



Senate

General Assembly

File No. 444

February Session, 2006

Substitute Senate Bill No. 57

Senate, April 10, 2006

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ESTABLISHMENT AND ENFORCEMENT OF CHILD SUPPORT IN TITLE IV-D CASES.

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

1 Section 1. Subsections (a) and (b) of section 17b-137 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2006*):

4 (a) (1) (A) Any person who has in his possession or control any
5 property of any person applying for or presently or formerly receiving
6 aid or care or child support enforcement services, as defined in
7 subdivision (2) of subsection (b) of section 46b-231, as amended, from
8 the state or who is indebted to such applicant or recipient or has
9 knowledge of any insurance, including health insurance or property
10 currently or formerly belonging to him, or information pertaining to
11 eligibility for such aid or care or services, and any officer who has
12 control of the books and accounts of any corporation which has
13 possession or control of any property belonging to any person
14 applying for or receiving such aid or care or services or who is

15 indebted to him, or has knowledge of any insurance, including health
16 insurance or any person having in his employ any such person, shall,
17 upon presentation by the Commissioner of Social Services, or the
18 Commissioner of Administrative Services, or the Commissioner of
19 Public Safety, or a support enforcement officer of the Superior Court,
20 or any person deputized by any of them, of a certificate, signed by him,
21 stating that such applicant, recipient or employee has applied for or is
22 receiving or has received such aid or care or services from the state,
23 make full disclosure to said commissioner, such officer or such deputy
24 of any such property, insurance, wages, indebtedness or information.

25 (B) At the request of the Commissioner of Social Services, insurance
26 companies licensed to do business in Connecticut shall be required,
27 when compatible data elements are available, to conduct automated
28 data matches to identify insurance coverage for recipients and the
29 parents of recipients who are minors. Upon completion of such
30 matches the commissioner shall reimburse such companies for the
31 reasonable documented costs of conducting the matches.

32 (2) (A) Such disclosure may be obtained in like manner of the
33 property, wages or indebtedness of any person [liable] who is either:
34 (i) Liable for the support of any such applicant or recipient, including
35 the parents of any child receiving aid or services through the
36 Department of Children and Families, or one adjudged or
37 acknowledged to be the father of an illegitimate child; or (ii) the subject
38 of an investigation in a IV-D support case, as defined in subdivision
39 (13) of subsection (b) of section 46b-231, as amended. Any company or
40 [any] officer who has control of the books and accounts of any
41 corporation shall make full disclosure to the IV-D agency, as defined in
42 [subsection] subdivision (12) of subsection (b) of section 46b-231, as
43 amended, or to the support enforcement officer of the Superior Court
44 of any such property, wages or indebtedness in all support cases,
45 including IV-D support cases, as defined in subdivision (13) of
46 subsection (b) of section 46b-231, as amended.

47 (B) The Commissioner of Social Services, the Commissioner of

48 Administrative Services, the Commissioner of Public Safety or a
49 support enforcement officer of [said court] the Superior Court, or any
50 person deputized by any of them, may compel, by subpoena, the
51 attendance and testimony under oath of any person who refuses to
52 disclose in accordance with the provisions of this section, or of any
53 person [liable] who is either: (i) Liable for the support of any such
54 applicant or recipient; or (ii) the subject of an investigation in a IV-D
55 support case, as defined in subdivision (13) of subsection (b) of section
56 46b-231, as amended, who refuses to disclose his own financial
57 circumstances, and may so compel the production of books and papers
58 pertaining to such information.

59 (C) The Commissioner of Social Services may subpoena the financial
60 records of any financial institution concerning property of any person
61 applying for or presently or formerly receiving aid or care from the
62 state or who is indebted to such applicant or recipient. The
63 Commissioner of Social Services may subpoena such records of any
64 parent or parents of any child applying for or presently or formerly
65 receiving assistance under the aid to families with dependent children
66 program, the temporary family assistance program or the state-
67 administered general assistance program.

68 (D) The commissioner, or a support enforcement officer of [said
69 court] the Superior Court, or the person deputized by [him] the
70 commissioner or officer shall set a time and place for [such] any
71 examination under this subdivision, and any person summoned who,
72 without reasonable excuse, fails to appear and testify or to produce
73 such books and papers shall be fined fifty dollars for each such offense.

74 (b) (1) Notwithstanding any [provisions] provision of the general
75 statutes, [to the contrary,] the IV-D agency shall have access, including
76 automated access in the case of records maintained in automated data
77 bases, to information contained in the following:

78 (A) Records of other state and local government agencies, including:
79 (i) Vital statistics, including records of marriage, birth, death and
80 dissolution of marriage; (ii) state and local tax and revenue records,

81 including information on residence address, employer, income and
82 assets; (iii) records concerning real and titled personal property; (iv)
83 records of occupational and professional licenses and records
84 concerning the ownership and control of corporations, partnerships
85 and other business entities; (v) employment security records; (vi)
86 records of agencies administering public assistance programs; (vii)
87 records of the Department of Motor Vehicles; and (viii) records of the
88 Department of Correction.

89 (B) Certain records held by private entities with respect to
90 individuals who owe or are owed support, or against or with respect
91 to whom a support order is sought, consisting of: (i) The names and
92 addresses of such individuals and the names and addresses of the
93 employers of such individuals, as appearing in customer records of
94 public utilities, [and] cable television companies, and cellular mobile
95 telephone and other wireless telecommunications service providers,
96 pursuant to a subpoena issued under subsection (a) of this section; and
97 (ii) information, including information on assets and liabilities, on such
98 individuals held by financial institutions.

99 (2) (A) The IV-D agency shall safeguard all information secured by
100 or made available to it pursuant to subdivision (1) of this subsection
101 and shall not further disclose any such information except in
102 connection with the administration of the title IV-D program.

103 (B) Any entity that provides access to or discloses any information
104 in accordance with this subsection shall be relieved of any liability to
105 any person for any such provision or disclosure.

106 Sec. 2. Subsection (b) of section 17b-179 of the general statutes is
107 repealed and the following is substituted in lieu thereof (*Effective from*
108 *passage*):

109 (b) (1) The Commissioner of Social Services shall, in the manner
110 provided in section 17b-81, investigate the financial condition of the
111 parent or parents of: [(1)] (A) Any child applying for or receiving
112 assistance under the provisions of sections 17b-807 and 17b-808 and

113 the temporary family assistance for needy families program, which
114 may be referred to as "TANF" for the purposes of this section, [and (2)]
115 (B) any child seeking IV-D child support enforcement services, and
116 [(3)] (C) any child committed to the care of the Commissioner of
117 Children and Families who is receiving payments in the foster care
118 program, and shall determine the financial liability of such parent or
119 parents for the child.

120 (2) The Bureau of Child Support Enforcement [shall have authority]
121 may, upon notice to the obligor and obligee, [to] redirect payments for
122 the support of all such children to either the state of Connecticut or the
123 present custodial party, as their interests may appear, provided [, upon
124 discontinuance of public assistance,] all such payments shall be
125 distributed [to the family] as required by Title IV-D of the Social
126 Security Act. Any such notice shall be sent by first class mail to the
127 most recent address of such obligor and obligee, as recorded in the
128 state case registry, and a copy of such notice shall be filed with the
129 court or family support magistrate.

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

133 (j) (1) The Commissioner of Social Services [is authorized to] may
134 accept for deposit in the General Fund all allotments of federal funds,
135 [and to] and shall conform to federal requirements necessary for the
136 receipt of federal matching grants [and] that are not prohibited by the
137 general statutes, including, but not limited to, [the] distribution of
138 collected support and [the] operation of an automated centralized
139 collection and disbursement unit, which shall be known as the "State
140 Disbursement Unit".

141 (2) The commissioner may implement electronic funds transfer for
142 all support payments processed through the State Disbursement Unit.
143 The commissioner may establish a debit account at a financial
144 institution for any recipient of support payments whose support
145 payments are processed through the State Disbursement Unit and who

146 does not establish and designate an account for the receipt of such
147 payments by electronic funds transfer. Deposits to such account shall
148 be limited to such support payments and accessible solely by means of
149 a debit card that may be used to make purchases at participating retail
150 outlets and obtain cash at automated teller machines. Any fees
151 incurred for the use of such debit card, other than fees prohibited by
152 this subsection or by agreement between the commissioner and the
153 financial institution implementing the debit account, shall be the sole
154 responsibility of the recipient of support payments for whom such
155 account was established.

