



Substitute House Bill No. 7361

Public Act No. 07-247

AN ACT CONCERNING CHILD SUPPORT ENFORCEMENT PROGRAM COMPLIANCE AND IMPROVEMENTS.

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

Section 1. Section 17b-77 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

Application for aid under the state supplement program, medical assistance program, temporary family assistance program and food stamps program, shall be made to the Commissioner of Social Services. The name and address of each such applicant shall be recorded with the commissioner. Such application, in the case of temporary family assistance, shall be made by the supervising relative, his authorized representative, or, in the case of an individual who is incapacitated, someone acting responsibly for him and shall contain the name and the exact residence of such applicant, the name, place and date of birth of each dependent child, the Social Security number of the supervising relative and of each dependent child, and such other information as is required by the commissioner. If such supervising relative or any such child does not have a Social Security number, the commissioner shall assist in obtaining a Social Security number for each such person seeking public assistance and during the time required to obtain such Social Security numbers the supervising relative and children shall not

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be precluded from eligibility under this section. By such application, the applicant shall assign to the commissioner the right of support, present, past and future, due all persons seeking assistance and shall assist the commissioner in pursuing support obligations due from the [absent] noncustodial parent. On and after October 1, 2008, such assignment under the temporary family assistance program shall apply only to such support rights as accrue during the period of assistance, not to exceed the total amount of assistance provided to the family under said program. Notice of such assignment shall be conspicuously placed on said application and shall be explained to the applicant at the time of application. All information required to be provided to the commissioner as a condition of such eligibility under federal law shall be so provided by the applicant, provided, no person shall be determined to be ineligible if the applicant has good cause for the refusal to provide information concerning the [absent] noncustodial parent or if the provision of such information would be against the best interests of the dependent child or children, or any of them. The Commissioner of Social Services shall adopt by regulation, in accordance with chapter 54, standards as to good cause and best interests of the child. Any person aggrieved by a decision of the commissioner as to the determination of good cause or the best interests of such child or children may request a fair hearing in accordance with the provisions of sections 17b-60 and 17b-61. All statements made by the applicant concerning income, resources and any other matters pertaining to eligibility shall be certified to by the applicant as true and correct under penalty of false statement, and for any such certified statement which is untrue or incorrect such applicant shall be subject to the penalties provided for false statement under section 17b-97.

Sec. 2. Subsection (h) of section 17b-179 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

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(h) (1) The Connecticut Child Support Enforcement Bureau shall provide, or arrange to provide through one or more of the state offices, departments and agencies the same services for obtaining and enforcing child support orders in cases in which children are not beneficiaries of TANF as in cases where children are the beneficiaries of such aid. Such services shall also be made available to residents of other states on the same terms as to residents of this state. Support services in non-TANF support cases will be provided upon application to the Connecticut Bureau of Child Support Enforcement by the person seeking to enforce a child support obligation and the payment of an application fee, pursuant to the provisions of subsection (i) of this section.

(2) In addition to the application fee, the Connecticut Child Support Enforcement Bureau may assess costs incurred for the establishment, enforcement or modification of a support order in non-TANF cases. Such assessment shall be based on a fee schedule adopted by the Department of Social Services pursuant to chapter 54. The fee schedule to be charged in non-TANF support cases shall be made available to any individual upon request. The Child Support Enforcement Bureau shall adopt procedures for the notification of Superior Court judges and family support magistrates when a fee has been assessed an obligee for support services and a Superior Court judge or a family support magistrate shall order the obligor to pay any such assessment to the Child Support Enforcement Bureau. In cases where such order is not entered, the obligee shall pay an amount based on a sliding scale not to exceed the obligee's ability to pay. The Department of Social Services shall adopt such sliding scale pursuant to chapter 54.

(3) The Connecticut Child Support Enforcement Bureau shall also, in the case of an individual who never received temporary assistance for needy families and for whom the state has collected at least five hundred dollars of support in a one-year period, impose an annual fee

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of twenty-five dollars for each case in which services are furnished. The annual fee shall be (A) retained by the state from the support collected on behalf of the individual, but not from the first five hundred dollars collected, (B) paid by the individual applying for the services, (C) recovered from the noncustodial parent, or (D) paid by the state.

Sec. 3. Subparagraph (A) of subdivision (2) of subsection (a) of section 17b-745 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(2) (A) The court or family support magistrate shall include in each support order in a IV-D support case a provision for the health care coverage of the child. [which] Such provision may include an order for either parent or both parents to provide such coverage under any or all of clauses (i), (ii) or (iii) of this subparagraph.

