



General Assembly

January Session, 2005

**Raised Bill No. 1327**

LCO No. 4671

\* SB01327BA 051105 \*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING CHANGES TO CHILD SUPPORT STATUTES.***

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

1 Section 1. Subsection (j) of section 17b-179 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (j) (1) The Commissioner of Social Services is authorized to accept  
5 for deposit in the General Fund all allotments of federal funds, and to  
6 conform to federal requirements necessary for the receipt of federal  
7 matching grants and not prohibited by the general statutes, including,  
8 but not limited to, the distribution of collected support and the  
9 operation of an automated centralized collection and disbursement  
10 unit, which shall be known as the "State Disbursement Unit".

11 (2) The Commissioner of Social Services is authorized to implement  
12 electronic funds transfer for all support payments processed through  
13 the State Disbursement Unit. The commissioner is authorized to  
14 establish a debit account at a financial institution for any recipient of  
15 support payments, whose support payments are processed through  
16 the State Disbursement Unit, who does not establish and designate an

17 account for the receipt of such payments by electronic funds transfer.  
18 Deposits to such account shall be limited to such support payments  
19 and accessible solely by means of a debit card. Such debit card may be  
20 used to make purchases at participating retail outlets and obtain cash  
21 at automated teller machines. Any fees incurred for the use of such  
22 debit card shall be the sole responsibility of the recipient of support  
23 payments for whom such account was established.

24 Sec. 2. Subdivision (2) of subsection (a) of section 17b-745 of the  
25 general statutes is repealed and the following is substituted in lieu  
26 thereof (*Effective from passage*):

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 as a beneficiary of any medical or dental  
31 insurance or benefit plan carried by such parent or available to such  
32 parent on a group basis through an employer or a union. Any such  
33 employment-based order shall be enforced using a National Medical  
34 Support Notice as provided in section 46b-88. If such insurance  
35 coverage is unavailable at reasonable cost, the provision for health care  
36 coverage may include an order for either parent to apply for and  
37 maintain coverage on behalf of the child under the HUSKY Plan, Part  
38 B. The noncustodial parent shall be ordered to apply for the HUSKY  
39 Plan, Part B only if such parent is found to have sufficient ability to  
40 pay the appropriate premium. In any IV-D support case in which the  
41 noncustodial parent is found to have insufficient ability to provide  
42 medical insurance coverage and the custodial party is the HUSKY  
43 Plan, Part A or Part B applicant, the provision for health care coverage  
44 may include an order for the noncustodial parent to pay such amount  
45 as is specified by the court or family support magistrate to the state or  
46 the custodial party, as their interests may appear, to offset the cost of  
47 any insurance payable under the HUSKY Plan, Part A or Part B, unless  
48 the noncustodial parent is a low-income obligor, as defined in the child  
49 support guidelines established pursuant to section 46b-215a. [In no

50 event may such order include payment to offset the cost of any such  
51 premium if such payment would reduce the amount of current  
52 support required under the child 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 extent  
63 necessary to reimburse the Department of Social Services for  
64 expenditures for such costs under the Medicaid program, [ However,]  
65 except that any claims for current or [past due] past-due child support  
66 shall take priority over any such claims for the costs of such services.

67 Sec. 3. Subdivision (5) of subsection (a) of section 17b-745 of the  
68 general statutes is repealed and the following is substituted in lieu  
69 thereof (*Effective October 1, 2005*):

70 (5) (A) [Said] The court or family support magistrate shall also have  
71 authority to make and enforce orders for the payment by any person  
72 named herein of [unpaid support contributions] past-due support for  
73 which any such person is liable in accordance with the provisions of  
74 subsection (b) of section 17b-179, or section 17a-90, 17b-81, 17b-223,  
75 46b-129 or 46b-130 or, in IV-D cases, to order such person, provided  
76 such person is not incapacitated, to participate in work activities which  
77 may include, but shall not be limited to, job search, training, work  
78 experience and participation in the job training and retraining program  
79 established by the Labor Commissioner pursuant to section 31-3t. The  
80 father's liability for past-due support of a child born out of wedlock  
81 shall be limited to the three years next preceding either the execution

82 of an acknowledgement of paternity in accordance with section 46b-  
83 172, as amended by this act, or the filing of a paternity petition under  
84 section 46b-160 or 46b-162, whichever applies. Each order in a IV-D  
85 case for periodic payment of such past-due support shall provide,  
86 except when the noncustodial parent is a low-income obligor, as  
87 defined in the child support guidelines established pursuant to section  
88 46b-215a, or for cause or pursuant to an agreement by the parties, that  
89 upon termination of current child support payments the past-due  
90 support payment shall equal: (i) Fifty per cent of the current child  
91 support that was payable immediately prior to such termination, if any  
92 payment is due to the custodial party; or (ii) twenty per cent of the  
93 current child support that was payable immediately prior to such  
94 termination, if payment is due only to the state.