156 (3) No debit card system authorized under subdivision (2) of this
157 subsection shall be implemented, and no contract to implement such
158 system may be entered into by the commissioner, unless such system
159 or contract provides that the financial institution holding the debit
160 account: (A) Imposes no charges to recipients of support payments for
161 use of the debit card at (i) a point of sale terminal, or (ii) an automated
162 teller machine, including an automated teller machine outside of the
163 financial institution's network, for withdrawals from the account up to
164 the maximum number of withdrawals specified in such contract; (B)
165 assures the availability of a substantial number of in-network
166 automated teller machines in all regions of the state in accordance with
167 subparagraph (A) of this subdivision; (C) provides the recipient,
168 without fee: (i) An adequate mechanism for promptly determining on
169 and after the date a deposit is made that a deposit has been received
170 and credited to the recipient's account, and (ii) account balance
171 information by telephone or on the financial institution's Internet web
172 site; (D) provides the recipient, without fee, regular written monthly
173 account transaction statements which, at the recipient's option, may be
174 received by mail or on the financial institution's Internet web site; (E)
175 provides to recipient accounts the full protections of Regulation E of
176 the Federal Reserve Board, 12 CFR Part 205, as from time to time
177 amended; (F) to the extent that fees are permitted, prohibits the
178 assessment of fees against recipients that are not assessed by the
179 financial institution against other users of debit cards; and (G)
180 provides customer service to recipients in languages other than

181 English.

182 (4) The commissioner, or the financial institution if such contract so
183 requires, shall provide the recipient with a notice at the initial issuance
184 of the debit card and at least annually thereafter that conforms to the
185 requirements specified in this subdivision and is limited to the type of
186 debit card account authorized by subdivision (2) of this subsection.
187 The notice shall be in plain language and in an easily readable and
188 understandable format and shall identify (A) all service and penalty
189 fees and their amounts; (B) the procedure for reporting and replacing a
190 lost or stolen debit card and the allocation of liability for its
191 unauthorized use; (C) the procedure for reporting account errors and
192 the allocation of liability for such errors; (D) the procedure for
193 obtaining funds when a debit card is lost or stolen; (E) the possibility, if
194 any, of overdrafts; and (F) other similar consumer information.

195 Sec. 4. Subdivisions (1) and (2) of subsection (a) of section 17b-745 of
196 the general statutes are repealed and the following is substituted in
197 lieu thereof (*Effective from passage*):

198 (a) (1) The Superior Court or a family support magistrate [shall have
199 authority to] may make and enforce orders for payment of support to
200 the Commissioner of Administrative Services or, in IV-D support
201 cases, to the state acting by and through the IV-D agency, directed to
202 the husband or wife and, if the patient or person is under the age of
203 eighteen years or as otherwise provided in this subsection, to any
204 parent of any patient or person being supported by the state, wholly or
205 in part, in a state humane institution, or under any welfare program
206 administered by the Department of Social Services, as the court or
207 family support magistrate finds, in accordance with the provisions of
208 subsection (b) of section 17b-179, as amended by this act, or section
209 17a-90, 17b-81, 17b-223, 46b-129 or 46b-130, to be reasonably
210 commensurate with the financial ability of any such relative. If such
211 person is unmarried [,] and a full-time high school student, [and
212 residing with the custodial parent,] such support shall continue
213 according to the parents' respective abilities, if such person is in need

214 of support, until such person completes the twelfth grade or attains the
215 age of nineteen, whichever [first] occurs first. Any court or family
216 support magistrate called upon to make or enforce such an order,
217 including [one] an order based upon a determination consented to by
218 the relative, shall [insure] ensure that such order is reasonable in light
219 of the relative's ability to pay.

220 (2) (A) The court or family support magistrate shall include in each
221 support order in a IV-D support case a provision for the health care
222 coverage of the child which provision may include an order for either
223 parent to name any child as a beneficiary of any medical or dental
224 insurance or benefit plan carried by such parent or available to such
225 parent on a group basis through an employer or a union. Any such
226 employment-based order shall be enforced using a National Medical
227 Support Notice as provided in section 46b-88. If such insurance
228 coverage is unavailable at reasonable cost, the provision for health care
229 coverage may include an order for either parent to apply for and
230 maintain coverage on behalf of the child under the HUSKY Plan, Part
231 B. The noncustodial parent shall be ordered to apply for the HUSKY
232 Plan, Part B only if such parent is found to have sufficient ability to
233 pay the appropriate premium. In any IV-D support case in which the
234 noncustodial parent is found to have insufficient ability to provide
235 medical insurance coverage and the custodial party is the HUSKY
236 Plan, Part A or Part B applicant, the provision for health care coverage
237 may include an order for the noncustodial parent to pay such amount
238 as is specified by the court or family support magistrate to the state or
239 the custodial party, as their interests may appear, to offset the cost of
240 any insurance payable under the HUSKY Plan, Part A or Part B, unless
241 the noncustodial parent is a low-income obligor, as defined in the child
242 support guidelines established pursuant to section 46b-215a. [In no
243 event may such order include payment to offset the cost of any such
244 premium if such payment would reduce the amount of current
245 support required under the child support guidelines.]

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

248 or dental insurance or benefit plan for a child who is eligible for
249 Medicaid benefits, and such parent has received payment from a third
250 party for the costs of such services but such parent has not used such
251 payment to reimburse, as appropriate, either the other parent or
252 guardian or the provider of such services, the Department of Social
253 Services [shall have the authority to] may request the court or family
254 support magistrate to order the employer of such parent to withhold
255 from the wages, salary or other employment income of such parent to
256 the extent necessary to reimburse the Department of Social Services for
257 expenditures for such costs under the Medicaid program. [. However,]
258 except that any claims for current or [past due] past-due child support
259 shall take priority over any such claims for the costs of such services.

260 Sec. 5. Subdivisions (5) and (6) of subsection (a) of section 17b-745 of
261 the general statutes are repealed and the following is substituted in
262 lieu thereof (*Effective from passage*):

263 (5) (A) [Said] The court or family support magistrate [shall also have
264 authority to] may also make and enforce orders for the payment by
265 any person named herein of [unpaid support contributions] past-due
266 support for which any such person is liable in accordance with the
267 provisions of subsection (b) of section 17b-179, as amended by this act,
268 or section 17a-90, 17b-81, 17b-223, 46b-129 or 46b-130 or, in IV-D cases,
269 [to] and order such person, provided such person is not incapacitated,
270 to participate in work activities [which] that may include, but shall not
271 be limited to, job search, training, work experience and participation in
272 the job training and retraining program established by the Labor
273 Commissioner pursuant to section 31-3t. The father's liability for past-
274 due support of a child born out of wedlock shall be limited to the three
275 years next preceding the filing of a petition pursuant to this section.

276 (B) In the determination of child support due based on neglect or
277 refusal to furnish support prior to the action, the support due for
278 periods of time prior to the action shall be based upon the obligor's
279 ability to pay during such prior periods, as determined in accordance
280 with the child support [and arrearage] guidelines established pursuant

281 to section 46b-215a. The state shall disclose to the court any
282 information in its possession concerning current and past ability to
283 pay. If no information is available to the court concerning past ability
284 to pay, the court may determine the support due for periods of time
285 prior to the action as if past ability to pay is equal to current ability to
286 pay, if current ability is known. If current ability to pay is not known,
287 the court shall determine the past ability to pay based on the obligor's
288 work history if known, or if not known, on the state minimum wage
289 that was in effect during such periods, provided only actual earnings
290 shall be used to determine ability to pay for past periods during which
291 the obligor was a full-time high school student or was incarcerated,
292 institutionalized or incapacitated.

293 (C) Any finding of support due for periods of time prior to an action
294 in which the obligor failed to appear shall be entered subject to
295 adjustment. Such adjustment may be made upon motion of any party,
296 and the state in IV-D cases shall make such motion if it obtains
297 information that would have substantially affected the court's
298 determination of past ability to pay if such information had been
299 available to the court. Motion for adjustment under this subparagraph
300 may be made not later than twelve months from the date upon which
301 the obligor receives notification of (i) the amount of such finding of
302 support due for periods of time prior to the action, and (ii) the right
303 not later than twelve months from the date of receipt of such
304 notification to present evidence as to such obligor's past ability to pay
305 support for such periods of time prior to the action. A copy of any
306 support order entered, subject to adjustment, that is provided to each
307 party under subsection (c) of this section [.] shall state in plain
308 language the basis for the court's determination of past support, the
309 right to request an adjustment and to present information concerning
310 the obligor's past ability to pay, and the consequences of a failure to
311 request such adjustment.