(i) The provision for health care coverage may include an order for either parent to name any child as a beneficiary of any medical or dental insurance or benefit plan carried by such parent or available to such parent [on a group basis through an employer or a union. Any such employment-based order] at a reasonable cost, as described in clause (iv) of this subparagraph. If such order requires the parent to maintain insurance available through an employer, the order shall be enforced using a National Medical Support Notice as provided in section 46b-88, as amended by this act.

[If such insurance coverage is unavailable at reasonable cost, the]

(ii) The provision for health care coverage may include an order for either parent to: [apply] (I) Apply for and maintain coverage on behalf of the child under the HUSKY Plan, Part B; [. The noncustodial parent shall be ordered to apply for the HUSKY Plan, Part B only if such parent is found to have sufficient ability to pay the appropriate

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premium. In any IV-D support case in which the noncustodial parent is found to have insufficient ability to provide medical insurance coverage and the custodial party is the HUSKY Plan, Part A or Part B applicant, the provision for health care coverage may include an order for the noncustodial parent to pay such amount as is specified by the court or family support magistrate] or (II) provide cash medical support, as described in clauses (v) and (vi) of this subparagraph. An order under this clause shall be made only if the cost to the parent obligated to maintain coverage under the HUSKY Plan, Part B, or provide cash medical support is reasonable as described in clause (iv) of this subparagraph. An order under subclause (I) of this clause shall be made only if insurance coverage as described in clause (i) of this subparagraph is unavailable at reasonable cost to either parent, or inaccessible to the child.

(iii) An order for payment of the child's medical and dental expenses, other than those described in subclause (II) of clause (v) of this subparagraph, that are not covered by insurance or reimbursed in any other manner shall be entered in accordance with the child support guidelines established pursuant to section 46b-215a.

(iv) Health care coverage shall be deemed reasonable in cost if: (I) The parent obligated to maintain such coverage would qualify as a low-income obligor under the child support guidelines established pursuant to section 46b-215a, based solely on such parent's income, and the cost does not exceed five per cent of such parent's net income; or (II) the parent obligated to maintain such coverage would not qualify as a low-income obligor under such guidelines and the cost does not exceed seven and one-half per cent of such parent's net income. In either case, net income shall be determined in accordance with the child support guidelines established pursuant to section 46b-215a. If a parent obligated to maintain insurance must obtain coverage for himself or herself to comply with the order to provide coverage for

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the child, reasonable cost shall be determined based on the combined cost of coverage for such parent and such child.

(v) Cash medical support means: (I) An amount ordered to be paid toward the cost of premiums for health insurance coverage provided by a public entity, including the HUSKY Plan, Part A or Part B, except as provided in clause (vi) of this subparagraph, or by another parent through employment or otherwise, or (II) an amount ordered to be paid, either directly to a medical provider or to the person obligated to pay such provider, toward any ongoing extraordinary medical and dental expenses of the child that are not covered by insurance or reimbursed in any other manner, provided such expenses are documented and identified specifically on the record. Cash medical support, as described in subclauses (I) and (II) of this clause, may be ordered in lieu of an order under clause (i) of this subparagraph to be effective until such time as health insurance that is accessible to the child and reasonable in cost becomes available, or in addition to an order under clause (i) of this subparagraph, provided the total cost to the obligated parent of insurance and cash medical support is reasonable, as described in clause (iv) of this subparagraph. An order for cash medical support shall be payable to the state or the custodial party, as their interests may appear, provided an order under subclause (I) of this clause shall be effective only as long as health insurance coverage is maintained. Any unreimbursed medical and dental expenses not covered by an order issued pursuant to subclause (II) of this clause are subject to an order for unreimbursed medical and dental expenses pursuant to clause (iii) of this subparagraph.

(vi) Cash medical support to offset the cost of any insurance payable under the HUSKY Plan, Part A or Part B, [unless the] shall not be ordered against a noncustodial parent who is a low-income obligor, as defined in the child support guidelines established pursuant to section 46b-215a, or against a custodial parent of children covered under the

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HUSKY Plan, Part A or Part B.

Sec. 4. Subparagraph (A) of subdivision (7) of subsection (a) of section 17b-745 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(7) (A) Proceedings to obtain orders of support under this section shall be commenced by the service on the liable person or persons of a verified petition of the Commissioner of Administrative Services, the Commissioner of Social Services or their designees. The verified petition shall be filed by any of said commissioners or their designees in the judicial district of the court or Family Support Magistrate Division in which the patient, applicant, beneficiary, recipient or the defendant resides. The judge or family support magistrate shall cause a summons, signed by such judge or magistrate, by the clerk of said court, or by a commissioner of the Superior Court to be issued, requiring such liable person or persons to appear before the court or a family support magistrate at a time and place as determined by the clerk but not more than ninety days after the issuance of the summons to show cause, if any, why the request for relief in such petition should not be granted. [The verified petition, summons and order shall be on forms prescribed by the Office of the Chief Court Administrator.]