95 (B) In the determination of child support due based on neglect or  
96 refusal to furnish support prior to the action, the support due for  
97 periods of time prior to the action shall be based upon the obligor's  
98 ability to pay during such prior periods, as determined in accordance  
99 with the child support [and arrearage] guidelines established pursuant  
100 to section 46b-215a. The state shall disclose to the court any  
101 information in its possession concerning current and past ability to  
102 pay. If no information is available to the court concerning past ability  
103 to pay, the court may determine the support due for periods of time  
104 prior to the action as if past ability to pay is equal to current ability to  
105 pay, if current ability is known. If current ability to pay is not known,  
106 the court shall determine the past ability to pay based on the obligor's  
107 work history if known, or if not known, on the state minimum wage  
108 that was in effect during such periods, provided only actual earnings  
109 shall be used to determine ability to pay for past periods during which  
110 the obligor was a full-time high school student or was incarcerated,  
111 institutionalized or incapacitated.

112 (C) Any finding of support due for periods of time prior to an action  
113 in which the obligor failed to appear shall be entered subject to  
114 adjustment. Such adjustment may be made upon motion of any party,

115 and the state in IV-D cases shall make such motion if it obtains  
116 information that would have substantially affected the court's  
117 determination of past ability to pay if such information had been  
118 available to the court. Motion for adjustment under this subparagraph  
119 may be made not later than twelve months from the date upon which  
120 the obligor receives notification of (i) the amount of such finding of  
121 support due for periods of time prior to the action, and (ii) the right  
122 not later than twelve months from the date of receipt of such  
123 notification to present evidence as to such obligor's past ability to pay  
124 support for such periods of time prior to the action. A copy of any  
125 support order entered, subject to adjustment, that is provided to each  
126 party under subsection (c) of this section [,] shall state in plain  
127 language the basis for the court's determination of past support, the  
128 right to request an adjustment and to present information concerning  
129 the obligor's past ability to pay, and the consequences of a failure to  
130 request such adjustment.

131 Sec. 4. Subsection (f) of section 46b-84 of the general statutes is  
132 repealed and the following is substituted in lieu thereof (*Effective from*  
133 *passage*):

134 (f) After the granting of a decree annulling or dissolving the  
135 marriage or ordering a legal separation, and upon complaint or motion  
136 with order and summons made to the Superior Court by either parent  
137 or by the Commissioner of Administrative Services in any case arising  
138 under subsection (a) or (b) of this section, the court shall inquire into  
139 the child's need of maintenance and the respective abilities of the  
140 parents to supply maintenance. The court shall make and enforce the  
141 decree for the maintenance of the child as it considers just, and may  
142 direct security to be given therefor, including an order to either party  
143 to contract with a third party for periodic payments or payments  
144 contingent on a life to the other party. The court may order that a party  
145 obtain life insurance as such security unless such party proves, by a  
146 preponderance of the evidence, that such insurance is not available to  
147 such party, such party is unable to pay the cost of such insurance or

148 such party is uninsurable. The court shall include in each support  
149 order a provision for the health care coverage of the child which  
150 provision may include an order for either parent to name any child  
151 who is subject to the provisions of subsection (a) or (b) of this section  
152 as a beneficiary of any medical or dental insurance or benefit plan  
153 carried by such parent or available to such parent on a group basis  
154 through an employer or a union. Any such employment-based order in  
155 a IV-D support case shall be enforced using a National Medical  
156 Support Notice as provided in section 46b-88. If such insurance  
157 coverage is unavailable at reasonable cost, the provision for health care  
158 coverage may include an order for either parent to apply for and  
159 maintain coverage on behalf of the child under the HUSKY Plan, Part  
160 B. The noncustodial parent shall be ordered to apply for the HUSKY  
161 Plan, Part B only if such parent is found to have sufficient ability to  
162 pay the appropriate premium. In any IV-D support case in which the  
163 noncustodial parent is found to have insufficient ability to provide  
164 medical insurance coverage and the custodial party is the HUSKY  
165 Plan, Part A or Part B applicant, the provision for health care coverage  
166 may include an order for the noncustodial parent to pay such amount  
167 as is specified by the court or family support magistrate to the state or  
168 the custodial party, as their interests may appear, to offset the cost of  
169 any insurance payable under the HUSKY Plan, Part A or Part B, unless  
170 the noncustodial parent is a low-income obligor, as defined in the child  
171 support guidelines established pursuant to section 46b-215a. [In no  
172 event may such order include payment to offset the cost of any such  
173 premium if such payment would reduce the amount of current  
174 support required under the child support guidelines.]