312 (6) (A) All payments ordered by the court or family support
313 magistrate under this section shall be made to the Commissioner of
314 Administrative Services or, in IV-D cases, to the state acting by and

315 through the IV-D agency, as the court or family support magistrate
316 may determine, for the period during which the supported person is
317 receiving assistance or care from the state, provided, in the case of
318 beneficiaries of any program of public assistance, upon the
319 discontinuance of such assistance, payments shall be distributed to the
320 beneficiary, beginning with the effective date of discontinuance, and
321 provided further that in IV-D support cases, all payments shall be
322 distributed as required by Title IV-D of the Social Security Act. Any
323 order of payment made under this section may, at any time after being
324 made, be set aside or altered by the court or a family support
325 magistrate.

326 (B) In IV-D support cases, the IV-D agency or a support enforcement
327 agency under cooperative agreement with the IV-D agency may, upon
328 notice to the obligor and obligee, redirect payments for the support of
329 any child receiving child support enforcement services either to the
330 state of Connecticut or to the present custodial party, as their interests
331 may appear, provided all such payments shall be distributed as
332 required by Title IV-D of the Social Security Act. Any such notice shall
333 be sent by first class mail to the most recent address of such obligor
334 and obligee, as recorded in the state case registry, and a copy of such
335 notice shall be filed with the court or family support magistrate.

336 Sec. 6. Section 29-1g of the general statutes is repealed and the
337 following is substituted in lieu thereof (*Effective October 1, 2006*):

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

346 Sec. 7. Subsections (b) and (c) of section 45a-716 of the general
347 statutes are repealed and the following is substituted in lieu thereof

348 (Effective January 1, 2007):

349 (b) The court shall cause notice of the hearing to be given to the
350 following persons, as applicable: (1) The parent or parents of the minor
351 child, including any parent who has been removed as guardian on or
352 after October 1, 1973, under section 45a-606; (2) the father of any minor
353 child born out of wedlock, provided at the time of the filing of the
354 petition (A) he has been adjudicated the father of such child by a court
355 of competent jurisdiction, (B) he has acknowledged in writing that he
356 is the father of such child, (C) he has contributed regularly to the
357 support of such child, (D) his name appears on the birth certificate, (E)
358 he has filed a claim for paternity as provided under section 46b-172a,
359 as amended by this act, or (F) he has been named in the petition as the
360 father of the child by the mother; (3) the guardian or any other person
361 whom the court [shall deem] deems appropriate; [and] (4) the
362 Commissioner of Children and Families; and (5) the Attorney General,
363 who shall be and remain a party to the action if the child is receiving or
364 has received aid or care from the state, or if the child is receiving child
365 support enforcement services, as defined in subdivision (2) of
366 subsection (b) of section 46b-231, as amended. If the recipient of the
367 notice is a person described in subdivision (1) or (2) of this subsection
368 or is any other person whose parental rights are sought to be
369 terminated in the petition, the notice shall contain a statement that the
370 respondent has the right to be represented by counsel and that if the
371 respondent is unable to pay for counsel, counsel will be appointed for
372 the respondent. The reasonable compensation for such counsel shall be
373 established by, and paid from funds appropriated to, the Judicial
374 Department, [however,] except that in the case of a Probate Court
375 matter, if funds have not been included in the budget of the Judicial
376 Department for such purposes, such compensation shall be established
377 by the Probate Court Administrator and paid from the Probate Court
378 Administration Fund.

379 (c) Except as provided in subsection (d) of this section, notice of the
380 hearing and a copy of the petition, certified by the petitioner, the
381 petitioner's agent or attorney, or the clerk of the court, shall be served

382 at least ten days before the date of the hearing by personal service or
383 service at the person's usual place of abode on the persons enumerated
384 in subsection (b) of this section who are within the state, and by
385 certified mail, return receipt requested, on the Commissioner of
386 Children and Families and the Attorney General. If the address of any
387 person entitled to personal service or service at the person's usual
388 place of abode is unknown, or if personal service or service at the
389 person's usual place of abode cannot be reasonably effected within the
390 state, or if any person enumerated in subsection (b) of this section is
391 out of the state, a judge or the clerk of the court shall order notice to be
392 given by registered or certified mail, return receipt requested, or by
393 publication at least ten days before the date of the hearing. Any such
394 publication shall be in a newspaper of general circulation in the place
395 of the last-known address of the person to be notified, whether within
396 or without this state, or, if no such address is known, in the place
397 where the petition has been filed.

398 Sec. 8. Subsections (f) and (g) of section 46b-84 of the general
399 statutes are repealed and the following is substituted in lieu thereof
400 (*Effective from passage*):

401 (f) After the granting of a decree annulling or dissolving the
402 marriage or ordering a legal separation, and upon complaint or motion
403 with order and summons made to the Superior Court by either parent
404 or by the Commissioner of Administrative Services in any case arising
405 under subsection (a) or (b) of this section, the court shall inquire into
406 the child's need of maintenance and the respective abilities of the
407 parents to supply maintenance. The court shall make and enforce the
408 decree for the maintenance of the child as it considers just, and may
409 direct security to be given therefor, including an order to either party
410 to contract with a third party for periodic payments or payments
411 contingent on a life to the other party. The court may order that a party
412 obtain life insurance as such security unless such party proves, by a
413 preponderance of the evidence, that such insurance is not available to
414 such party, such party is unable to pay the cost of such insurance or
415 such party is uninsurable. The court shall include in each support

416 order a provision for the health care coverage of the child which
417 provision may include an order for either parent to name any child
418 who is subject to the provisions of subsection (a) or (b) of this section
419 as a beneficiary of any medical or dental insurance or benefit plan
420 carried by such parent or available to such parent on a group basis
421 through an employer or a union. Any such employment-based order in
422 a IV-D support case shall be enforced using a National Medical
423 Support Notice as provided in section 46b-88. If such insurance
424 coverage is unavailable at reasonable cost, the provision for health care
425 coverage may include an order for either parent to apply for and
426 maintain coverage on behalf of the child under the HUSKY Plan, Part
427 B. The noncustodial parent shall be ordered to apply for the HUSKY
428 Plan, Part B only if such parent is found to have sufficient ability to
429 pay the appropriate premium. In any IV-D support case in which the
430 noncustodial parent is found to have insufficient ability to provide
431 medical insurance coverage and the custodial party is the HUSKY
432 Plan, Part A or Part B applicant, the provision for health care coverage
433 may include an order for the noncustodial parent to pay such amount
434 as is specified by the court or family support magistrate to the state or
435 the custodial party, as their interests may appear, to offset the cost of
436 any insurance payable under the HUSKY Plan, Part A or Part B, unless
437 the noncustodial parent is a low-income obligor, as defined in the child
438 support guidelines established pursuant to section 46b-215a. [In no
439 event may such order include payment to offset the cost of any such
440 premium if such payment would reduce the amount of current
441 support required under the child support guidelines.]

442 (g) Whenever an obligor is before the court in proceedings to
443 establish, modify or enforce a support order, and such order is not
444 secured by an income withholding order, the court may require the
445 obligor to execute a bond or post other security sufficient to perform
446 such order for support, provided the court finds that such a bond is
447 available for purchase within the financial means of the obligor. Upon
448 failure of such obligor to comply with such support order, the court
449 may order the bond or the security forfeited and the proceeds thereof
450 [paid to the state in TANF cases or to the obligee in non-TANF cases]

451 distributed as required by Title IV-D of the Social Security Act. In any
452 IV-D case in which the obligor is found by the court to owe past-due
453 support, the court may issue an order for the periodic payment of such
454 support or, if such obligor is not incapacitated, order such obligor to
455 participate in work activities which may include, but shall not be
456 limited to, job search, training, work experience and participation in
457 the job training and retraining program established by the Labor
458 Commissioner pursuant to section 31-3t.