Sec. 5. Subsection (e) of section 38a-497a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(e) If a parent is required by a court or an administrative order to provide health coverage for a child and the parent is eligible for family health coverage through an employer doing business in the state, such employer shall permit such parent to enroll such child under such coverage without regard to any open enrollment restrictions. If a parent is enrolled but fails to make application to obtain coverage of a child, the employer shall enroll such child under health care coverage

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upon application by the child's other parent or by the Commissioner of Social Services, or his designee, when such child is eligible under the Medicaid program or is receiving child support enforcement services pursuant to Title IV-D of the Social Security Act. A NMSN shall constitute an application for health care coverage by the issuing agency. If a noncustodial parent in a IV-D case provides such coverage and changes employment, and the new employer provides health care coverage, the IV-D agency or an agency under cooperative agreement therewith shall transfer notice of the provision for health care coverage to such new employer, as provided in section 46b-88, as amended by this act. [The notice] A NMSN shall operate to enroll the child in the [noncustodial] parent's health care plan if that portion of the [obligor's] parent's income which is subject to withholding pursuant to subsection (e) of section 52-362, as amended by this act, is sufficient to cover both the current support order and health care coverage. At the time notice is transferred to the employer, the IV-D agency, or an agency under cooperative agreement therewith, shall also cause a copy of the notice of such transfer of health care coverage to be delivered to [the obligor and to the custodial] each parent. [The noncustodial] A parent may contest such notice by filing a motion for modification with the family support magistrate. An employer, subject to the provisions of this section, shall not disenroll or eliminate coverage of any such child unless the employer is provided satisfactory written evidence that: (1) A court or an administrative order for health care coverage is no longer in effect; (2) the child is or shall be enrolled in comparable health care coverage which shall take effect not later than the effective date of such disenrollment or elimination; or (3) the employer has eliminated family health care coverage for all of its employees.

Sec. 6. Subsection (b) of section 46b-84 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

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(b) If there is an unmarried child of the marriage who has attained the age of eighteen [,] and is a full-time high school student, [and resides with a parent,] the parents shall maintain the child according to their respective abilities if the child is in need of maintenance until [such time as] such child completes the twelfth grade or attains the age of nineteen, whichever [first] occurs first. The provisions of this subsection shall apply only in cases where the decree of dissolution of marriage, legal separation or annulment is entered on or after July 1, 1994.

Sec. 7. Subsection (f) of section 46b-84 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(f) (1) After the granting of a decree annulling or dissolving the marriage or ordering a legal separation, and upon complaint or motion with order and summons made to the Superior Court by either parent or by the Commissioner of Administrative Services in any case arising under subsection (a) or (b) of this section, as amended by this act, the court shall inquire into the child's need of maintenance and the respective abilities of the parents to supply maintenance. The court shall make and enforce the decree for the maintenance of the child as it considers just, and may direct security to be given therefor, including an order to either party to contract with a third party for periodic payments or payments contingent on a life to the other party. The court may order that a party obtain life insurance as such security unless such party proves, by a preponderance of the evidence, that such insurance is not available to such party, such party is unable to pay the cost of such insurance or such party is uninsurable.

(2) The court shall include in each support order a provision for the health care coverage of the child [which provision may include an order for either parent to name any child] who is subject to the provisions of subsection (a) or (b) of this section. Such provision may

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include an order for either parent or both parents to provide such coverage under any or all of subparagraphs (A), (B) or (C) of this subdivision.

(A) The provision for health care coverage may include an order for either parent to name any child as a beneficiary of any medical or dental insurance or benefit plan carried by such parent or available to such parent [on a group basis through an employer or a union. Any such employment-based order] at a reasonable cost, as described in subparagraph (D) of this subdivision. If such order in a IV-D support case requires the parent to maintain insurance available through an employer, the order shall be enforced using a National Medical Support Notice as provided in section 46b-88, as amended by this act.