175 Sec. 5. Subsection (g) of section 46b-84 of the general statutes is  
176 repealed and the following is substituted in lieu thereof (*Effective*  
177 *October 1, 2005*):

178 (g) Whenever an obligor is before the court in proceedings to  
179 establish, modify or enforce a support order, and such order is not  
180 secured by an income withholding order, the court may require the

181 obligor to execute a bond or post other security sufficient to perform  
182 such order for support, provided the court finds that such a bond is  
183 available for purchase within the financial means of the obligor. Upon  
184 failure of such obligor to comply with such support order, the court  
185 may order the bond or the security forfeited and the proceeds thereof  
186 paid to the state in TANF cases or to the obligee in non-TANF cases. In  
187 any IV-D case in which the obligor is found by the court to owe past-  
188 due support, the court may issue an order for the periodic payment of  
189 such support or, if such obligor is not incapacitated, order such obligor  
190 to participate in work activities which may include, but shall not be  
191 limited to, job search, training, work experience and participation in  
192 the job training and retraining program established by the Labor  
193 Commissioner pursuant to section 31-3t. Each order in a IV-D case for  
194 periodic payment of any past-due support shall provide, except when  
195 the noncustodial parent is a low-income obligor, as defined in the child  
196 support guidelines established pursuant to section 46b-215a, or for  
197 cause or pursuant to an agreement by the parties, that upon  
198 termination of the current child support or maintenance payments, the  
199 past-due support payment shall equal: (1) Fifty per cent of the current  
200 child support that was payable immediately prior to such termination,  
201 if any payment is due to the custodial party; or (2) twenty per cent of  
202 the current child support that was payable immediately prior to such  
203 termination, if payment is due only to the state.

204 Sec. 6. Subdivision (2) of subsection (a) of section 46b-171 of the  
205 general statutes is repealed and the following is substituted in lieu  
206 thereof (*Effective from passage*):

207 (2) In addition, the court or family support magistrate shall include  
208 in each support order in a IV-D support case a provision for the health  
209 care coverage of the child which provision may include an order for  
210 either parent to name any child as a beneficiary of any medical or  
211 dental insurance or benefit plan carried by such parent or available to  
212 such parent on a group basis through an employer or union. Any such  
213 employment-based order shall be enforced using a National Medical

214 Support Notice as provided in section 46b-88. If such insurance  
215 coverage is unavailable at reasonable cost, the provision for health care  
216 coverage may include an order for either parent to apply for and  
217 maintain coverage on behalf of the child under the HUSKY Plan, Part  
218 B. The noncustodial parent shall be ordered to apply for the HUSKY  
219 Plan, Part B only if such parent is found to have sufficient ability to  
220 pay the appropriate premium. In any IV-D support case in which the  
221 noncustodial parent is found to have insufficient ability to provide  
222 medical insurance coverage and the custodial party is the HUSKY  
223 Plan, Part A or Part B applicant, the provision for health care coverage  
224 may include an order for the noncustodial parent to pay such amount  
225 as is specified by the court or family support magistrate to the state or  
226 the custodial party, as their interests may appear, to offset the cost of  
227 any insurance payable under the HUSKY Plan, Part A or Part B, unless  
228 the noncustodial parent is a low-income obligor, as defined in the child  
229 support guidelines established pursuant to section 46b-215a. [In no  
230 event may such order include payment to offset the cost of any such  
231 premium if such payment would reduce the amount of current  
232 support required under the child support guidelines.]