459 Sec. 9. Section 46b-150 of the general statutes is repealed and the
460 following is substituted in lieu thereof (*Effective January 1, 2007*):

461 Any minor who has reached such minor's sixteenth birthday and is
462 residing in this state, or any parent or guardian of such minor, may
463 petition the superior court for juvenile matters or the probate court for
464 the district in which either the minor or the parents or guardian of
465 such minor resides for a determination that the minor named in the
466 petition be emancipated. The petition shall be verified and shall state
467 plainly: (1) The facts which bring the minor within the jurisdiction of
468 the court, (2) the name, date of birth, sex and residence of the minor,
469 (3) the name and residence of the minor's parent, parents or guardian,
470 and (4) the name of the petitioner and the petitioner's relationship to
471 the minor. Upon the filing of the petition in the Superior Court, the
472 court shall cause a summons to be issued to the minor and the minor's
473 parent, parents or guardian, in the manner provided in section 46b-
474 128. Service on an emancipation petition filed in the superior court for
475 juvenile matters pursuant to this section shall not be required on the
476 petitioning party. Upon the filing of the petition in the Probate Court,
477 the court shall assign a time, not later than thirty days thereafter, and a
478 place for hearing such petition. The court shall cause a citation and
479 notice to be served on the minor and the minor's parent, if the parent is
480 not the petitioner, at least seven days prior to the hearing date, by a
481 state marshal, constable or indifferent person. The court shall direct
482 notice by certified mail to the parent, if the parent is the petitioner. The
483 court shall order such notice as it directs to: [the] (A) The
484 Commissioner of Children and Families; [,] (B) the Attorney General,

485 who shall be and remain a party to the action if the child is receiving or
486 has received aid or care from the state, or if the child is receiving child
487 support enforcement services, as defined in subdivision (2) of
488 subsection (b) of section 46b-231, as amended; and (C) other persons
489 having an interest in the minor.

490 Sec. 10. Subsection (c) of section 46b-168 of the general statutes is
491 repealed and the following is substituted in lieu thereof (*Effective from*
492 *passage*):

493 (c) The costs of making tests provided by this section shall be
494 chargeable against the party making the motion, provided if the court
495 finds that such party is [indigent and unable to pay such costs] a low-
496 income obligor, as defined in the child support guidelines established
497 pursuant to section 46b-215a, or is otherwise indigent and unable to
498 pay such costs, such costs shall be paid by the state. [If the costs of
499 making such tests are paid by the state and the respondent making the
500 motion is subsequently adjudicated to be the father of the child, such
501 respondent shall be liable to the state for the amount of such costs.]

502 Sec. 11. Subsections (b) and (c) of section 46b-168a of the general
503 statutes are repealed and the following is substituted in lieu thereof
504 (*Effective from passage*):

505 (b) The costs of making the tests provided by this section shall be
506 paid by the state, [provided] except that if the putative father is the
507 requesting party and he subsequently acknowledges paternity or is
508 [subsequently] adjudicated to be the father of the child, he shall be
509 liable to the state for the amount of such costs [to the extent of his
510 ability to pay, in accordance with regulations adopted by the
511 Commissioner of Social Services pursuant to subdivision (3) of
512 subsection (c) of this section] unless he is found to be (1) a low-income
513 obligor, as defined in the child support guidelines established
514 pursuant to section 46b-215a, or (2) otherwise indigent and unable to
515 pay such costs. Any court or family support magistrate may order
516 [such father to pay the state in accordance with this subsection] a
517 father who is found liable for genetic testing costs under this

518 subsection to reimburse the state for the amount of such costs. The
519 contesting party shall make advance payment for any additional
520 testing required in the event of a contest of the original test results.

521 (c) The Commissioner of Social Services shall adopt regulations, in
522 accordance with the provisions of chapter 54, to establish criteria for
523 determining (1) good cause or other exceptions for refusing to
524 cooperate under subsection (a) of this section, which shall include, but
525 not be limited to, domestic violence, sexual abuse and lack of
526 information and shall take into account the best interests of the child,
527 and (2) the sufficiency of the facts establishing a reasonable possibility
528 of the existence or nonexistence of the requisite sexual contact between
529 the parties, as required under subsection (a) of this section. [, and (3)
530 the ability of the requesting party to pay the costs of the genetic tests in
531 accordance with subsection (b) of this section.]

532 Sec. 12. Subdivisions (1) to (3), inclusive, of subsection (a) of section
533 46b-171 of the general statutes are repealed and the following is
534 substituted in lieu thereof (*Effective from passage*):

535 (a) (1) (A) If the defendant is found to be the father of the child, the
536 court or family support magistrate shall order the defendant to stand
537 charged with the support and maintenance of such child, with the
538 assistance of the mother if such mother is financially able, as the court
539 or family support magistrate finds, in accordance with the provisions
540 of subsection (b) of section 17b-179, as amended by this act, or section
541 17a-90, 17b-81, 17b-223, 17b-745, as amended by this act, 46b-129, 46b-
542 130 or 46b-215, as amended by this act, to be reasonably commensurate
543 with the financial ability of the defendant, and to pay a certain sum
544 periodically until the child attains the age of eighteen years or as
545 otherwise provided in this subsection. If such child is unmarried [,]
546 and a full-time high school student, [and residing with the custodial
547 parent,] such support shall continue according to the parents'
548 respective abilities, if such child is in need of support, until such child
549 completes the twelfth grade or attains the age of nineteen, whichever
550 [first] occurs first.

551 (B) The court or family support magistrate shall order the defendant
552 to pay such sum to the complainant, or, if a town or the state has paid
553 such expense, to the town or the state, as the case may be, and shall
554 grant execution for the same and costs of suit taxed as in other civil
555 actions, together with a reasonable attorney's fee, [;] and may require
556 the defendant to become bound with sufficient surety to perform such
557 orders for support and maintenance. In IV-D support cases, the IV-D
558 agency or a support enforcement agency under cooperative agreement
559 with the IV-D agency may, upon notice to the obligor and obligee,
560 redirect payments for the support of any child receiving child support
561 enforcement services either to the state of Connecticut or to the present
562 custodial party, as their interests may appear, provided all such
563 payments shall be distributed as required by Title IV-D of the Social
564 Security Act. Any such notice shall be sent by first class mail to the
565 most recent address of such obligor and obligee, as recorded in the
566 state case registry, and a copy of such notice shall be filed with the
567 court or family support magistrate.

568 (2) In addition, the court or family support magistrate shall include
569 in each support order in a IV-D support case a provision for the health
570 care coverage of the child which provision may include an order for
571 either parent to name any child as a beneficiary of any medical or
572 dental insurance or benefit plan carried by such parent or available to
573 such parent on a group basis through an employer or union. Any such
574 employment-based order shall be enforced using a National Medical
575 Support Notice as provided in section 46b-88. If such insurance
576 coverage is unavailable at reasonable cost, the provision for health care
577 coverage may include an order for either parent to apply for and
578 maintain coverage on behalf of the child under the HUSKY Plan, Part
579 B. The noncustodial parent shall be ordered to apply for the HUSKY
580 Plan, Part B only if such parent is found to have sufficient ability to
581 pay the appropriate premium. In any IV-D support case in which the
582 noncustodial parent is found to have insufficient ability to provide
583 medical insurance coverage and the custodial party is the HUSKY
584 Plan, Part A or Part B applicant, the provision for health care coverage
585 may include an order for the noncustodial parent to pay such amount

586 as is specified by the court or family support magistrate to the state or
587 the custodial party, as their interests may appear, to offset the cost of
588 any insurance payable under the HUSKY Plan, Part A or Part B, unless
589 the noncustodial parent is a low-income obligor, as defined in the child
590 support guidelines established pursuant to section 46b-215a. [In no
591 event may such order include payment to offset the cost of any such
592 premium if such payment would reduce the amount of current
593 support required under the child support guidelines.]

594 (3) The court or family support magistrate [shall also have authority
595 to] may also make and enforce orders for the payment by any person
596 named herein of [unpaid support contributions] past-due support for
597 which the defendant is liable in accordance with the provisions of
598 section 17b-81, 17b-223, subsection (b) of section 17b-179, as amended
599 by this act, section 17a-90, 46b-129 or 46b-130 and, in IV-D cases, [to]
600 and order such person, provided such person is not incapacitated, to
601 participate in work activities which may include, but shall not be
602 limited to, job search, training, work experience and participation in
603 the job training and retraining program established by the Labor
604 Commissioner pursuant to section 31-3t. The defendant's liability for
605 past-due support under this subdivision shall be limited to the three
606 years next preceding the filing of the petition.