[If such insurance coverage is unavailable at reasonable cost, the]

(B) The provision for health care coverage may include an order for either parent to: [apply] (i) Apply for and maintain coverage on behalf of the child under the HUSKY Plan, Part B; [. The noncustodial parent shall be ordered to apply for the HUSKY Plan, Part B only if such parent is found to have sufficient ability to pay the appropriate premium. In any IV-D support case in which the noncustodial parent is found to have insufficient ability to provide medical insurance coverage and the custodial party is the HUSKY Plan, Part A or Part B applicant, the provision for health care coverage may include an order for the noncustodial parent to pay such amount as is specified by the court or family support magistrate] or (ii) provide cash medical support, as described in subparagraphs (E) and (F) of this subdivision. An order under this subparagraph shall be made only if the cost to the parent obligated to maintain the coverage under the HUSKY Plan, Part B, or provide cash medical support is reasonable, as described in subparagraph (D) of this subdivision. An order under clause (i) of this subparagraph shall be made only if insurance coverage as described in subparagraph (A) of this subdivision is unavailable at reasonable cost

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to either parent, or inaccessible to the child.

(C) An order for payment of the child's medical and dental expenses, other than those described in clause (ii) of subparagraph (E) of this subdivision, that are not covered by insurance or reimbursed in any other manner shall be entered in accordance with the child support guidelines established pursuant to section 46b-215a.

(D) Health care coverage shall be deemed reasonable in cost if: (i) The parent obligated to maintain such coverage would qualify as a low-income obligor under the child support guidelines established pursuant to section 46b-215a, based solely on such parent's income, and the cost does not exceed five per cent of such parent's net income; or (ii) the parent obligated to maintain such coverage would not qualify as a low-income obligor under such guidelines and the cost does not exceed seven and one-half per cent of such parent's net income. In either case, net income shall be determined in accordance with the child support guidelines established pursuant to section 46b-215a. If a parent obligated to maintain insurance must obtain coverage for himself or herself to comply with the order to provide coverage for the child, reasonable cost shall be determined based on the combined cost of coverage for such parent and such child.

(E) Cash medical support means: (i) An amount ordered to be paid toward the cost of premiums for health insurance coverage provided by a public entity, including the HUSKY Plan, Part A or Part B, except as provided in subparagraph (F) of this subdivision, or by another parent through employment or otherwise, or (ii) an amount ordered to be paid, either directly to a medical provider or to the person obligated to pay such provider, toward any ongoing extraordinary medical and dental expenses of the child that are not covered by insurance or reimbursed in any other manner, provided such expenses are documented and identified specifically on the record. Cash medical support, as described in clauses (i) and (ii) of this subparagraph may

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be ordered in lieu of an order under subparagraph (A) of this subdivision to be effective until such time as health insurance that is accessible to the child and reasonable in cost becomes available, or in addition to an order under subparagraph (A) of this subdivision, provided the combined cost of insurance and cash medical support is reasonable, as defined in subparagraph (D) of this subdivision. An order for cash medical support shall be payable to the state or the custodial party, as their interests may appear, provided an order under clause (i) of this subparagraph shall be effective only as long as health insurance coverage is maintained. Any unreimbursed medical and dental expenses not covered by an order issued pursuant to clause (ii) of this subparagraph are subject to an order for unreimbursed medical and dental expenses pursuant to subparagraph (C) of this subdivision.

(F) Cash medical support to offset the cost of any insurance payable under the HUSKY Plan, Part A or Part B, [unless the] shall not be ordered against a noncustodial parent who is a low-income obligor, as defined in the child support guidelines established pursuant to section 46b-215a, or against a custodial parent of children covered under the HUSKY Plan, Part A or Part B.

Sec. 8. Subdivision (1) of subsection (b) of section 46b-88 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(b) (1) Whenever a court or family support magistrate enters a support order in a Title IV-D support case, as defined in subsection (b) of section 46b-231, as amended by this act, that requires a noncustodial parent to provide employment-based health care coverage for a child, and the noncustodial parent's employer is known to the issuing agency, such agency shall enforce the health care coverage provisions of the order through the use of a NMSN. The issuing agency may also use the NMSN to enforce provisions of the support order requiring the custodial parent to provide employment-based health coverage for the

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child.

Sec. 9. Subsection (d) of section 46b-88 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(d) The NMSN shall inform the employer of the duration of the withholding requirement, of any limitations on withholding prescribed by federal or state law, and of any withholding priorities that apply when available income is insufficient to satisfy all cash and medical support obligations. A withholding for medical support obligations shall take priority over all support obligations other than current child and spousal support. The employer shall notify the issuing agency when any such withholding limitations or priorities prevent the employer from withholding the amount required to obtain coverage under the group health plan for which the child is otherwise eligible.

Sec. 10. Subsection (a) of section 46b-160 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) (1) (A) Proceedings to establish paternity of a child born or conceived out of lawful wedlock, including one born to, or conceived by, a married woman but begotten by a man other than her husband, shall be commenced by the service on the putative father of a verified petition of the mother or expectant mother. Such petition may be brought at any time prior to the child's eighteenth birthday, provided liability for past support shall be limited to the three years next preceding the date of the filing of any such petition.

