



General Assembly

**Substitute Bill No. 596**

February Session, 2004

\* SB00596JUD 031804 \*

**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3 278, are repealed and the following is substituted in lieu thereof  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 or attains the age of nineteen, whichever  
23 first occurs. Any court or family support magistrate called upon to  
24 make or enforce such an order, including one based upon a  
25 determination consented to by the relative, shall insure that such order  
26 is reasonable in light of the relative's ability to pay.

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

52 (B) Whenever an order of the Superior Court or family support  
53 magistrate is issued against a parent to cover the cost of such medical

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

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

69 (a) (1) If the defendant is found to be the father of the child, the  
70 court or family support magistrate shall order the defendant to stand  
71 charged with the support and maintenance of such child, with the  
72 assistance of the mother if such mother is financially able, as [said] the  
73 court or family support magistrate finds, in accordance with the  
74 provisions of subsection (b) of section 17b-179, or section 17a-90,  
75 17b-81, 17b-223, 17b-745, as amended by this act, [subsection (b) of  
76 section 17b-179, section 17a-90,] 46b-129, as amended, 46b-130 or 46b-  
77 215, as amended by this act, to be reasonably commensurate with the  
78 financial ability of the defendant, and to pay a certain sum periodically  
79 until the child attains the age of eighteen years or as otherwise  
80 provided in this subsection. If such child is unmarried, a full-time high  
81 school student and residing with the custodial parent, such support  
82 shall continue according to the parents' respective abilities, if such  
83 child is in need of support, until such child completes the twelfth  
84 grade or attains the age of nineteen, whichever first occurs. The court  
85 or family support magistrate shall order the defendant to pay such  
86 sum to the complainant, or, if a town or the state has paid such  
87 expense, to the town or the state, as the case may be, and shall grant

88 execution for the same and costs of suit taxed as in other civil actions,  
89 together with a reasonable attorney's fee; and may require the  
90 defendant to become bound with sufficient surety to perform such  
91 orders for support and maintenance.

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

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

120 (b) An agreement to support the child by payment of a periodic sum

121 until the child attains the age of eighteen years or as otherwise  
122 provided in this subsection, together with provisions for  
123 reimbursement for past due support based upon ability to pay in  
124 accordance with the provisions of subsection (b) of section 17b-179, or  
125 section 17a-90, 17b-81, 17b-223, [subsection (b) of section 17b-179,  
126 section 17a-90,] 46b-129, as amended, or 46b-130, and reasonable  
127 expense of prosecution of the petition, when filed with [,] and  
128 approved by a judge of [said court] the Superior Court, or in IV-D  
129 support cases and matters brought under sections 46b-212 to 46b-213v,  
130 inclusive, a family support magistrate at any time, shall have the same  
131 force and effect, retroactively or prospectively in accordance with the  
132 terms of said agreement, as an order of support entered by [that] the  
133 court, and shall be enforceable and subject to modification in the same  
134 manner as is provided by law for orders of the court in such cases. If  
135 such child is unmarried, a full-time high school student and residing  
136 with the custodial parent, such support shall continue according to the  
137 parents' respective abilities, if such child is in need of support, until  
138 such child completes the twelfth grade or attains the age of nineteen,  
139 whichever first occurs. Past due support in such cases shall be limited  
140 to the three years next preceding the date of the filing of such  
141 agreements to support. Payments under such agreement shall be made  
142 to the petitioner, except that in IV-D support cases, as defined in  
143 subsection (b) of section 46b-231, payments shall be made to the  
144 Bureau of Child Support Enforcement or its designated agency. Such  
145 written agreements to support shall be on forms prescribed by the  
146 Office of the Chief Court Administrator and shall be sworn to, and  
147 shall be binding on the person executing the same whether he is an  
148 adult or a minor.

