



General Assembly

February Session, 2004

Raised Bill No. 596

LCO No. 2334

02334_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING IMPROVED PROCESSING OF CHILD SUPPORT CASES.

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

1 Section 1. Subdivisions (1) and (2) of subsection (a) of section 17b-
2 745 of the general statutes, as amended by section 70 of public act 03-
3 278, are repealed and the following is substituted in lieu thereof
4 (*Effective October 1, 2004*):

5 (a) (1) The Superior Court or a family support magistrate shall have
6 authority to make and enforce orders for payment of support to the
7 Commissioner of Administrative Services or, in IV-D support cases, to
8 the state acting by and through the IV-D agency, directed to the
9 husband or wife and, if the patient or person is [under twenty-one or,
10 on and after October 1, 1972,] under the age of eighteen years or as
11 otherwise provided in this subsection, to any parent of any patient or
12 person being supported by the state, wholly or in part, in a state
13 humane institution, or under any welfare program administered by
14 the Department of Social Services, as the court or family support
15 magistrate finds, in accordance with the provisions of subsection (b) of
16 section 17b-179, or section 17a-90, 17b-81, 17b-223, 46b-129, as

17 amended, or 46b-130, to be reasonably commensurate with the
18 financial ability of any such relative. If such person is unmarried, a
19 full-time high school student and residing with the custodial parent,
20 such support shall continue according to the parents' respective
21 abilities, if such person is in need of support, until such person
22 completes the twelfth grade, no longer resides with a parent or attains
23 the age of nineteen years, whichever occurs first. Any court or family
24 support magistrate called upon to make or enforce such an order,
25 including one based upon a determination consented to by the relative,
26 shall insure that such order is reasonable in light of the relative's ability
27 to pay.

28 (2) (A) The court or family support magistrate shall include in each
29 support order in a IV-D support case a provision for the health care
30 coverage of the child which provision may include an order for either
31 parent to name any child [under eighteen] as a beneficiary of any
32 medical or dental insurance or benefit plan carried by such parent or
33 available to such parent on a group basis through an employer or a
34 union. Any such [employment based] employment-based order shall
35 be enforced using a National Medical Support Notice as provided in
36 section 46b-88. If such insurance coverage is unavailable at reasonable
37 cost, the provision for health care coverage may include an order for
38 either parent to apply for and maintain coverage on behalf of the child
39 under the HUSKY Plan, Part B. The noncustodial parent shall be
40 ordered to apply for the HUSKY Plan, Part B only if such parent is
41 found to have sufficient ability to pay the appropriate premium. In any
42 IV-D support case in which the noncustodial parent is found to have
43 insufficient ability to provide medical insurance coverage and the
44 custodial party is the HUSKY Plan, Part A or Part B applicant, the
45 provision for health care coverage may include an order for the
46 noncustodial parent to pay such amount as is specified by the court or
47 family support magistrate to the state or the custodial party, as their
48 interests may appear, to offset the cost of any insurance payable under
49 the HUSKY Plan, Part A or Part B. In no event may such order include
50 payment to offset the cost of any such premium if such payment

51 would reduce the amount of current support required under the child
52 support guidelines.

53 (B) Whenever an order of the Superior Court or family support
54 magistrate is issued against a parent to cover the cost of such medical
55 or dental insurance or benefit plan for a child who is eligible for
56 Medicaid benefits, and such parent has received payment from a third
57 party for the costs of such services but such parent has not used such
58 payment to reimburse, as appropriate, either the other parent or
59 guardian or the provider of such services, the Department of Social
60 Services shall have the authority to request the court or family support
61 magistrate to order the employer of such parent to withhold from the
62 wages, salary or other employment income [,] of such parent to the
63 extent necessary to reimburse the Department of Social Services for
64 expenditures for such costs under the Medicaid program. However,
65 any claims for current or past due child support shall take priority
66 over any such claims for the costs of such services.