(B) In cases involving public assistance recipients, the petition shall also be served upon the Attorney General who shall be and remain a party to any paternity proceeding and to any proceedings after

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judgment in such action.

(2) The verified petition, summons and order shall be filed in the superior court for the judicial district in which either she or the putative father resides, except that in IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231, as amended by this act, and in petitions brought under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, such petition shall be filed with the clerk for the Family Support Magistrate Division serving the judicial district where either she or the putative father resides. [In cases involving public assistance recipients the petition shall also be served upon the Attorney General who shall be and remain a party to any paternity proceeding and to any proceedings after judgment in such action.]

(3) (A) The court or any judge, or family support magistrate, assigned to said court shall cause a summons, signed by such judge or magistrate, by the clerk of said court, or by a commissioner of the Superior Court to be issued, requiring the putative father to appear in court at a time and place as determined by the clerk but not more than ninety days after the issuance of the summons to show cause why the request for relief in such petition should not be granted.

(B) A state marshal, proper officer or investigator shall make due [returns] return of process to the court not less than twenty-one days before the date assigned for hearing. [Such petition, summons and order shall be on forms prescribed by the Office of the Chief Court Administrator.] In the case of a child or expectant mother being supported wholly or in part by the state, service of such petition may be made by any investigator employed by the Department of Social Services and any proper officer authorized by law. [Such petition may be brought at any time prior to the child's eighteenth birthday, provided liability for past support shall be limited to the three years next preceding the date of the filing of any such petition.]

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(4) If the putative father fails to appear in court at such time and place, the court or family support magistrate shall hear the petitioner and, upon a finding that process was served on the putative father, shall enter a default judgment of paternity against such father and such other orders as the facts may warrant. Such court or family support magistrate may order continuance of such hearing; and if such mother or expectant mother continues constant in her accusation, it shall be evidence that the respondent is the father of such child. The court or family support magistrate shall, upon motion by a party, issue an order for temporary support of the child by the respondent pending a final judgment of the issue of paternity if such court or magistrate finds that there is clear and convincing evidence of paternity which evidence shall include, but not be limited to, genetic test results indicating a ninety-nine per cent or greater probability that such respondent is the father of the child.

Sec. 11. Subdivision (2) of subsection (a) of section 46b-171 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(2) In addition, the court or family support magistrate shall include in each support order in a IV-D support case a provision for the health care coverage of the child. [which] Such provision may include an order for either parent or both parents to provide such coverage under any or all of subparagraphs (A), (B) or (C) of this subdivision.

(A) The provision for health care coverage may include an order for either parent to name any child as a beneficiary of any medical or dental insurance or benefit plan carried by such parent or available to such parent [on a group basis through an employer or union. Any such employment-based order] at a reasonable cost as described in subparagraph (D) of this subdivision. If such order requires the parent to maintain insurance available through an employer, the order shall be enforced using a National Medical Support Notice as provided in

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section 46b-88, as amended by this act.

[If such insurance coverage is unavailable at reasonable cost, the]

(B) The provision for health care coverage may include an order for either parent to: [apply] (i) Apply for and maintain coverage on behalf of the child under the HUSKY Plan, Part B; [. The noncustodial parent shall be ordered to apply for the HUSKY Plan, Part B only if such parent is found to have sufficient ability to pay the appropriate premium. In any IV-D support case in which the noncustodial parent is found to have insufficient ability to provide medical insurance coverage and the custodial party is the HUSKY Plan, Part A or Part B applicant, the provision for health care coverage may include an order for the noncustodial parent to pay such amount as is specified by the court or family support magistrate] or (ii) provide cash medical support, as described in subparagraphs (E) and (F) of this subdivision. An order under this subparagraph shall be made only if the cost to the parent obligated to maintain coverage under the HUSKY Plan, Part B, or provide cash medical support is reasonable, as described in subparagraph (D) of this subdivision. An order under clause (i) of this subparagraph shall be made only if insurance coverage as described in subparagraph (A) of this subdivision is unavailable at reasonable cost to either parent, or inaccessible to the child.

(C) An order for payment of the child's medical and dental expenses, other than those described in clause (ii) of subparagraph (E) of this subdivision, that are not covered by insurance or reimbursed in any other manner shall be entered in accordance with the child support guidelines established pursuant to section 46b-215a.