149 (c) At any time after the signing of any acknowledgment of  
150 paternity, upon the application of any interested party, the court or  
151 any judge thereof or any family support magistrate in IV-D support  
152 cases and in matters brought under sections 46b-212 to 46b-213v,  
153 inclusive, shall cause a summons, signed by such judge or family  
154 support magistrate, by the clerk of [said] the court or by a

155 commissioner of the Superior Court, to be issued, requiring the  
156 acknowledged father to appear in court at a time and place as  
157 determined by the clerk but not more than ninety days after the  
158 issuance of the summons, to show cause why the court or the family  
159 support magistrate assigned to the judicial district in IV-D support  
160 cases should not enter judgment for support of the child by payment of  
161 a periodic sum until the child attains the age of eighteen years or as  
162 otherwise provided in this subsection, together with provision for  
163 reimbursement for past due support based upon ability to pay in  
164 accordance with the provisions of subsection (b) of section 17b-179, or  
165 section 17a-90, 17b-81, 17b-223, [subsection (b) of section 17b-179,  
166 section 17a-90,] 46b-129, as amended, or 46b-130, a provision for health  
167 coverage of the child as required by section 46b-215, as amended by  
168 this act, and reasonable expense of the action under this subsection. If  
169 such child is unmarried, a full-time high school student and residing  
170 with the custodial parent, such support shall continue according to the  
171 parents' respective abilities, if such child is in need of support, until  
172 such child completes the twelfth grade or attains the age of nineteen,  
173 whichever first occurs. Such court or family support magistrate, in IV-  
174 D support cases, shall also have the authority to order the  
175 acknowledged father who is subject to a plan for reimbursement of  
176 past-due support and is not incapacitated, to participate in work  
177 activities which may include, but shall not be limited to, job search,  
178 training, work experience and participation in the job training and  
179 retraining program established by the Labor Commissioner pursuant  
180 to section 31-3t. The application, summons and order shall be on forms  
181 prescribed by the Office of the Chief Court Administrator. Proceedings  
182 to obtain such orders of support shall be commenced by the service of  
183 such summons on the acknowledged father. A state marshal or proper  
184 officer shall make due return of process to the court not less than  
185 twenty-one days before the date assigned for hearing. The prior  
186 judgment as to paternity shall be res judicata as to that issue for all  
187 paternity acknowledgments filed with the court on or after March 1,  
188 1981, but before July 1, 1997, and shall not be reconsidered by the court  
189 unless the person seeking review of the acknowledgment petitions the

190 superior court for the judicial district having venue for a hearing on  
191 the issue of paternity within three years of such judgment. In addition  
192 to such review, if the acknowledgment of paternity was filed prior to  
193 March 1, 1981, the acknowledgment of paternity may be reviewed by  
194 denying the allegation of paternity in response to the initial petition for  
195 support, whenever it is filed. All such payments shall be made to the  
196 petitioner, except that in IV-D support cases, as defined in subsection  
197 (b) of section 46b-231, payments shall be made to the state, acting by  
198 and through the IV-D agency.

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

202 (a) (1) The Superior Court or a family support magistrate shall have  
203 authority to make and enforce orders for payment of support against  
204 any person who neglects or refuses to furnish necessary support to  
205 such person's spouse or a child under the age of eighteen or as  
206 otherwise provided in this subsection, according to such person's  
207 ability to furnish such support, notwithstanding the provisions of  
208 section 46b-37. If such child is unmarried, a full-time high school  
209 student and residing with the custodial parent, such support shall  
210 continue according to the parents' respective abilities, if such child is in  
211 need of support, until such child completes the twelfth grade or attains  
212 the age of nineteen, whichever first occurs.