67 Sec. 2. Subdivisions (1) and (2) of subsection (a) of section 46b-171 of
68 the general statutes are repealed and the following is substituted in
69 lieu thereof (*Effective October 1, 2004*):

70 (a) (1) If the defendant is found to be the father of the child, the
71 court or family support magistrate shall order the defendant to stand
72 charged with the support and maintenance of such child, with the
73 assistance of the mother if such mother is financially able, as [said] the
74 court or family support magistrate finds, in accordance with the
75 provisions of subsection (b) of section 17b-179, or section 17a-90,
76 17b-81, 17b-223, 17b-745, as amended by this act, [subsection (b) of
77 section 17b-179, section 17a-90,] 46b-129, as amended, 46b-130 or 46b-
78 215, as amended by this act, to be reasonably commensurate with the
79 financial ability of the defendant, and to pay a certain sum periodically
80 until the child attains the age of eighteen years or as otherwise
81 provided in this subsection. If such child is unmarried, a full-time high
82 school student and residing with the custodial parent, such support

83 shall continue according to the parents' respective abilities, if such
84 child is in need of support, until such child completes the twelfth
85 grade, no longer resides with a parent or attains the age of nineteen
86 years, whichever occurs first. The court or family support magistrate
87 shall order the defendant to pay such sum to the complainant, or, if a
88 town or the state has paid such expense, to the town or the state, as the
89 case may be, and shall grant execution for the same and costs of suit
90 taxed as in other civil actions, together with a reasonable attorney's fee;
91 and may require the defendant to become bound with sufficient surety
92 to perform such orders for support and maintenance.

93 (2) In addition, the court or family support magistrate shall include
94 in each support order in a IV-D support case a provision for the health
95 care coverage of the child which provision may include an order for
96 either parent to name any child [under the age of eighteen years] as a
97 beneficiary of any medical or dental insurance or benefit plan carried
98 by such parent or available to such parent on a group basis through an
99 employer or union. Any such employment-based order shall be
100 enforced using a National Medical Support Notice as provided in
101 section 46b-88. If such insurance coverage is unavailable at reasonable
102 cost, the provision for health care coverage may include an order for
103 either parent to apply for and maintain coverage on behalf of the child
104 under the HUSKY Plan, Part B. The noncustodial parent shall be
105 ordered to apply for the HUSKY Plan, Part B only if such parent is
106 found to have sufficient ability to pay the appropriate premium. In any
107 IV-D support case in which the noncustodial parent is found to have
108 insufficient ability to provide medical insurance coverage and the
109 custodial party is the HUSKY Plan, Part A or Part B applicant, the
110 provision for health care coverage may include an order for the
111 noncustodial parent to pay such amount as is specified by the court or
112 family support magistrate to the state or the custodial party, as their
113 interests may appear, to offset the cost of any insurance payable under
114 the HUSKY Plan, Part A or Part B. In no event may such order include
115 payment to offset the cost of any such premium if such payment
116 would reduce the amount of current support required under the child

117 support guidelines.

118 Sec. 3. Subsections (b) and (c) of section 46b-172 of the general
119 statutes are repealed and the following is substituted in lieu thereof
120 (*Effective October 1, 2004*):

