



General Assembly

Substitute Bill No. 6489

January Session, 2003

AN ACT CONCERNING JUDICIAL REMEDIES FOR CHILD SUPPORT ENFORCEMENT.

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

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 Section 29-1g of the general statutes is repealed and the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

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

11 Sec. 2. Subsection (m) of section 46b-231 of the general statutes is
12 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18 general statutes is repealed and the following is substituted in lieu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	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

Sec. 3	October 1, 2003
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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*