233 Sec. 7. Subdivision (3) of subsection (a) of section 46b-171 of the  
234 general statutes is repealed and the following is substituted in lieu  
235 thereof (*Effective October 1, 2005*):

236 (3) The court or family support magistrate shall also have authority  
237 to make and enforce orders for the payment by any person named  
238 herein of [unpaid support contributions] past-due support for which  
239 the defendant is liable in accordance with the provisions of section  
240 17b-81, 17b-223, subsection (b) of section 17b-179, section 17a-90, 46b-  
241 129 or 46b-130 and, in IV-D cases, to order such person, provided such  
242 person is not incapacitated, to participate in work activities which may  
243 include, but shall not be limited to, job search, training, work  
244 experience and participation in the job training and retraining program  
245 established by the Labor Commissioner pursuant to section 31-3t. The  
246 defendant's liability for past-due support under this subdivision shall

247 be limited to the three years next preceding the filing of the petition.  
248 Each order in a IV-D case for periodic payment of such past-due  
249 support shall provide, except when the noncustodial parent is a low-  
250 income obligor, as defined in the child support guidelines established  
251 pursuant to section 46b-215a, or for cause or pursuant to an agreement  
252 by the parties, that upon termination of the current child support or  
253 maintenance payments, the past-due support payment shall equal: (A)  
254 Fifty per cent of the current child support that was payable  
255 immediately prior to such termination, if any payment is due to the  
256 custodial party; or (B) twenty per cent of the current child support that  
257 was payable immediately prior to such termination, if payment is due  
258 only to the state.

259       Sec. 8. Subsections (b) and (c) of section 46b-172 of the general  
260 statutes are repealed and the following is substituted in lieu thereof  
261 (*Effective October 1, 2005*):

262       (b) (1) An agreement to support the child by payment of a periodic  
263 sum until the child attains the age of eighteen years or as otherwise  
264 provided in this subsection, together with provisions for  
265 reimbursement for [past due] past-due support based upon ability to  
266 pay in accordance with the provisions of subsection (b) of section 17b-  
267 179, or section 17a-90, 17b-81, 17b-223, 46b-129 or 46b-130, and  
268 reasonable expense of prosecution of the petition, when filed with and  
269 approved by a judge of the Superior Court, or in IV-D support cases  
270 and matters brought under sections 46b-212 to 46b-213v, inclusive, a  
271 family support magistrate at any time, shall have the same force and  
272 effect, retroactively or prospectively in accordance with the terms of  
273 said agreement, as an order of support entered by the court, and shall  
274 be enforceable and subject to modification in the same manner as is  
275 provided by law for orders of the court in such cases. If such child is  
276 unmarried, a full-time high school student and residing with the  
277 custodial parent, such support shall continue according to the parents'  
278 respective abilities, if such child is in need of support, until such child  
279 completes the twelfth grade or attains the age of nineteen, whichever

280 first occurs.

281 (2) [Past due] Past-due support in such cases shall be limited to the  
282 three years next preceding the date of the [filing of such agreements to  
283 support] execution of the acknowledgment of paternity. Each order in  
284 a IV-D case for periodic payment of such past-due support shall  
285 provide, except when the noncustodial parent is a low-income obligor,  
286 as defined in the child support guidelines established pursuant to  
287 section 46b-215a, or for cause or pursuant to an agreement by the  
288 parties, that upon termination of current child support payments, the  
289 past-due support payment shall equal: (A) Fifty per cent of the current  
290 child support that was payable immediately prior to such termination,  
291 if any payment is due to the custodial party; or (B) twenty per cent of  
292 the current child support that was payable immediately prior to such  
293 termination, if payment is due only to the state.

294 (3) Payments under such agreement shall be made to the petitioner,  
295 except that in IV-D support cases, as defined in subsection (b) of  
296 section 46b-231, payments shall be made to the Bureau of Child  
297 Support Enforcement or its designated agency.

298 (4) Such written agreements to support shall be on forms prescribed  
299 by the Office of the Chief Court Administrator and shall be sworn to,  
300 and shall be binding on the person executing the same whether he is  
301 an adult or a minor.