121 (b) An agreement to support the child by payment of a periodic sum
122 until the child attains the age of eighteen years or as otherwise
123 provided in this subsection, together with provisions for
124 reimbursement for past due support based upon ability to pay in
125 accordance with the provisions of subsection (b) of section 17b-179, or
126 section 17a-90, 17b-81, 17b-223, [subsection (b) of section 17b-179,
127 section 17a-90,] 46b-129, as amended, or 46b-130, and reasonable
128 expense of prosecution of the petition, when filed with [,] and
129 approved by a judge of [said court] the Superior Court, or in IV-D
130 support cases and matters brought under sections 46b-212 to 46b-213v,
131 inclusive, a family support magistrate at any time, shall have the same
132 force and effect, retroactively or prospectively in accordance with the
133 terms of said agreement, as an order of support entered by [that] the
134 court, and shall be enforceable and subject to modification in the same
135 manner as is provided by law for orders of the court in such cases. If
136 such child is unmarried, a full-time high school student and residing
137 with the custodial parent, such support shall continue according to the
138 parents' respective abilities, if such child is in need of support, until
139 such child completes the twelfth grade, no longer resides with a parent
140 or attains the age of nineteen years, whichever occurs first. Past due
141 support in such cases shall be limited to the three years next preceding
142 the date of the filing of such agreements to support. Payments under
143 such agreement shall be made to the petitioner, except that in IV-D
144 support cases, as defined in subsection (b) of section 46b-231,
145 payments shall be made to the Bureau of Child Support Enforcement
146 or its designated agency. Such written agreements to support shall be
147 on forms prescribed by the Office of the Chief Court Administrator
148 and shall be sworn to, and shall be binding on the person executing the
149 same whether he is an adult or a minor.

150 (c) At any time after the signing of any acknowledgment of
151 paternity, upon the application of any interested party, the court or
152 any judge thereof or any family support magistrate in IV-D support
153 cases and in matters brought under sections 46b-212 to 46b-213v,
154 inclusive, shall cause a summons, signed by such judge or family
155 support magistrate, by the clerk of [said] the court or by a
156 commissioner of the Superior Court, to be issued, requiring the
157 acknowledged father to appear in court at a time and place as
158 determined by the clerk but not more than ninety days after the
159 issuance of the summons, to show cause why the court or the family
160 support magistrate assigned to the judicial district in IV-D support
161 cases should not enter judgment for support of the child by payment of
162 a periodic sum until the child attains the age of eighteen years or as
163 otherwise provided in this subsection, together with provision for
164 reimbursement for past due support based upon ability to pay in
165 accordance with the provisions of subsection (b) of section 17b-179, or
166 section 17a-90, 17b-81, 17b-223, [subsection (b) of section 17b-179,
167 section 17a-90,] 46b-129, as amended, or 46b-130, a provision for health
168 coverage of the child as required by section 46b-215, as amended by
169 this act, and reasonable expense of the action under this subsection. If
170 such child is unmarried, a full-time high school student and residing
171 with the custodial parent, such support shall continue according to the
172 parents' respective abilities, if such child is in need of support, until
173 such child completes the twelfth grade, no longer resides with a parent
174 or attains the age of nineteen years, whichever occurs first. Such court
175 or family support magistrate, in IV-D support cases, shall also have the
176 authority to order the acknowledged father who is subject to a plan for
177 reimbursement of past-due support and is not incapacitated, to
178 participate in work activities which may include, but shall not be
179 limited to, job search, training, work experience and participation in
180 the job training and retraining program established by the Labor
181 Commissioner pursuant to section 31-3t. The application, summons
182 and order shall be on forms prescribed by the Office of the Chief Court
183 Administrator. Proceedings to obtain such orders of support shall be

184 commenced by the service of such summons on the acknowledged
185 father. A state marshal or proper officer shall make due return of
186 process to the court not less than twenty-one days before the date
187 assigned for hearing. The prior judgment as to paternity shall be res
188 judicata as to that issue for all paternity acknowledgments filed with
189 the court on or after March 1, 1981, but before July 1, 1997, and shall
190 not be reconsidered by the court unless the person seeking review of
191 the acknowledgment petitions the superior court for the judicial
192 district having venue for a hearing on the issue of paternity within
193 three years of such judgment. In addition to such review, if the
194 acknowledgment of paternity was filed prior to March 1, 1981, the
195 acknowledgment of paternity may be reviewed by denying the
196 allegation of paternity in response to the initial petition for support,
197 whenever it is filed. All such payments shall be made to the petitioner,
198 except that in IV-D support cases, as defined in subsection (b) of
199 section 46b-231, payments shall be made to the state, acting by and
200 through the IV-D agency.