607 Sec. 13. Subsections (b) and (c) of section 46b-172 of the general
608 statutes are repealed and the following is substituted in lieu thereof
609 (*Effective from passage*):

610 (b) (1) An agreement to support the child by payment of a periodic
611 sum until the child attains the age of eighteen years or as otherwise
612 provided in this subsection, together with provisions for
613 reimbursement for [past due] past-due support based upon ability to
614 pay in accordance with the provisions of subsection (b) of section 17b-
615 179, as amended by this act, or section 17a-90, 17b-81, 17b-223, 46b-129
616 or 46b-130, and reasonable expense of prosecution of the petition,
617 when filed with and approved by a judge of the Superior Court, or in
618 IV-D support cases and matters brought under sections 46b-212 to 46b-

619 213v, inclusive, a family support magistrate at any time, shall have the
620 same force and effect, retroactively or prospectively in accordance with
621 the terms of said agreement, as an order of support entered by the
622 court, and shall be enforceable and subject to modification in the same
623 manner as is provided by law for orders of the court in such cases. If
624 such child is unmarried [,] and a full-time high school student, [and
625 residing with the custodial parent,] such support shall continue
626 according to the parents' respective abilities, if such child is in need of
627 support, until such child completes the twelfth grade or attains the age
628 of nineteen, whichever [first] occurs first.

629 (2) [Past due] Past-due support in such cases shall be limited to the
630 three years next preceding the date of the filing of such agreements to
631 support.

632 (3) Payments under such agreement shall be made to the petitioner,
633 except that in IV-D support cases, as defined in subsection (b) of
634 section 46b-231, as amended, payments shall be made to the Bureau of
635 Child Support Enforcement or its designated agency. In IV-D support
636 cases, the IV-D agency or a support enforcement agency under
637 cooperative agreement with the IV-D agency may, upon notice to the
638 obligor and obligee, redirect payments for the support of any child
639 receiving child support enforcement services either to the state of
640 Connecticut or to the present custodial party, as their interests may
641 appear, provided all such payments shall be distributed as required by
642 Title IV-D of the Social Security Act. Any such notice shall be sent by
643 first class mail to the most recent address of such obligor and obligee,
644 as recorded in the state case registry, and a copy of such notice shall be
645 filed with the court or family support magistrate.

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

650 (c) (1) At any time after the signing of any acknowledgment of
651 paternity, upon the application of any interested party, the court or

652 any judge thereof or any family support magistrate in IV-D support
653 cases and in matters brought under sections 46b-212 to 46b-213v,
654 inclusive, shall cause a summons, signed by such judge or family
655 support magistrate, by the clerk of the court or by a commissioner of
656 the Superior Court, to be issued, requiring the acknowledged father to
657 appear in court at a time and place as determined by the clerk but not
658 more than ninety days after the issuance of the summons, to show
659 cause why the court or the family support magistrate assigned to the
660 judicial district in IV-D support cases should not enter judgment for
661 support of the child by payment of a periodic sum until the child
662 attains the age of eighteen years or as otherwise provided in this
663 subsection, together with provision for reimbursement for [past due]
664 past-due support based upon ability to pay in accordance with the
665 provisions of subsection (b) of section 17b-179, as amended by this act,
666 or section 17a-90, 17b-81, 17b-223, 46b-129 or 46b-130, a provision for
667 health coverage of the child as required by section 46b-215, as
668 amended by this act, and reasonable expense of the action under this
669 subsection. If such child is unmarried [,] and a full-time high school
670 student [and residing with the custodial parent,] such support shall
671 continue according to the parents' respective abilities, if such child is in
672 need of support, until such child completes the twelfth grade or attains
673 the age of nineteen, whichever [first] occurs first.

674 (2) Past-due support in such cases shall be limited to the three years
675 next preceding the filing of a petition pursuant to this section. Such
676 court or family support magistrate, in IV-D support cases, [shall also
677 have the authority to] may also order the acknowledged father who is
678 subject to a plan for reimbursement of past-due support and is not
679 incapacitated [,] to participate in work activities which may include,
680 but shall not be limited to, job search, training, work experience and
681 participation in the job training and retraining program established by
682 the Labor Commissioner pursuant to section 31-3t.

683 (3) The application, summons and order shall be on forms
684 prescribed by the Office of the Chief Court Administrator. Proceedings
685 to obtain such orders of support shall be commenced by the service of

686 such summons on the acknowledged father. A state marshal or proper
687 officer shall make due return of process to the court not less than
688 twenty-one days before the date assigned for hearing.

689 (4) The prior judgment as to paternity shall be res judicata as to that
690 issue for all paternity acknowledgments filed with the court on or after
691 March 1, 1981, but before July 1, 1997, and shall not be reconsidered by
692 the court unless the person seeking review of the acknowledgment
693 petitions the superior court for the judicial district having venue for a
694 hearing on the issue of paternity within three years of such judgment.
695 In addition to such review, if the acknowledgment of paternity was
696 filed prior to March 1, 1981, the acknowledgment of paternity may be
697 reviewed by denying the allegation of paternity in response to the
698 initial petition for support, whenever it is filed.

699 (5) All [such] payments under this subsection shall be made to the
700 petitioner, except that in IV-D support cases, as defined in subsection
701 (b) of section 46b-231, as amended, payments shall be made to the
702 state, acting by and through the IV-D agency. In IV-D support cases,
703 the IV-D agency or a support enforcement agency under cooperative
704 agreement with the IV-D agency may, upon notice to the obligor and
705 obligee, redirect payments for the support of any child receiving child
706 support enforcement services either to the state of Connecticut or to
707 the present custodial party, as their interests may appear, provided all
708 such payments shall be distributed as required by Title IV-D of the
709 Social Security Act. Any such notice shall be sent by first class mail to
710 the most recent address of such obligor and obligee, as recorded in the
711 state case registry, and a copy of such notice shall be filed with the
712 court or family support magistrate.

713 Sec. 14. Subsection (a) of section 46b-172a of the general statutes is
714 repealed and the following is substituted in lieu thereof (*Effective*
715 *January 1, 2007*):

716 (a) Any person claiming to be the father of a child born out of
717 wedlock may at any time but no later than sixty days after the date of
718 notice under section 45a-716, as amended by this act, file a claim for

719 paternity with the court of probate for the district in which either the
720 mother or the child resides, on forms provided by such court. The
721 claim shall contain the claimant's name and address, the name and
722 last-known address of the mother and the month and year of the birth
723 or expected birth of the child. [Within] Not later than five days after
724 the filing of a claim for paternity, the judge of the court of probate shall
725 cause a certified copy of such claim to be mailed by certified mail to
726 the mother or prospective mother of such child at the last-known
727 address shown on the claim for paternity, and to the Attorney General,
728 who shall be and remain a party to the action if the child is receiving or
729 has received aid or care from the state, or if the child is receiving child
730 support enforcement services, as defined in subdivision (2) of
731 subsection (b) of section 46b-231, as amended. The claim for paternity
732 shall be admissible in any action for paternity under section 46b-160,
733 and shall estop the claimant from denying his paternity of such child
734 and shall contain language that he acknowledges liability for
735 contribution to the support and education of the child after its birth
736 and for contribution to the pregnancy-related medical expenses of the
737 mother.

738 Sec. 15. Subdivisions (1) and (2) of subsection (a) of section 46b-215
739 of the general statutes are repealed and the following is substituted in
740 lieu thereof (*Effective from passage*):

741 (a) (1) The Superior Court or a family support magistrate [shall have
742 authority to] may make and enforce orders for payment of support
743 against any person who neglects or refuses to furnish necessary
744 support to such person's spouse or a child under the age of eighteen or
745 as otherwise provided in this subsection, according to such person's
746 ability to furnish such support, notwithstanding the provisions of
747 section 46b-37. If such child is unmarried [,] and a full-time high school
748 student, [and residing with the custodial parent,] such support shall
749 continue according to the parents' respective abilities, if such child is in
750 need of support, until such child completes the twelfth grade or attains
751 the age of nineteen, whichever [first] occurs first.

752 (2) Any such support order in a IV-D support case shall include a
753 provision for the health care coverage of the child which provision
754 may include an order for either parent to name any child as a
755 beneficiary of any medical or dental insurance or benefit plan carried
756 by such parent or available to such parent on a group basis through an
757 employer or a union. Any such employment-based order shall be
758 enforced using a National Medical Support Notice as provided in
759 section 46b-88. If such insurance coverage is unavailable at reasonable
760 cost, the provision for health care coverage may include an order for
761 either parent to apply for and maintain coverage on behalf of the child
762 under the HUSKY Plan, Part B. The noncustodial parent shall be
763 ordered to apply for the HUSKY Plan, Part B only if such parent is
764 found to have sufficient ability to pay the appropriate premium. In any
765 IV-D support case in which the noncustodial parent is found to have
766 insufficient ability to provide medical insurance coverage and the
767 custodial party is the HUSKY Plan, Part A or Part B applicant, the
768 provision for health care coverage may include an order for the
769 noncustodial parent to pay such amount as is specified by the court or
770 family support magistrate to the state or the custodial party, as their
771 interests may appear, to offset the cost of any insurance payable under
772 the HUSKY Plan, Part A or Part B, unless the noncustodial parent is a
773 low-income obligor, as defined in the child support guidelines
774 established pursuant to section 46b-215a. [In no event may such order
775 include payment to offset the cost of any such premium if such
776 payment would reduce the amount of current support required under
777 the child support guidelines.]

