subst.-LCO*

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: None

Municipal Impact: None

Explanation

This bill makes various changes that enhance court child enforcement powers and expedite the child support process. By expediting the process, these changes may speed up the time frame in which cost from the system are incurred and in which revenues are received. However, changes in the bill are not expected to result in a change in cases or in workload to associated agencies. Therefore, there is no anticipated net fiscal impact.

OLR Bill Analysis
sHB 6489

AN ACT CONCERNING JUDICIAL REMEDIES FOR CHILD SUPPORT ENFORCEMENT

SUMMARY:
This bill enhances court child support enforcement powers. It authorizes family support magistrates to issue orders directing the Department of Correction to bring a prisoner to court to testify. It restricts this power to IV-D cases, which generally are those in which the Bureau of Child Support Enforcement or the Judicial Department's Support Enforcement Services is providing child support enforcement services.

The bill lifts the two-person cap on the number of special policemen that the public safety commissioner can appoint to serve warrants or capias mittimus orders in child support cases. But it removes the power of these appointees to perform state marshal functions (i.e., serve civil process).

Finally, the bill directs the Judicial Department's support enforcement officers to review child support orders as required to comply with federal IV-D program rules. As under current law, if the review shows that an order substantially deviates from the Child Support Guidelines, the officer must file a court motion to modify it.

EFFECTIVE DATE: October 1, 2003

BACKGROUND

Related Bills

SB 973 makes many changes in DSS's child support enforcement program. SB 974 provides additional administrative remedies for delinquent child support collections. The Human Services Committee has favorably reported both bills.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Report
Yea 18 Nay 0