213 (2) Any such support order in a IV-D support case shall include a  
214 provision for the health care coverage of the child which provision  
215 may include an order for either parent to name any child [under  
216 eighteen] as a beneficiary of any medical or dental insurance or benefit  
217 plan carried by such parent or available to such parent on a group  
218 basis through an employer or a union. Any such employment-based  
219 order shall be enforced using a National Medical Support Notice as  
220 provided in section 46b-88. If such insurance coverage is unavailable at  
221 reasonable cost, the provision for health care coverage may include an  
222 order for either parent to apply for and maintain coverage on behalf of

223 the child under the HUSKY Plan, Part B. The noncustodial parent shall  
224 be ordered to apply for the HUSKY Plan, Part B only if such parent is  
225 found to have sufficient ability to pay the appropriate premium. In any  
226 IV-D support case in which the noncustodial parent is found to have  
227 insufficient ability to provide medical insurance coverage and the  
228 custodial party is the HUSKY Plan, Part A or Part B applicant, the  
229 provision for health care coverage may include an order for the  
230 noncustodial parent to pay such amount as is specified by the court or  
231 family support magistrate to the state or the custodial party, as their  
232 interests may appear, to offset the cost of any insurance payable under  
233 the HUSKY Plan, Part A or Part B. In no event may such order include  
234 payment to offset the cost of any such premium if such payment  
235 would reduce the amount of current support required under the child  
236 support guidelines.

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

240 (a) For the purposes of this section:

241 (1) "Delinquent child support obligor" means an obligor who (A) [an  
242 obligor who] owes overdue support, accruing after the entry of a court  
243 order, in an amount which exceeds ninety days of periodic payments  
244 on a current support or arrearage payment order, [; (B) an obligor  
245 who] (B) has failed to make court ordered medical or dental insurance  
246 coverage available within ninety days of the issuance of a court order  
247 or [who] fails to maintain such coverage pursuant to court order for a  
248 period of ninety days, [; or (C) an obligor who] or (C) has failed, after  
249 receiving appropriate notice, to comply with subpoenas or warrants  
250 relating to paternity or child support proceedings;

251 (2) "License" means each license, certification or permit to engage in  
252 a profession or occupation regulated pursuant to the provisions of title  
253 19a, 20 or 21, a motor vehicle operator's license or a commercial  
254 driver's license issued by the Commissioner of Motor Vehicles in

255 accordance with chapter 246, and [licensees] licenses and permits  
256 issued by the Department of Environmental Protection pursuant to  
257 part III of chapter 490; [of title 26;]

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

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

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

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

274 (7) "Overdue support" [means a delinquency accruing after the  
275 entry of an initial court order establishing a child support obligation]  
276 shall have the same meaning as provided in section 52-362j, as  
277 amended.

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

281 (m) The Chief Family Support Magistrate and the family support  
282 magistrates shall have the powers and duties enumerated in this  
283 subsection.

284 (1) A family support magistrate in IV-D support cases may compel

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

306 (2) Family support magistrates shall hear and determine matters  
307 involving child and spousal support in IV-D support cases including  
308 petitions for support brought pursuant to sections 17b-81, 17b-179, as  
309 amended, 17b-745, as amended by this act, and 46b-215, as amended  
310 by this act; applications for show cause orders in IV-D support cases  
311 brought pursuant to subsection (b) of section 46b-172, as amended by  
312 this act, and actions for interstate enforcement of child and spousal  
313 support and paternity under sections 46b-212 to 46b-213v, inclusive,  
314 and shall hear and determine all motions for modifications of child  
315 and spousal support in such cases. In all IV-D support cases, family  
316 support magistrates shall have the authority to order any obligor who  
317 is subject to a plan for reimbursement of past-due support and is not  
318 incapacitated, to participate in work activities which may include, but

319 shall not be limited to, job search, training, work experience and  
320 participation in the job training and retraining program established by  
321 the Labor Commissioner pursuant to section 31-3t. A family support  
322 magistrate shall not modify an order for periodic payment on an  
323 arrearage due the state for state assistance which has been  
324 discontinued to increase such payments, unless the family support  
325 magistrate first determines that the state has made a reasonable effort  
326 to notify the current recipient of child support, at the most current  
327 address available to the IV-D agency, of the pendency of the motion to  
328 increase such periodic arrearage payments and of the time and place of  
329 the hearing on such motion. If such recipient appears, either personally  
330 or through a representative, at such hearing, the family support  
331 magistrate shall determine whether the order in effect for child  
332 support is reasonable in relation to the current financial circumstances  
333 of the parties, prior to modifying an order increasing such periodic  
334 arrearage payments.