778 Sec. 16. Subdivision (7) of subsection (a) of section 46b-215 of the
779 general statutes is repealed and the following is substituted in lieu
780 thereof (*Effective from passage*):

781 (7) (A) [Said] The court or family support magistrate [shall also have
782 authority to] may also determine, order and enforce payment of any
783 support due because of neglect or refusal to furnish support prior to
784 the action. In the case of a child born out of wedlock whose parents
785 have not intermarried, the father's liability for such support shall be

786 limited to the three years next preceding the filing of a petition
787 pursuant to this section.

788 (B) In the determination of support due based on neglect or refusal
789 to furnish support prior to the action, the support due for periods of
790 time prior to the action shall be based upon the obligor's ability to pay
791 during such prior periods, as determined in accordance with the child
792 support [and arrearage] guidelines established [under] pursuant to
793 section 46b-215a. The state shall disclose to the court any information
794 in its possession concerning current and past ability to pay. If no
795 information is available to the court concerning past ability to pay, the
796 court may determine the support due for periods of time prior to the
797 action as if past ability to pay is equal to current ability to pay, if
798 current ability is known. If current ability to pay is not known, the
799 court shall determine the past ability to pay based on the obligor's
800 work history, if known, or if not known, on the state minimum wage
801 that was in effect during such periods, provided only actual earnings
802 shall be used to determine ability to pay for past periods during which
803 the obligor was a full-time high school student or was incarcerated,
804 institutionalized or incapacitated.

805 (C) Any finding of support due for periods of time prior to an action
806 in which the obligor failed to appear shall be entered subject to
807 adjustment. Such adjustment may be made upon motion of any party,
808 and the state in IV-D cases shall make such motion if it obtains
809 information that would have substantially affected the court's
810 determination of past ability to pay if such information had been
811 available to the court. Motion for adjustment under this subparagraph
812 may be made not later than twelve months date from the date upon
813 which the obligor receives notification of (i) the amount of such
814 finding of support due for periods of time prior to the action, and (ii)
815 the right not later than twelve months from the date of receipt of such
816 notification to present evidence as to such obligor's past ability to pay
817 support for such periods of time prior to the action. A copy of any
818 support order entered, subject to adjustment, shall state in plain
819 language the basis for the court's determination of past support, the

820 right to request an adjustment and to present information concerning
821 the obligor's past ability to pay, and the consequences of a failure to
822 request such adjustment.

823 Sec. 17. Subsection (c) of section 46b-215 of the general statutes is
824 repealed and the following is substituted in lieu thereof (*Effective from*
825 *passage*):

826 (c) The court or a family support magistrate shall direct all
827 payments on orders of support in IV-D cases to be made to the state
828 acting by and through the IV-D agency. In IV-D support cases, the IV-
829 D agency or a support enforcement agency under cooperative
830 agreement with the IV-D agency may, upon notice to the obligor and
831 obligee, redirect payments for the support of any child receiving child
832 support enforcement services either to the state of Connecticut or to
833 the present custodial party, as their interests may appear, provided all
834 such payments shall be distributed as required by Title IV-D of the
835 Social Security Act. Any such notice shall be sent by first class mail to
836 the most recent address of such obligor and obligee, as recorded in the
837 state case registry, and a copy of such notice shall be filed with the
838 court or family support magistrate.

839 Sec. 18. Subsection (a) of section 46b-215b of the general statutes is
840 repealed and the following is substituted in lieu thereof (*Effective from*
841 *passage*):

842 (a) The child support [and arrearage] guidelines [promulgated
843 pursuant to section 8 of public act 85-548* and any updated guidelines
844 issued] established pursuant to section 46b-215a and in effect on the
845 date of the support determination shall be considered in all
846 determinations of child support amounts, including any past-due
847 support amounts, and payment on arrearages and [past due] past-due
848 support within the state. In all such determinations, there shall be a
849 rebuttable presumption that the amount of such awards which
850 resulted from the application of such guidelines is the amount of
851 support, including any past-due support, or payment on any arrearage
852 or [past due] past-due support to be ordered. A specific finding on the

853 record that the application of the guidelines would be inequitable or
854 inappropriate in a particular case, as determined under criteria
855 established by the Commission for Child Support Guidelines under
856 section 46b-215a, shall be required in order to rebut the presumption in
857 such case.

858 Sec. 19. Section 46b-215e of the general statutes is repealed and the
859 following is substituted in lieu thereof (*Effective from passage*):

860 Notwithstanding any [provisions] provision of the general statutes,
861 whenever a child support obligor is institutionalized or incarcerated,
862 the Superior Court or a family support magistrate shall establish an
863 initial order for current support, or modify an existing order for
864 current support, upon proper motion, based upon the obligor's present
865 income and substantial assets, if any, in accordance with the child
866 support guidelines established pursuant to section 46b-215a.
867 Downward modification of an existing support order based solely on a
868 loss of income due to incarceration or institutionalization shall not be
869 granted in the case of a child support obligor who is incarcerated or
870 institutionalized for an offense against the custodial party or the child
871 subject to such support order.

872 Sec. 20. Subdivision (1) of subsection (m) of section 46b-231 of the
873 2006 supplement to the general statutes is repealed and the following
874 is substituted in lieu thereof (*Effective October 1, 2006*):

875 (1) A family support magistrate in IV-D support cases may compel
876 the attendance of witnesses or the obligor under a summons issued
877 pursuant to sections 17b-745, as amended by this act, 46b-172, as
878 amended by this act, and 46b-215, as amended by this act, a subpoena
879 issued pursuant to section 52-143, or a citation for failure to obey an
880 order of a family support magistrate or a judge of the Superior Court.
881 If a person is served with any such summons, subpoena or citation
882 issued by a family support magistrate or the assistant clerk of the
883 Family Support Magistrate Division and fails to appear, a family
884 support magistrate may issue a *caus mittimus* directed to a proper
885 officer to arrest the obligor or the witness and bring him before a

886 family support magistrate. Whenever such a *capias mittimus* is
887 ordered, the family support magistrate shall establish a recognizance
888 to the state of Connecticut in the form of a bond of such character and
889 amount as to assure the appearance of the obligor at the next regular
890 session of the Family Support Magistrate Division in the judicial
891 district in which the matter is pending. If the obligor posts such a
892 bond, and thereafter fails to appear before the family support
893 magistrate at the time and place he is ordered to appear, the family
894 support magistrate may order the bond forfeited, and the proceeds
895 thereof [paid to the state in TANF cases or the obligee in non-TANF
896 cases] distributed as required by Title IV-D of the Social Security Act.

897 Sec. 21. Subdivision (7) of subsection (m) of section 46b-231 of the
898 2006 supplement to the general statutes is repealed and the following
899 is substituted in lieu thereof (*Effective October 1, 2006*):

900 (7) Family support magistrates shall enforce orders for child and
901 spousal support entered by such family support magistrate and by the
902 Superior Court in IV-D support cases by citing an obligor for
903 contempt. Family support magistrates, in IV-D support cases, [shall
904 have the authority to] may order any obligor who is subject to a plan
905 for reimbursement of past-due support and is not incapacitated, to
906 participate in work activities which may include, but shall not be
907 limited to, job search, training, work experience and participation in
908 the job training and retraining program established by the Labor
909 Commissioner pursuant to section 31-3t. Family support magistrates
910 shall also enforce income withholding orders entered pursuant to
911 section 52-362, including any additional amounts to be applied toward
912 liquidation of any arrearage, as required under subsection (e) of said
913 section. Family support magistrates may require the obligor to furnish
914 recognizance to the state of Connecticut in the form of a cash deposit
915 or bond of such character and in such amount as the Family Support
916 Magistrate Division deems proper to assure appearance at the next
917 regular session of the Family Support Magistrate Division in the
918 judicial district in which the matter is pending. Upon failure of the
919 obligor to post such bond, the family support magistrate may refer the