(D) Health care coverage shall be deemed reasonable in cost if: (i) The parent obligated to maintain such coverage would qualify as a low-income obligor under the child support guidelines established pursuant to section 46b-215a, based solely on such parent's income,

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and the cost does not exceed five per cent of such parent's net income; or (ii) the parent obligated to maintain such coverage would not qualify as a low-income obligor under such guidelines and the cost does not exceed seven and one-half per cent of such parent's net income. In either case, net income shall be determined in accordance with the child support guidelines established pursuant to section 46b-215a. If a parent obligated to maintain insurance must obtain coverage for himself or herself to comply with the order to provide coverage for the child, reasonable cost shall be determined based on the combined cost of coverage for such parent and such child.

(E) Cash medical support means (i) an amount ordered to be paid toward the cost of premiums for health insurance coverage provided by a public entity, including the HUSKY Plan, Part A or Part B, except as provided in subparagraph (F) of this subdivision, or by another parent through employment or otherwise, or (ii) an amount ordered to be paid, either directly to a medical provider or to the person obligated to pay such provider, toward any ongoing extraordinary medical and dental expenses of the child that are not covered by insurance or reimbursed in any other manner, provided such expenses are documented and identified specifically on the record. Cash medical support, as described in clauses (i) and (ii) of this subparagraph, may be ordered in lieu of an order under subparagraph (A) of this subdivision to be effective until such time as health insurance that is accessible to the child and reasonable in cost becomes available, or in addition to an order under subparagraph (A) of this subdivision, provided the total cost to the obligated parent of insurance and cash medical support is reasonable, as described in subparagraph (D) of this subdivision. An order for cash medical support shall be payable to the state or the custodial party, as their interests may appear, provided an order under clause (i) of this subparagraph shall be effective only as long as health insurance coverage is maintained. Any unreimbursed medical and dental expenses not covered by an order pursuant to

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clause (ii) of this subparagraph are subject to an order for unreimbursed medical and dental expenses pursuant to subparagraph (C) of this subdivision.

(F) Cash medical support to offset the cost of any insurance payable under the HUSKY Plan, Part A or Part B, [unless the] shall not be ordered against a noncustodial parent who is a low-income obligor, as defined in the child support guidelines established pursuant to section 46b-215a, or against a custodial parent of children covered under the HUSKY Plan, Part A or Part B.

Sec. 12. Subdivision (4) of subsection (b) of section 46b-172 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

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

Sec. 13. Subdivision (3) of subsection (c) of section 46b-172 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

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

Sec. 14. Section 46b-212 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

Sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by

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this act, may be cited as the Uniform Interstate Family Support Act.

Sec. 15. Section 46b-212a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

As used in sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act:

(1) "Child" means an individual, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

(2) "Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

(3) "Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse or former spouse, including an unsatisfied obligation to provide support.

(4) "Governor" means an individual performing the functions of Governor or the executive authority of a state covered by sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act.

(5) "Home state" means the state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if such child is less than six months old, the state in which such child lived from birth with such parent or person acting as parent. A period of temporary absence of such parent or person acting as parent is counted as part of the six-month or other period.

(6) "Income" includes earnings or other periodic entitlements to

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money from any source and any other property subject to withholding for support under the laws of this state.

(7) "Income withholding order" means an order or other legal process directed to an obligor's employer, as defined in section 52-362, as amended by this act, to withhold support from the income of the obligor.

(8) "Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, or a law or procedure substantially similar to said sections. [, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.]

(9) "Initiating tribunal" means the authorized tribunal in an initiating state.

(10) "Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining paternity.

(11) "Issuing tribunal" means the tribunal [which] that issues a support order or renders a judgment determining paternity.

(12) "Law" includes decisional and statutory law and rules and regulations having the force of law.

(13) "Obligee" means: (A) An individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining paternity has been rendered; (B) a state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or (C) an individual seeking a judgment

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determining paternity of the individual's child.

(14) "Obligor" means an individual, or the estate of a decedent: (A) Who owes or is alleged to owe a duty of support; (B) who is alleged but has not been adjudicated to be a parent of a child; or (C) who is liable under a support order.

(15) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

(16) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

[(15)] (17) "Register" means to file a support order or judgment determining paternity in the registry of support orders of the Family Support Magistrate Division of the Superior Court. Such a support order or judgment shall be filed by delivery of the order or judgment for filing to Support Enforcement Services of the Superior Court which shall maintain the registry on behalf of the Family Support Magistrate Division.

[(16)] (18) "Registering tribunal" means a tribunal in which a support order is registered.

[(17)] (19) "Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, or a law or procedure substantially similar to said sections. [, the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.]

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[(18)] (20) "Responding tribunal" means the authorized tribunal in a responding state.

[(19) "Spousal-support] (21) "Spousal support order" means a support order for a spouse or former spouse of the obligor.