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

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

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

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

367 (7) Family support magistrates shall enforce orders for child and  
368 spousal support entered by such family support magistrate and by the  
369 Superior Court in IV-D support cases by citing an obligor for  
370 contempt. Family support magistrates, in IV-D support cases, shall  
371 have the authority to order any obligor who is subject to a plan for  
372 reimbursement of past-due support and is not incapacitated, to  
373 participate in work activities which may include, but shall not be  
374 limited to, job search, training, work experience and participation in  
375 the job training and retraining program established by the Labor  
376 Commissioner pursuant to section 31-3t. Family support magistrates  
377 shall also enforce income withholding orders entered pursuant to  
378 section 52-362, as amended, including any additional amounts to be  
379 applied toward liquidation of any arrearage, as required under  
380 subsection (e) of said section. Family support magistrates may require  
381 the obligor to furnish recognizance to the state of Connecticut in the  
382 form of a cash deposit or bond of such character and in such amount as  
383 the Family Support Magistrate Division deems proper to assure  
384 appearance at the next regular session of the Family Support  
385 Magistrate Division in the judicial district in which the matter is  
386 pending. Upon failure of the obligor to post such bond, the family

387 support magistrate may refer the obligor to a community correctional  
388 center until he has complied with such order, provided [that] the  
389 obligor shall be heard at the next regular session of the Family Support  
390 Magistrate Division in the court to which he was summoned. If no  
391 regular session is held within seven days of such referral, the family  
392 support magistrate shall either cause a special session of the Family  
393 Support Magistrate Division to be convened, or the obligor shall be  
394 heard by a Superior Court judge in the judicial district in which the  
395 matter is pending. If the obligor fails to appear before the family  
396 support magistrate at the time and place he is ordered to appear, the  
397 family support magistrate may order the bond, if any, forfeited, and  
398 the proceeds thereof paid to the state in TANF cases or the obligee in  
399 non-TANF cases, as the family support magistrate may determine, and  
400 the family support magistrate may issue a *causas mittimus* for the  
401 arrest of the obligor, ordering him to appear before the family support  
402 magistrate. A family support magistrate may determine whether or  
403 not an obligor is in contempt of the order of the Superior Court or of a  
404 family support magistrate and may make such orders as are provided  
405 by law to enforce a support obligation, except that if the family  
406 support magistrate determines that incarceration of an obligor for  
407 failure to obey a support order may be indicated, the family support  
408 magistrate shall inform the obligor of his right to be represented by an  
409 attorney and his right to a court-appointed attorney to represent him if  
410 he is indigent. If the obligor claims he is indigent and desires an  
411 attorney to represent him, the family support magistrate shall conduct  
412 a hearing to determine if the obligor is indigent. [; and if he so finds, he  
413 will appoint an attorney to represent him.] If, after such hearing, the  
414 family support magistrate finds that the obligor is indigent, the family  
415 support magistrate shall appoint an attorney to represent the obligor.

416 (8) Agreements between parties as to custody and visitation of  
417 minor children in IV-D support cases may be filed with the assistant  
418 clerk of the Family Support Magistrate Division. Such agreements shall  
419 be reviewed by a family support magistrate, who shall approve the  
420 agreement unless he finds such agreement is not in the best interests of

421 the child. Agreements between parties as to custody and visitation in  
422 IV-D support cases shall be enforced in the same manner as  
423 agreements for support are enforced, pursuant to subdivision (7) of  
424 this subsection.