920 obligor to a community correctional center until he has complied with
921 such order, provided the obligor shall be heard at the next regular
922 session of the Family Support Magistrate Division in the court to
923 which he was summoned. If no regular session is held within seven
924 days of such referral, the family support magistrate shall either cause a
925 special session of the Family Support Magistrate Division to be
926 convened, or the obligor shall be heard by a Superior Court judge in
927 the judicial district in which the matter is pending. If the obligor fails
928 to appear before the family support magistrate at the time and place he
929 is ordered to appear, the family support magistrate may order the
930 bond, if any, forfeited, and the proceeds thereof [paid to the state in
931 TANF cases or the obligee in non-TANF cases, as the family support
932 magistrate may determine] distributed as required by Title IV-D of the
933 Social Security Act, and the family support magistrate may issue a
934 *capias mittimus* for the arrest of the obligor, ordering him to appear
935 before the family support magistrate. A family support magistrate may
936 determine whether or not an obligor is in contempt of the order of the
937 Superior Court or of a family support magistrate and may make such
938 orders as are provided by law to enforce a support obligation, except
939 that if the family support magistrate determines that incarceration of
940 an obligor for failure to obey a support order may be indicated, the
941 family support magistrate shall inform the obligor of his right to be
942 represented by an attorney and his right to a court-appointed attorney
943 to represent him if he is indigent. If the obligor claims he is indigent
944 and desires an attorney to represent him, the family support
945 magistrate shall conduct a hearing to determine if the obligor is
946 indigent. If, after such hearing, the family support magistrate finds
947 that the obligor is indigent, the family support magistrate shall appoint
948 an attorney to represent the obligor.

949 Sec. 22. Subdivision (9) of subsection (m) of section 46b-231 of the
950 2006 supplement to the general statutes is repealed and the following
951 is substituted in lieu thereof (*Effective October 1, 2006*):

952 (9) Whenever an obligor is before a family support magistrate in
953 proceedings to establish, modify or enforce a support order in a IV-D

954 support case and such order is not secured by an income withholding
955 order, the family support magistrate may require the obligor to execute
956 a bond or post other security sufficient to perform such order for
957 support, provided the family support magistrate finds that such a
958 bond is available for purchase within the financial means of the
959 obligor. Upon failure of such obligor to comply with such support
960 order, the family support magistrate may order the bond or the
961 security forfeited and the proceeds thereof [paid to the state in TANF
962 cases or to the obligee in non-TANF cases] distributed as required by
963 Title IV-D of the Social Security Act.

964 Sec. 23. Subsection (u) of section 46b-231 of the 2006 supplement to
965 the general statutes is repealed and the following is substituted in lieu
966 thereof (*Effective from passage*):

967 (u) (1) The Department of Social Services may in IV-D cases (A)
968 bring petitions for support orders pursuant to section 46b-215, as
969 amended by this act, (B) obtain acknowledgments of paternity, (C)
970 bring applications for show cause orders pursuant to section 46b-172,
971 as amended by this act, (D) file agreements for support with the
972 assistant clerk of the Family Support Magistrate Division, [and] (E)
973 issue withholding orders entered by the Superior Court or a family
974 support magistrate in accordance with subsection (b) of section 52-362,
975 and (F) upon notice to the obligor and obligee, redirect payments for
976 the support of any child receiving child support enforcement services
977 either to the state of Connecticut or to the present custodial party, as
978 their interests may appear, provided all such payments shall be
979 distributed as required by Title IV-D of the Social Security Act, and
980 provided further that any such notice shall be sent by first class mail to
981 the most recent address of such obligor and obligee, as recorded in the
982 state case registry, and a copy of such notice shall be filed with the
983 court or family support magistrate.

984 (2) The Department of Social Services shall provide notice not less
985 than once every three years to the parents subject to a support order in
986 a IV-D case informing the parents of their right to request a review

1987 under subdivision (4) of subsection (s) of this section.

1988 Sec. 24. Subsection (d) of section 52-56 of the 2006 supplement to the
1989 general statutes is repealed and the following is substituted in lieu
1990 thereof (*Effective October 1, 2006*):

1991 (d) The execution or service of any *capias* issued pursuant to section
1992 52-143 or 54-2a or any warrant or *capias mittimus* issued by a court or
1993 family support magistrate in a family support matter may be made in
1994 any precinct in the state by any state marshal of any precinct having
1995 such *capias*, warrant or *capias mittimus*, or a copy thereof made by
1996 any photographic, micrographic, electronic imaging or other process,
1997 which clearly and accurately copies such original document, in his
1998 hands for service.

1999 Sec. 25. Subsection (a) of section 52-362d of the general statutes is
1000 repealed and the following is substituted in lieu thereof (*Effective from*
1001 *passage*):

1002 (a) Whenever an order of the Superior Court or a family support
1003 magistrate for support of a minor child or children is issued and such
1004 payments have been ordered to be made to the state acting by and
1005 through the IV-D agency and the person against whom such support
1006 order was issued owes past-due support in the amount of five
1007 hundred dollars or more, the state shall have a lien on any property,
1008 real or personal, in which such person has an interest to enforce
1009 payment of such past-due support. [after first providing such person
1010 with notice of intent to place such lien, and an opportunity for a
1011 hearing before a hearing officer to contest the amount of such past-due
1012 support.] The lien for past-due child support shall be secured by the
1013 IV-D agency pursuant to procedures contained in the general statutes
1014 applicable to the type of property to be secured. After securing the
1015 lien, the IV-D agency shall provide such person with notice of the lien
1016 and an opportunity for a hearing before a hearing officer of the
1017 Department of Social Services pursuant to section 17b-60 to contest the
1018 lien. The IV-D agency shall file a release of such lien if a hearing officer
1019 determines that the conditions for the existence of a lien are not

1020 satisfied. Any such lien on real property may, at any time during
 1021 which the obligor owes the amount of past-due child support secured
 1022 by such lien, be foreclosed in an action brought in a court of competent
 1023 jurisdiction by the Commissioner of Social Services in a title IV-D case
 1024 or by the person to whom the child support is due. A lien for past-due
 1025 support arising in any other state shall be given full faith and credit by
 1026 this state provided such other state has complied with its procedural
 1027 rules relating to recording or serving of liens.

1028 Sec. 26. Subsection (r) of section 52-367b of the general statutes is
 1029 repealed and the following is substituted in lieu thereof (*Effective from*
 1030 *passage*):

1031 (r) For the purposes of this subsection, "exempt" shall have the same
 1032 meaning as provided in subsection (c) of section 52-352a. Funds
 1033 deposited in an account that has been established for the express
 1034 purpose of receiving electronic direct deposits of public assistance or
 1035 of Title IV-D child support payments from the Department of Social
 1036 Services shall be exempt.

| | | |
|---|------------------------|-----------------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2006</i> | 17b-137(a) and (b) |
| Sec. 2 | <i>from passage</i> | 17b-179(b) |
| Sec. 3 | <i>from passage</i> | 17b-179(j) |
| Sec. 4 | <i>from passage</i> | 17b-745(a)(1) and (2) |
| Sec. 5 | <i>from passage</i> | 17b-745(a)(5) and (6) |
| Sec. 6 | <i>October 1, 2006</i> | 29-1g |
| Sec. 7 | <i>January 1, 2007</i> | 45a-716(b) and (c) |
| Sec. 8 | <i>from passage</i> | 46b-84(f) and (g) |
| Sec. 9 | <i>January 1, 2007</i> | 46b-150 |
| Sec. 10 | <i>from passage</i> | 46b-168(c) |
| Sec. 11 | <i>from passage</i> | 46b-168a(b) and (c) |
| Sec. 12 | <i>from passage</i> | 46b-171(a)(1) to (3) |
| Sec. 13 | <i>from passage</i> | 46b-172(b) and (c) |
| Sec. 14 | <i>January 1, 2007</i> | 46b-172a(a) |
| Sec. 15 | <i>from passage</i> | 46b-215(a)(1) and (2) |
| Sec. 16 | <i>from passage</i> | 46b-215(a)(7) |

| | | |
|---------|------------------------|---------------|
| Sec. 17 | <i>from passage</i> | 46b-215(c) |
| Sec. 18 | <i>from passage</i> | 46b-215b(a) |
| Sec. 19 | <i>from passage</i> | 46b-215e |
| Sec. 20 | <i>October 1, 2006</i> | 46b-231(m)(1) |
| Sec. 21 | <i>October 1, 2006</i> | 46b-231(m)(7) |
| Sec. 22 | <i>October 1, 2006</i> | 46b-231(m)(9) |
| Sec. 23 | <i>from passage</i> | 46b-231(u) |
| Sec. 24 | <i>October 1, 2006</i> | 52-56(d) |
| Sec. 25 | <i>from passage</i> | 52-362d(a) |
| Sec. 26 | <i>from passage</i> | 52-367b(r) |

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect |
|-------------------------------|----------------|
| Department of Social Services | GF - See Below |

Municipal Impact: None

Explanation

This bill makes a variety of changes to the child support statutes, including allowing the Department of Social Services (DSS) to establish bank accounts for child support recipients and to directly deposit funds it collects on their behalf. This change will allow DSS to expand its electronic transfers of funds, thereby reducing postage and handling costs. The extent of these savings will be dependent upon the number of accounts and direct deposits that replace current mailings. As the language is permissive, the potential savings are not known. The other changes included in the bill may facilitate collection of child support, which may increase the reimbursement to the General Fund for state assistance. The extent of this potential increase in reimbursement is not known.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future.