[(20)] (22) "State" means a state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. [The term "state"] "State" includes: [an] (A) An Indian tribe, and (B) a foreign [jurisdiction] country or political subdivision that: (i) Has been declared to be a foreign reciprocating country or political subdivision under federal law; (ii) has established a reciprocal arrangement for child support with this state; or (iii) has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedure under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act. [the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Enforcement of Support Act.]

[(21)] (23) "Support enforcement agency" means a public official or agency authorized to seek: (A) Enforcement of support orders or laws relating to the duty of support; (B) establishment or modification of child support; (C) determination of paternity; [or] (D) the location of obligors or their assets; or (E) determination of the controlling child support order.

[(22)] (24) "Support order" means a judgment, decree, [or] order [,] or directive whether temporary, final or subject to modification, issued by a tribunal for the benefit of a child, a spouse or a former spouse, which provides for monetary support, health care, arrearages or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees and other relief.

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[(23)] (25) "Tribunal" means a court, administrative agency or quasi-judicial entity authorized to establish, enforce or modify support orders or to determine paternity.

Sec. 16. Section 46b-212b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

The Superior Court and the Family Support Magistrate Division of the Superior Court are the tribunals of this state. The Family Support Magistrate Division is the tribunal for the filing of petitions under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, provided clerical, administrative and other nonjudicial functions in proceedings before the Family Support Magistrate Division may be performed by Support Enforcement Services of the Superior Court.

Sec. 17. Section 46b-212c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) Remedies provided by sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, are cumulative and do not affect the availability of remedies under any other law, including the recognition of a support order of a foreign country or political subdivision on the basis of comity.

(b) Sections 46b-212 to 46b-213w, inclusive, as amended by this act, do not: (1) Provide the exclusive method of establishing or enforcing a support order under the laws of this state; or (2) grant a tribunal of this state jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under sections 46b-212 to 46b-213w, inclusive, as amended by this act.

Sec. 18. Section 46b-212d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) Subject to the provisions of subsection (b) of section 46b-46, in a

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proceeding to establish [,] or enforce [or modify] a support order or to determine paternity, a tribunal of this state may exercise personal jurisdiction over a nonresident individual if: (1) The individual is personally served with process within this state; (2) the individual submits to the jurisdiction of this state by consent in a record, by entering a general appearance and failing to object to jurisdiction in a timely manner, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction; (3) the individual resided with the child in this state; (4) the individual resided in this state and provided prenatal expenses or support for the child; (5) the child resides in this state as a result of the acts or directives of the individual; (6) the individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse; or (7) there is any other basis consistent with the Constitutions of this state and the United States for the exercise of personal jurisdiction.

(b) The bases of personal jurisdiction set forth in subsection (a) of this section or in any other law of this state may not be used to acquire personal jurisdiction for a tribunal of the state to modify a child support order of another state unless the requirements of section 46b-213q, as amended by this act, or subsection (b) of section 46b-213r, as amended by this act, are met.

(c) Personal jurisdiction acquired by the Family Support Magistrate Division in a proceeding under sections 46b-212 to 46b-213w, inclusive, as amended by this act, or other law of this state relating to a support order continues as long as the Family Support Magistrate Division has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by sections 46b-212h and 46b-212i, as amended by this act.

Sec. 19. Section 46b-212e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

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The Family Support Magistrate Division exercising personal jurisdiction over a nonresident [under section 46b-212d, may apply section 46b-213a to] in a proceeding under sections 46b-212 to 46b-213w, inclusive, as amended by this act, under other law of this state relating to a support order, or recognizing a support order of a foreign country or political subdivision on the basis of comity may receive evidence from another state [, and section 46b-213c to] pursuant to section 46b-213a, as amended by this act, communicate with a tribunal of another state pursuant to section 46b-213b, as amended by this act, and obtain discovery through a tribunal of another state pursuant to section 46b-213c. In all other respects, sections 46b-212m to 46b-213s, inclusive, as amended by this act, do not apply and the Family Support Magistrate Division shall apply the procedural and substantive law of this state. [, including the rules on choice of law other than those established by sections 46b-212 to 46b-213v, inclusive.]

Sec. 20. Section 46b-212f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

Under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, the Family Support Magistrate Division may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

Sec. 21. Section 46b-212h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) The Family Support Magistrate Division or the Superior Court [issuing] that has issued a support order consistent with the law of this state has and shall exercise continuing exclusive jurisdiction [over a] to modify its child support order if such order is the controlling support order and: (1) [As long as] At the time of the filing of a request for modification this state [remains] is the residence of the obligor, the individual obligee or the child for whose benefit the support order is

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issued; or (2) [until all of the parties who are individuals have filed written consents with the Family Support Magistrate Division for a tribunal of another state to modify the order and assume continuing exclusive jurisdiction] if this state is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the Family Support Magistrate Division or the Superior Court may continue to exercise jurisdiction to modify its order.