201 Sec. 4. Subdivisions (1) and (2) of subsection (a) of section 46b-215 of
202 the general statutes are repealed and the following is substituted in
203 lieu thereof (*Effective October 1, 2004*):

204 (a) (1) The Superior Court or a family support magistrate shall have
205 authority to make and enforce orders for payment of support against
206 any person who neglects or refuses to furnish necessary support to
207 such person's spouse or a child under the age of eighteen or as
208 otherwise provided in this subsection, according to such person's
209 ability to furnish such support, notwithstanding the provisions of
210 section 46b-37. If such child is unmarried, a full-time high school
211 student and residing with the custodial parent, such support shall
212 continue according to the parents' respective abilities, if such child is in
213 need of support, until such child completes the twelfth grade, no
214 longer resides with a parent or attains the age of nineteen years,
215 whichever occurs first.

216 (2) Any such support order in a IV-D support case shall include a
217 provision for the health care coverage of the child which provision
218 may include an order for either parent to name any child [under
219 eighteen] as a beneficiary of any medical or dental insurance or benefit
220 plan carried by such parent or available to such parent on a group
221 basis through an employer or a union. Any such employment-based
222 order shall be enforced using a National Medical Support Notice as
223 provided in section 46b-88. If such insurance coverage is unavailable at
224 reasonable cost, the provision for health care coverage may include an
225 order for either parent to apply for and maintain coverage on behalf of
226 the child under the HUSKY Plan, Part B. The noncustodial parent shall
227 be ordered to apply for the HUSKY Plan, Part B only if such parent is
228 found to have sufficient ability to pay the appropriate premium. In any
229 IV-D support case in which the noncustodial parent is found to have
230 insufficient ability to provide medical insurance coverage and the
231 custodial party is the HUSKY Plan, Part A or Part B applicant, the
232 provision for health care coverage may include an order for the
233 noncustodial parent to pay such amount as is specified by the court or
234 family support magistrate to the state or the custodial party, as their
235 interests may appear, to offset the cost of any insurance payable under
236 the HUSKY Plan, Part A or Part B. In no event may such order include
237 payment to offset the cost of any such premium if such payment
238 would reduce the amount of current support required under the child
239 support guidelines.

240 Sec. 5. Subsection (a) of section 46b-220 of the general statutes is
241 repealed and the following is substituted in lieu thereof (*Effective*
242 *October 1, 2004*):

243 (a) For the purposes of this section:

244 (1) "Delinquent child support obligor" means an obligor who (A) [an
245 obligor who] owes overdue support, accruing after the entry of a court
246 order, in an amount which exceeds ninety days of periodic payments
247 on a current support or arrearage payment order, ; (B) an obligor

248 who] (B) has failed to make court ordered medical or dental insurance
249 coverage available within ninety days of the issuance of a court order
250 or [who] fails to maintain such coverage pursuant to court order for a
251 period of ninety days, [; or (C) an obligor who] or (C) has failed, after
252 receiving appropriate notice, to comply with subpoenas or warrants
253 relating to paternity or child support proceedings;

254 (2) "License" means each license, certification or permit to engage in
255 a profession or occupation regulated pursuant to the provisions of title
256 19a, 20 or 21, a motor vehicle operator's license or a commercial
257 driver's license issued by the Commissioner of Motor Vehicles in
258 accordance with chapter 246, and [licensees] licenses and permits
259 issued by the Department of Environmental Protection pursuant to
260 part III of chapter 490; [of title 26;]

261 (3) "Licensing authority" means any board, commission, department
262 or official with authority to issue a license;

263 (4) "Obligor" means any person owing a duty of child support;

264 (5) "Obligee" means the person or entity to whom child support
265 payments are owed;

266 (6) "Past-due support" [means any one or a combination of the
267 following: (A) Court ordered current support or arrearage payments
268 which have become due and payable and remain unpaid; (B) unpaid
269 support which has been reduced to a judgment or otherwise found to
270 be due by a court of competent jurisdiction, whether or not presently
271 payable; (C) support due for periods prior to an action to establish a
272 child support order, provided such amounts are based upon the
273 obligor's ability to pay during the prior periods if known or, if not
274 known, on the obligor's current ability to pay if known, or, if not
275 known, upon assistance rendered to the obligor's child;] shall have the
276 same meaning as provided in section 52-362j, as amended; and

277 (7) "Overdue support" [means a delinquency accruing after the

278 entry of an initial court order establishing a child support obligation]
279 shall have the same meaning as provided in section 52-362j, as
280 amended.