302 (c) (1) At any time after the signing of any acknowledgment of  
303 paternity, upon the application of any interested party, the court or  
304 any judge thereof or any family support magistrate in IV-D support  
305 cases and in matters brought under sections 46b-212 to 46b-213v,  
306 inclusive, shall cause a summons, signed by such judge or family  
307 support magistrate, by the clerk of the court or by a commissioner of  
308 the Superior Court, to be issued, requiring the acknowledged father to  
309 appear in court at a time and place as determined by the clerk but not  
310 more than ninety days after the issuance of the summons, to show  
311 cause why the court or the family support magistrate assigned to the

312 judicial district in IV-D support cases should not enter judgment for  
313 support of the child by payment of a periodic sum until the child  
314 attains the age of eighteen years or as otherwise provided in this  
315 subsection, together with provision for reimbursement for [past due]  
316 past-due support based upon ability to pay in accordance with the  
317 provisions of subsection (b) of section 17b-179, or section 17a-90, 17b-  
318 81, 17b-223, 46b-129 or 46b-130, a provision for health coverage of the  
319 child as required by section 46b-215, as amended by this act, and  
320 reasonable expense of the action under this subsection. If such child is  
321 unmarried, a full-time high school student and residing with the  
322 custodial parent, such support shall continue according to the parents'  
323 respective abilities, if such child is in need of support, until such child  
324 completes the twelfth grade or attains the age of nineteen, whichever  
325 first occurs.

326 (2) Past-due support in such cases shall be limited to the three years  
327 next preceding the date of the execution of the acknowledgment of  
328 paternity. Each order in a IV-D case for periodic payment of such past-  
329 due support shall provide, except when the noncustodial parent is a  
330 low-income obligor, as defined in the child support guidelines  
331 established pursuant to section 46b-215a, or for cause or pursuant to an  
332 agreement by the parties, that upon termination of current child  
333 support payments, the past-due support payment shall equal: (A) Fifty  
334 per cent of the current child support that was payable immediately  
335 prior to such termination, if any payment is due to the custodial party;  
336 or (B) twenty per cent of the current child support that was payable  
337 immediately prior to such termination, if payment is due only to the  
338 state.

339 (3) Such court or family support magistrate, in IV-D support cases,  
340 shall also have the authority to order the acknowledged father who is  
341 subject to a plan for reimbursement of past-due support and is not  
342 incapacitated, to participate in work activities which may include, but  
343 shall not be limited to, job search, training, work experience and  
344 participation in the job training and retraining program established by

345 the Labor Commissioner pursuant to section 31-3t.

346 (4) The application, summons and order shall be on forms  
347 prescribed by the Office of the Chief Court Administrator. Proceedings  
348 to obtain such orders of support shall be commenced by the service of  
349 such summons on the acknowledged father. A state marshal or proper  
350 officer shall make due return of process to the court not less than  
351 twenty-one days before the date assigned for hearing.

352 (5) The prior judgment as to paternity shall be res judicata as to that  
353 issue for all paternity acknowledgments filed with the court on or after  
354 March 1, 1981, but before July 1, 1997, and shall not be reconsidered by  
355 the court unless the person seeking review of the acknowledgment  
356 petitions the superior court for the judicial district having venue for a  
357 hearing on the issue of paternity within three years of such judgment.  
358 In addition to such review, if the acknowledgment of paternity was  
359 filed prior to March 1, 1981, the acknowledgment of paternity may be  
360 reviewed by denying the allegation of paternity in response to the  
361 initial petition for support, whenever it is filed.

362 (6) All [such] payments under this subsection shall be made to the  
363 petitioner, except that in IV-D support cases, as defined in subsection  
364 (b) of section 46b-231, payments shall be made to the state, acting by  
365 and through the IV-D agency.

366 Sec. 9. Subdivision (2) of subsection (a) of section 46b-215 of the  
367 general statutes is repealed and the following is substituted in lieu  
368 thereof (*Effective from passage*):

369 (2) Any such support order in a IV-D support case shall include a  
370 provision for the health care coverage of the child which provision  
371 may include an order for either parent to name any child as a  
372 beneficiary of any medical or dental insurance or benefit plan carried  
373 by such parent or available to such parent on a group basis through an  
374 employer or a union. Any such employment-based order shall be  
375 enforced using a National Medical Support Notice as provided in

376 section 46b-88. If such insurance coverage is unavailable at reasonable  
377 cost, the provision for health care coverage may include an order for  
378 either parent to apply for and maintain coverage on behalf of the child  
379 under the HUSKY Plan, Part B. The noncustodial parent shall be  
380 ordered to apply for the HUSKY Plan, Part B only if such parent is  
381 found to have sufficient ability to pay the appropriate premium. In any  
382 IV-D support case in which the noncustodial parent is found to have  
383 insufficient ability to provide medical insurance coverage and the  
384 custodial party is the HUSKY Plan, Part A or Part B applicant, the  
385 provision for health care coverage may include an order for the  
386 noncustodial parent to pay such amount as is specified by the court or  
387 family support magistrate to the state or the custodial party, as their  
388 interests may appear, to offset the cost of any insurance payable under  
389 the HUSKY Plan, Part A or Part B, unless the noncustodial parent is a  
390 low-income obligor, as defined in the child support guidelines  
391 established pursuant to section 46b-215a. [In no event may such order  
392 include payment to offset the cost of any such premium if such  
393 payment would reduce the amount of current support required under  
394 the child support guidelines.]