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

436 (10) In any proceeding in the Family Support Magistrate Division, if  
437 the family support magistrate finds that a party is indigent and unable  
438 to pay a fee or fees payable to the court or to pay the cost of service of  
439 process, the family support magistrate shall waive such fee or fees and  
440 the cost of service of process shall be paid by the state.

441 (11) A family support magistrate may dismiss any action or  
442 proceeding which the family support magistrate may hear and  
443 determine.

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

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

450 Sec. 7. Subsection (s) of section 46b-231 of the general statutes is  
451 repealed and the following is substituted in lieu thereof (*Effective*

452 October 1, 2004):

453 (s) Support enforcement officers of Support Enforcement Services of  
454 the Superior Court shall:

455 (1) Supervise the payment of any child or spousal support order  
456 made by a family support magistrate. Supervision of such orders is  
457 defined as the utilization of all procedures available by law to collect  
458 child or spousal support, including (A) issuance and implementation  
459 of income withholdings ordered by the Superior Court or a family  
460 support magistrate pursuant to section 52-362, as amended, (B)  
461 issuance of an order requiring any party to appear before a family  
462 support magistrate on an action to modify a support order pursuant to  
463 subdivision (4) of this subsection, (C) issuance of a *capias mittimus*  
464 directed to a proper officer to arrest an obligor or witness and bring  
465 such obligor or witness before a family support magistrate if such  
466 obligor or witness is served with a summons, subpoena, citation or  
467 order to appear issued by a family support magistrate, the assistant  
468 clerk of the Family Support Magistrate Division or a support  
469 enforcement officer and fails to appear, and (D) if necessary, bringing  
470 an application for contempt to a family support magistrate and, in  
471 connection with such application, issuing an order requiring the  
472 obligor to appear before a family support magistrate to show cause  
473 why such obligor should not be held in contempt for failure to pay an  
474 order for child or spousal support entered by the Superior Court or a  
475 family support magistrate;

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

485 the Family Support Magistrate Division;

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

493 (4) [In non-TANF IV-D cases, review] Review child support orders  
494 (A) in non-TANF IV-D support cases (i) at the request of either parent  
495 or custodial party subject to a support order, or (ii) upon receipt of  
496 information indicating a substantial change in circumstances of any  
497 party to the support order, (B) in TANF cases, [review child support  
498 orders] at the request of the Bureau of Child Support Enforcement, or  
499 (C) as necessary to comply with federal requirements for the child  
500 support enforcement program mandated by Title IV-D of the Social  
501 Security Act, and initiate an action before a family support magistrate  
502 to modify such support order if it is determined upon such review that  
503 the order substantially deviates from the child support guidelines  
504 established pursuant to section 46b-215a or 46b-215b, as amended.  
505 [The] A requesting party under subparagraph (A)(i) or (B) of this  
506 subdivision shall have a right to such review every three years without  
507 proving a substantial change in circumstances, [ ] but more frequent  
508 reviews shall be made only if [the] such requesting party demonstrates  
509 a substantial change in circumstances. There shall be a rebuttable  
510 presumption that any deviation of less than fifteen per cent from the  
511 child support guidelines is not substantial and any deviation of fifteen  
512 per cent or more from the guidelines is substantial. Modification may  
513 be made of such support order without regard to whether the order  
514 was issued before, on or after May 9, 1991. In determining whether to  
515 modify a child support order based on a substantial deviation from  
516 such child support guidelines, consideration shall be given to the  
517 division of real and personal property between the parties set forth in  
518 any final decree entered pursuant to chapter 815j and the benefits

519 accruing to the child as the result of such division. No order for  
520 periodic payment of support may be subject to retroactive  
521 modification, except that the family support magistrate may order  
522 modification with respect to any period during which there is a  
523 pending motion for modification of a support order from the date of  
524 service of notice of such pending motion to the opposing party  
525 pursuant to section 52-50.

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

**JUD**      *Joint Favorable Subst.*