281 Sec. 6. Subsection (m) of section 46b-231 of the general statutes is
282 repealed and the following is substituted in lieu thereof (*Effective*
283 *October 1, 2004*):

284 (m) The Chief Family Support Magistrate and the family support
285 magistrates shall have the powers and duties enumerated in this
286 subsection.

287 (1) A family support magistrate in IV-D support cases may compel
288 the attendance of witnesses or the obligor under a summons issued
289 pursuant to sections 17b-745, as amended by this act, 46b-172, as
290 amended by this act, and 46b-215, as amended by this act, or under a
291 subpoena issued pursuant to section 52-143, as amended, or a citation
292 for failure to obey an order of a family support magistrate or a judge of
293 the Superior Court. If a person is served with [a] any such summons,
294 subpoena or citation issued by [the] a family support magistrate or the
295 assistant clerk of the Family Support Magistrate Division and fails to
296 appear, a family support magistrate may issue a capias mittimus
297 directed to [some] a proper officer to arrest the obligor or the witness
298 and bring him before a family support magistrate. Whenever such a
299 capias mittimus is ordered, the family support magistrate shall
300 establish a recognizance to the state of Connecticut in the form of a
301 bond of such character and amount as to assure the appearance of the
302 obligor at the next regular session of the Family Support Magistrate
303 Division in the judicial district in which the matter is pending. If the
304 obligor posts such a bond, and thereafter fails to appear before the
305 family support magistrate at the time and place he is ordered to
306 appear, the family support magistrate may order the bond forfeited,
307 and the proceeds thereof paid to the state in TANF cases or the obligee
308 in non-TANF cases.

309 (2) Family support magistrates shall hear and determine matters

310 involving child and spousal support in IV-D support cases including
311 petitions for support brought pursuant to sections 17b-81, 17b-179, as
312 amended, 17b-745, as amended by this act, and 46b-215, as amended
313 by this act; applications for show cause orders in IV-D support cases
314 brought pursuant to subsection (b) of section 46b-172, as amended by
315 this act, and actions for interstate enforcement of child and spousal
316 support and paternity under sections 46b-212 to 46b-213v, inclusive,
317 and shall hear and determine all motions for modifications of child
318 and spousal support in such cases. In all IV-D support cases, family
319 support magistrates shall have the authority to order any obligor who
320 is subject to a plan for reimbursement of past-due support and is not
321 incapacitated, to participate in work activities which may include, but
322 shall not be limited to, job search, training, work experience and
323 participation in the job training and retraining program established by
324 the Labor Commissioner pursuant to section 31-3t. A family support
325 magistrate shall not modify an order for periodic payment on an
326 arrearage due the state for state assistance which has been
327 discontinued to increase such payments, unless the family support
328 magistrate first determines that the state has made a reasonable effort
329 to notify the current recipient of child support, at the most current
330 address available to the IV-D agency, of the pendency of the motion to
331 increase such periodic arrearage payments and of the time and place of
332 the hearing on such motion. If such recipient appears, either personally
333 or through a representative, at such hearing, the family support
334 magistrate shall determine whether the order in effect for child
335 support is reasonable in relation to the current financial circumstances
336 of the parties, prior to modifying an order increasing such periodic
337 arrearage payments.

338 (3) Family support magistrates shall review and approve or modify
339 all agreements for support in IV-D support cases filed with the Family
340 Support Magistrate Division in accordance with sections 17b-179, as
341 amended, 17b-745, as amended by this act, 46b-172, as amended by
342 this act, 46b-215, as amended by this act, and subsection (c) of section
343 53-304.