395 Sec. 10. Subdivision (7) of subsection (a) of section 46b-215 of the  
396 general statutes is repealed and the following is substituted in lieu  
397 thereof (*Effective October 1, 2005*):

398 (7) (A) [Said] The court or family support magistrate shall also have  
399 authority to determine, order and enforce payment of any support due  
400 because of neglect or refusal to furnish support prior to the action. In  
401 the case of a child born out of wedlock whose parents have not  
402 intermarried, the father's liability for such support shall be limited to  
403 the three years next preceding either the execution of an  
404 acknowledgment of paternity in accordance with section 46b-172, as  
405 amended by this act, or the filing of a paternity petition under section  
406 46b-160 or 46b-162, whichever applies. Each order in a IV-D case for  
407 periodic payment of support due for periods of time prior to the action  
408 shall provide, except when the noncustodial parent is a low-income

409 obligor, as defined in the child support guidelines established  
410 pursuant to section 46b-215a, or for cause or pursuant to an agreement  
411 by the parties, that upon termination of current child support  
412 payments, the past-due support payment shall equal: (i) Fifty per cent  
413 of the current child support that was payable immediately prior to  
414 such termination, if any payment is due to the custodial party; or (ii)  
415 twenty per cent of the current child support that was payable  
416 immediately prior to such termination, if payment is due only to the  
417 state.

418 (B) In the determination of support due based on neglect or refusal  
419 to furnish support prior to the action, the support due for periods of  
420 time prior to the action shall be based upon the obligor's ability to pay  
421 during such prior periods, as determined in accordance with the child  
422 support and arrearage guidelines established under section 46b-215a.  
423 The state shall disclose to the court any information in its possession  
424 concerning current and past ability to pay. If no information is  
425 available to the court concerning past ability to pay, the court may  
426 determine the support due for periods of time prior to the action as if  
427 past ability to pay is equal to current ability to pay, if current ability is  
428 known. If current ability to pay is not known, the court shall determine  
429 the past ability to pay based on the obligor's work history, if known, or  
430 if not known, on the state minimum wage that was in effect during  
431 such periods, provided only actual earnings shall be used to determine  
432 ability to pay for past periods during which the obligor was a full-time  
433 high school student or was incarcerated, institutionalized or  
434 incapacitated.

435 (C) Any finding of support due for periods of time prior to an action  
436 in which the obligor failed to appear shall be entered subject to  
437 adjustment. Such adjustment may be made upon motion of any party,  
438 and the state in IV-D cases shall make such motion if it obtains  
439 information that would have substantially affected the court's  
440 determination of past ability to pay if such information had been  
441 available to the court. Motion for adjustment under this subparagraph

442 may be made not later than twelve months date from the date upon  
443 which the obligor receives notification of (i) the amount of such  
444 finding of support due for periods of time prior to the action, and (ii)  
445 the right not later than twelve months from the date of receipt of such  
446 notification to present evidence as to such obligor's past ability to pay  
447 support for such periods of time prior to the action. A copy of any  
448 support order entered, subject to adjustment, shall state in plain  
449 language the basis for the court's determination of past support, the  
450 right to request an adjustment and to present information concerning  
451 the obligor's past ability to pay, and the consequences of a failure to  
452 request such adjustment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17b-179(j)
Sec. 2	<i>from passage</i>	17b-745(a)(2)
Sec. 3	<i>October 1, 2005</i>	17b-745(a)(5)
Sec. 4	<i>from passage</i>	46b-84(f)
Sec. 5	<i>October 1, 2005</i>	46b-84(g)
Sec. 6	<i>from passage</i>	46b-171(a)(2)
Sec. 7	<i>October 1, 2005</i>	46b-171(a)(3)
Sec. 8	<i>October 1, 2005</i>	46b-172(b) and (c)
Sec. 9	<i>from passage</i>	46b-215(a)(2)
Sec. 10	<i>October 1, 2005</i>	46b-215(a)(7)

**JUD**      *Joint Favorable*

**BA**        *Joint Favorable*