OLR Bill Analysis**sSB 57*****AN ACT CONCERNING ESTABLISHMENT AND ENFORCEMENT OF CHILD SUPPORT IN TITLE IV-D CASES.*****SUMMARY:**

This bill permits the Department of Social Services (DSS) commissioner to implement electronic funds transfer (EFT) for child support payments it processes through the State Disbursement Unit.

It also:

1. enhances the department's investigative authority and court and administrative enforcement options,
2. makes uniform the three year cap on past due child support for men who acknowledge or are adjudicated as a child's parent,
3. increases certain parents' support obligations, and
4. conforms law to recent child support guideline changes.

EFFECTIVE DATE: Various; see below

§§ 3 & 26 — EFT

If the commissioner implements EFT for all support payments processed through its disbursement unit, she may establish a debit account for any recipient who does not designate or establish an account on her own.

Accounts DSS establishes can accept only EFT funds and only be accessed using a debit/ATM card. The bill specifies that creditors cannot seize funds in EFT accounts to satisfy a debt.

The user is responsible for all fees other than those described below

or specified in a contract between the commissioner and the bank. But approved user fees cannot be assessed against EFT accountholders unless they are assessed against all other debit card users.

DSS and the bank may establish by contract the maximum number of allowable transactions.

Prohibited Fees

The bill restricts debit card systems to those that do not charge user fees at point of sale terminals or ATMs, including those outside the issuer's network. They must also provide users free:

1. means to promptly determine whether a deposit has been credited to their account;
2. account balance information by telephone or on the issuer's web site, and
3. monthly statements by mail or on the issuer's web site, at the user's option.

Other Required Conditions

The bill requires the bank to assure that it has a substantial number of ATMs in all regions of the state and that EFT accounts will be insured by the Federal Deposit Insurance Corporation. It must agree to provide customer service in languages other than English.

Notice Requirements

The bill requires that the commissioner or bank, if required by contract, must notify users, when their cards are first issued and at least annually thereafter about:

1. the type of debit account they have,
2. all service and penalty fees and their amounts,
3. how to obtain funds if the card is lost or stolen,
4. how to report and replace a lost or stolen card,

5. liability for unauthorized card use,
6. how to report account errors and liability for them,
7. whether overdrafts are possible, and other similar consumer information.

ENFORCEMENT ENHANCEMENT

§§ 7, 9, and 14 – Attorney General Participation In Probate Court Proceedings

The bill makes uniform a requirement that the probate court notify the attorney general of all petitions involving emancipation, termination of parental rights, or a putative father's paternity. He must be made and remain a party if the child has received state assistance or child support enforcement services.

He is already required to do this in paternity cases involving a child who has received public assistance and in divorce cases involving public assistance or child support enforcement recipients.

EFFECTIVE DATE: January 1, 2007

§ 1 – Access to Cell Phone Records

The bill authorizes Bureau of Child Support Enforcement (BCSE) to obtain address and employer information on parties involved in child support cases from wireless telecommunication service providers. Currently, they can get this information from public utilities and cable television providers. As under existing law, they may not disclose this information further and the party disclosing the information can not be held liable for doing so.

EFFECTIVE DATE: October 1, 2006

§ 1 – Financial Information

The bill also permits BCSE and court support enforcement personnel to require businesses to disclose information about the property, wages, and debts of a person it is investigating, rather than only those who have a support order in place. As under current law,

those who refuse to supply the information may be subpoenaed to testify or produce relevant documents.

EFFECTIVE DATE: October 1, 2006

§§ 6 and 24 – Capias and Warrant Service

The bill permits the Department of Public Safety commissioner to appoint more special policemen to serve capias writs and warrants to take people into custody. Current law permits him to appoint only two.

The bill also permits state marshals to serve copies of capias writs and warrants, instead of only original documents. Any photographic, micrographic, electronic imaging, or other process that clearly and accurately copies the original may be used.

EFFECTIVE DATE: October 1, 2006

§ 25 – Liens

The bill eliminates a requirement that DSS give advance notice and an opportunity for an administrative hearing before perfecting a lien on property of an obligor owing more than \$500 in past due child support. Instead, it requires BCSE to give notice and offer the hearing after the lien has been perfected.

By law, DSS may foreclose at any time on the encumbered property.

EFFECTIVE DATE: Upon Passage

§§ 2, 5, 12, 13, 17, 22, and 23 – Administrative Change to Support Order Payee

The bill allows BCSE to change the name of a child support payee administratively to reflect a child's custody transfer from a parent to another third party or vice versa. Currently this can only be done in cases involving both child support and public assistance recipients. Otherwise, BCSE must obtain a court order.

As under the existing administrative procedure, BCSE must mail a

notice to the obligor and obligee at the address listed in its support case registry, and file a copy with the court or family support magistrate, as the case may be.

EFFECTIVE DATE: Upon Passage

§§ 8, 20, and 21 — Distribution of Forfeited Appearance and Performance Bonds

By law, courts may order people responsible for paying child support to file bonds intended to insure that they appear in court and make their support payments on time. The bill requires the court to distribute forfeited bonds in the manner specified by the federal welfare law.

Current law requires the bond to be turned over to the state if the family has received welfare benefits; otherwise to pay the full amount to the custodial parent. The federal distribution formula would in most cases decrease the state's share of the bond money.

EFFECTIVE DATE: Upon Passage

§§ 5, 12, & 16—PAST DUE SUPPORT FOR CHILDREN BORN OUT-OF-WEDLOCK

The bill extends the three year cap on past due child support to all cases where paternity is established either by acknowledgment or adjudication. The three years run from the date (1) the father acknowledges paternity or (2) the paternity petition is filed.

EFFECTIVE DATE: Upon Passage

INCREASED SUPPORT OBLIGATIONS

§§ 4, 12, 13, and 15—High School Students

Current law conditions an unmarried full-time high school student's eligibility for support beyond age 17 on his living with a parent. The bill eliminates this residency requirement. As under current law, parents must continue paying for support until the student graduates or turns 19, whichever occurs first.

EFFECTIVE DATE: Upon Passage

§19—Prisoners

The bill allows BCSE to consider an institutionalized or incarcerated person's substantial assets, rather than only his negligible income, in determining how much child support he must pay.

It also prohibits downward support order modifications when the reason for incarceration is due to an offense committed against his child or child's guardian.

EFFECTIVE DATE: Upon Passage

§§ 4, 8, 10, 11, 12, & 15 — HUSKY OFFSETS

The bill exempts low income obligors (e.g., a parent with one child whose net weekly income is no more than \$250) from having to contribute to a custodial parent's HUSKY health insurance premium costs.

Current law exempts any obligor whose current support obligations would be reduced if he contributed to premium costs. Recent changes in the Child Support Guidelines require premium deductions to be subtracted from an obligor's gross income, which lowers their support obligation. The effect of this change appears to be to exempt virtually all obligors from having to contribute to HUSKY costs.

§18 — SUPPORT GUIDELINES

The bill specifies that the child support guidelines in effect on the date the obligation was established are to be used in setting support, arrearage, and past due support amounts. There is a rebuttable presumption that support calculations based on the guidelines are correct.

EFFECTIVE DATE: Upon Passage

§ 18 Genetic Testing Costs

The bill exempts low income obligors and those that are otherwise

indigent from having to repay DSS for the costs of paternity tests. But it authorizes DSS to recover these costs from all other adjudicated and acknowledged fathers.

EFFECTIVE DATE: Upon Passage

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 0 (03/27/2006)