344 (4) Motions for modification of existing child and spousal support
345 orders entered by the Superior Court in IV-D support cases, including
346 motions to modify existing child and spousal support orders entered
347 in actions brought pursuant to chapter 815j, shall be brought in the
348 Family Support Magistrate Division and decided by a family support
349 magistrate. Family support magistrates, in deciding if a spousal or
350 child support order should be modified, shall make such
351 determination based upon the criteria set forth in section 46b-84, as
352 amended, and section 46b-215b, as amended. A person who is
353 aggrieved by a decision of a family support magistrate modifying a
354 Superior Court order is entitled to appeal such decision in accordance
355 with the provisions of subsection (n) of this section.

356 (5) Proceedings to establish paternity in IV-D support cases shall be
357 filed in the family support magistrate division for the judicial district
358 where the mother or putative father resides. The matter shall be heard
359 and determined by [the] a family support magistrate in accordance
360 with the provisions of chapter 815y.

361 (6) Agreements for support obtained in IV-D support cases shall be
362 filed with the assistant clerk of the family support magistrate division
363 for the judicial district where the mother or the father of the child
364 resides, pursuant to subsection (b) of section 46b-172, as amended by
365 this act, and shall become effective as an order upon filing with the
366 clerk. Such support agreements shall be reviewed by [the] a family
367 support magistrate who shall approve or disapprove the agreement. If
368 the support agreement filed with the clerk is disapproved by a family
369 support magistrate, such disapproval shall have a retroactive effect.

370 (7) Family support magistrates shall enforce orders for child and
371 spousal support entered by such family support magistrate and by the
372 Superior Court in IV-D support cases by citing an obligor for
373 contempt. Family support magistrates, in IV-D support cases, shall
374 have the authority to order any obligor who is subject to a plan for
375 reimbursement of past-due support and is not incapacitated, to

376 participate in work activities which may include, but shall not be
377 limited to, job search, training, work experience and participation in
378 the job training and retraining program established by the Labor
379 Commissioner pursuant to section 31-3t. Family support magistrates
380 shall also enforce income withholding orders entered pursuant to
381 section 52-362, as amended, including any additional amounts to be
382 applied toward liquidation of any arrearage, as required under
383 subsection (e) of said section. Family support magistrates may require
384 the obligor to furnish recognizance to the state of Connecticut in the
385 form of a cash deposit or bond of such character and in such amount as
386 the Family Support Magistrate Division deems proper to assure
387 appearance at the next regular session of the Family Support
388 Magistrate Division in the judicial district in which the matter is
389 pending. Upon failure of the obligor to post such bond, the family
390 support magistrate may refer the obligor to a community correctional
391 center until he has complied with such order, provided [that] the
392 obligor shall be heard at the next regular session of the Family Support
393 Magistrate Division in the court to which he was summoned. If no
394 regular session is held within seven days of such referral, the family
395 support magistrate shall either cause a special session of the Family
396 Support Magistrate Division to be convened, or the obligor shall be
397 heard by a Superior Court judge in the judicial district in which the
398 matter is pending. If the obligor fails to appear before the family
399 support magistrate at the time and place he is ordered to appear, the
400 family support magistrate may order the bond, if any, forfeited, and
401 the proceeds thereof paid to the state in TANF cases or the obligee in
402 non-TANF cases, as the family support magistrate may determine, and
403 the family support magistrate may issue a *capias mittimus* for the
404 arrest of the obligor, ordering him to appear before the family support
405 magistrate. A family support magistrate may determine whether or
406 not an obligor is in contempt of the order of the Superior Court or of a
407 family support magistrate and may make such orders as are provided
408 by law to enforce a support obligation, except that if the family
409 support magistrate determines that incarceration of an obligor for

410 failure to obey a support order may be indicated, the family support
411 magistrate shall inform the obligor of his right to be represented by an
412 attorney and his right to a court-appointed attorney to represent him if
413 he is indigent. If the obligor claims he is indigent and desires an
414 attorney to represent him, the family support magistrate shall conduct
415 a hearing to determine if the obligor is indigent.]; and if he so finds, he
416 will appoint an attorney to represent him.] If, after such hearing, the
417 family support magistrate finds that the obligor is indigent, the family
418 support magistrate shall appoint an attorney to represent the obligor.

419 (8) Agreements between parties as to custody and visitation of
420 minor children in IV-D support cases may be filed with the assistant
421 clerk of the Family Support Magistrate Division. Such agreements shall
422 be reviewed by a family support magistrate, who shall approve the
423 agreement unless he finds such agreement is not in the best interests of
424 the child. Agreements between parties as to custody and visitation in
425 IV-D support cases shall be enforced in the same manner as
426 agreements for support are enforced, pursuant to subdivision (7) of
427 this subsection.

428 (9) Whenever an obligor is before a family support magistrate in
429 proceedings to establish, modify or enforce a support order in a IV-D
430 support case and such order is not secured by an income withholding
431 order, the family support magistrate may require the obligor to execute
432 a bond or post other security sufficient to perform such order for
433 support, provided the family support magistrate finds that such a
434 bond is available for purchase within the financial means of the
435 obligor. Upon failure of such obligor to comply with such support
436 order, the family support magistrate may order the bond or the
437 security forfeited and the proceeds thereof paid to the state in TANF
438 cases or to the obligee in non-TANF cases.

439 (10) In any proceeding in the Family Support Magistrate Division, if
440 the family support magistrate finds that a party is indigent and unable
441 to pay a fee or fees payable to the court or to pay the cost of service of

442 process, the family support magistrate shall waive such fee or fees and
443 the cost of service of process shall be paid by the state.

444 (11) A family support magistrate may dismiss any action or
445 proceeding which the family support magistrate may hear and
446 determine.

447 (12) A family support magistrate may order parties to participate in
448 the parenting education program in accordance with the provisions of
449 section 46b-69b.

450 (13) Family support magistrates may issue writs of habeas corpus
451 ad testificandum in IV-D support cases for persons in the custody of
452 the Commissioner of Correction.

453 Sec. 7. Subsection (s) of section 46b-231 of the general statutes is
454 repealed and the following is substituted in lieu thereof (*Effective*
455 *October 1, 2004*):

456 (s) Support enforcement officers of Support Enforcement Services of
457 the Superior Court shall:

458 (1) Supervise the payment of any child or spousal support order
459 made by a family support magistrate. Supervision of such orders is
460 defined as the utilization of all procedures available by law to collect
461 child or spousal support, including (A) issuance and implementation
462 of income withholdings ordered by the Superior Court or a family
463 support magistrate pursuant to section 52-362, as amended, (B)
464 issuance of an order requiring any party to appear before a family
465 support magistrate on an action to modify a support order pursuant to
466 subdivision (4) of this subsection, (C) issuance of a capias mittimus
467 directed to a proper officer to arrest an obligor or witness and bring
468 such obligor or witness before a family support magistrate if such
469 obligor or witness is served with a summons, subpoena, citation or
470 order to appear issued by a family support magistrate, the assistant
471 clerk of the Family Support Magistrate Division or a support

472 enforcement officer and fails to appear, and (D) if necessary, bringing
473 an application for contempt to a family support magistrate and, in
474 connection with such application, issuing an order requiring the
475 obligor to appear before a family support magistrate to show cause
476 why such obligor should not be held in contempt for failure to pay an
477 order for child or spousal support entered by the Superior Court or a
478 family support magistrate;

479 (2) In non-TANF cases, have the authority to bring petitions for
480 support orders pursuant to section 46b-215, as amended by this act, file
481 agreements for support with the assistant clerk of the Family Support
482 Magistrate Division, and bring applications for show cause orders
483 pursuant to section 46b-172, as amended by this act, and in IV-D
484 support cases and cases under sections 46b-212 to 46b-213v, inclusive,
485 enforce foreign support orders registered with the Family Support
486 Magistrate Division pursuant to sections 46b-213f to 46b-213i,
487 inclusive, and file agreements for support with the assistant clerk of
488 the Family Support Magistrate Division;

489 (3) In connection with any order or agreement entered by, or filed
490 with, the Family Support Magistrate Division, or any order entered by
491 the Superior Court in a IV-D support case, upon order, investigate the
492 financial situation of the parties and report findings to the family
493 support magistrate regarding: (A) Any pending motion to modify such
494 order or agreement; [] or (B) any request or application for
495 modification of such order or agreement made by an obligee;

496 (4) [In non-TANF IV-D cases, review] Review child support orders
497 (A) in non-TANF IV-D support cases (i) at the request of either parent
498 or custodial party subject to a support order, or (ii) upon receipt of
499 information indicating a substantial change in circumstances of any
500 party to the support order, (B) in TANF cases, [review child support
501 orders] at the request of the Bureau of Child Support Enforcement, or
502 (C) as necessary to comply with federal requirements for the child
503 support enforcement program mandated by Title IV-D of the Social

504 Security Act, and initiate an action before a family support magistrate
 505 to modify such support order if it is determined upon such review that
 506 the order substantially deviates from the child support guidelines
 507 established pursuant to section 46b-215a or 46b-215b, as amended.
 508 [The] A requesting party under subparagraph (A)(i) or (B) of this
 509 subdivision shall have a right to such review every three years without
 510 proving a substantial change in circumstances, [;] but more frequent
 511 reviews shall be made only if [the] such requesting party demonstrates
 512 a substantial change in circumstances. There shall be a rebuttable
 513 presumption that any deviation of less than fifteen per cent from the
 514 child support guidelines is not substantial and any deviation of fifteen
 515 per cent or more from the guidelines is substantial. Modification may
 516 be made of such support order without regard to whether the order
 517 was issued before, on or after May 9, 1991. In determining whether to
 518 modify a child support order based on a substantial deviation from
 519 such child support guidelines, consideration shall be given to the
 520 division of real and personal property between the parties set forth in
 521 any final decree entered pursuant to chapter 815j and the benefits
 522 accruing to the child as the result of such division. No order for
 523 periodic payment of support may be subject to retroactive
 524 modification, except that the family support magistrate may order
 525 modification with respect to any period during which there is a
 526 pending motion for modification of a support order from the date of
 527 service of notice of such pending motion to the opposing party
 528 pursuant to section 52-50.

529 Sec. 8. (NEW) (*Effective from passage*) Whenever the Probate Court, in
 530 a guardianship matter under chapter 802h of the general statutes, or
 531 the Superior Court, in a juvenile matter under chapter 815t of the
 532 general statutes, orders a change or transfer of the guardianship or
 533 custody of a child who is the subject of a preexisting support order,
 534 and the court makes no finding with respect to such support order,
 535 such guardianship or custody order shall operate to: (1) Suspend the
 536 support order if guardianship or custody is transferred to the obligor
 537 under the support order; or (2) modify the payee of the support order

538 to be the person or entity awarded guardianship or custody of the
539 child by the court, if such person or entity is other than the obligor
540 under the support order.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>
Sec. 6	<i>October 1, 2004</i>
Sec. 7	<i>October 1, 2004</i>
Sec. 8	<i>from passage</i>

Statement of Purpose:

To improve the processing of Title IV-D child support enforcement cases by authorizing family support magistrates to issue certain writs of habeas corpus, by authorizing support enforcement officers to initiate support order modifications in nonassistance cases upon receipt of information indicating a substantial change in circumstances and to sign capias mittimus orders when an obligor fails to appear in court after being properly ordered to do so, by extending the obligation of support for children up to age nineteen, if in school and living with a parent, to nondissolution support cases, and by authorizing the automatic suspension or modification of a child support order where custody or guardianship of the child has been changed by order of the Probate Court or the Superior Court in a guardianship or juvenile matter.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]