(b) The Family Support Magistrate Division or the Superior Court [issuing] that has issued a child support order consistent with the law of this state may not exercise [its] continuing, exclusive jurisdiction to modify the order if: [the order has been modified by a tribunal of another state pursuant to a law substantially similar to sections 46b-212 to 46b-213v, inclusive.]

[(c) If a child support order of this state is modified by a tribunal of another state pursuant to a law substantially similar to sections 46b-212 to 46b-213v, inclusive, the Family Support Magistrate Division and the Superior Court lose continuing exclusive jurisdiction with regard to prospective enforcement of the order issued in this state, and may only: (1) Enforce the order that was modified as to amounts accruing before the modification; (2) enforce nonmodifiable aspects of that order; and (3) provide other appropriate relief for violations of that order which occurred before the effective date of the modification.]

[(d) The Family Support Magistrate Division and the Superior Court shall recognize the continuing exclusive jurisdiction of]

(1) All of the parties who are individuals file consent in a record with the Family Support Magistrate Division or the Superior Court that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing,

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exclusive jurisdiction; or

(2) Its order is not the controlling order.

(c) If a tribunal of another state [which] has issued a child support order pursuant to the Uniform Interstate Family Support Act or a law substantially similar to [sections 46b-212 to 46b-213v, inclusive] said act, which modifies a child support order of the Family Support Magistrate Division or Superior Court, tribunals of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

(d) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

(e) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing exclusive jurisdiction in the issuing tribunal.

(f) (1) The Family Support Magistrate Division or Superior Court issuing a spousal support order consistent with the law of this state has continuing exclusive jurisdiction [over a] to modify the spousal support order throughout the existence of the support obligation. (2) The Family Support Magistrate Division and the Superior Court may not modify a spousal support order issued by a tribunal of another state having continuing exclusive jurisdiction over that order under the law of that state. (3) The Family Support Magistrate Division or Superior Court that has continuing exclusive jurisdiction over a spousal support order may serve as: (A) An initiating tribunal to request a tribunal of another state to enforce the spousal support order issued in this state; or (B) a responding tribunal to enforce or modify its own spousal support order.

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Sec. 22. Section 46b-212i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) The Family Support Magistrate Division that has issued a child support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce; [or modify a support order issued in that state] (1) The order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act; or (2) a money judgment for arrears of support and interest on the order accrued before a determination that an order of another state is the controlling order.

(b) The Family Support Magistrate Division having continuing [exclusive] jurisdiction over a support order may act as a responding tribunal to enforce [or modify] the order. [If a party subject to the continuing exclusive jurisdiction of the Family Support Magistrate Division no longer resides in the issuing state, in subsequent proceedings the Family Support Magistrate Division may apply the provisions of section 46b-213a to receive evidence from another state and the provisions of section 46b-213c to obtain discovery through a tribunal of another state.]

[(c) If the Family Support Magistrate Division or Superior Court lacks continuing exclusive jurisdiction over a spousal support order, it may not serve as a responding tribunal to modify a spousal support order of another state.]

Sec. 23. Section 46b-212j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) If a proceeding is brought under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, and only one tribunal has issued a child support order, the order of that tribunal controls and

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shall be recognized.

(b) If a proceeding is brought under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, and two or more child support orders have been issued by tribunals of this state or another state with regard to the same obligor and child, the family support magistrate having personal jurisdiction over both the obligor and the individual obligee shall apply the following rules [in determining] and by order shall determine which order [to recognize for purposes of continuing, exclusive jurisdiction] controls:

(1) If only one of the tribunals would have continuing, exclusive jurisdiction under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, the order of that tribunal controls and shall be recognized.

(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act: (A) [an] An order issued by a tribunal in the current home state of the child controls; [and shall be recognized,] but, (B) if an order has not been issued in the current home state of the child, the order most recently issued controls. [and shall be recognized.]

(3) If none of the tribunals would have continuing, exclusive jurisdiction under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, the family support magistrate [having jurisdiction over the parties] shall issue a child support order, which controls. [and shall be recognized.]

(c) If two or more child support orders have been issued for the same obligor and same child, [or the individual obligee resides in this state, a party may request] upon request of a party who is an individual or a support enforcement agency, a family support

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magistrate [to] having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls [and is required to be recognized] under subsection (b) of this section. [The request shall be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.]

(d) A request to determine which is the controlling order shall be accompanied by a copy of every child support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

[(d)] (e) The tribunal that issued [an order recognized] the controlling order under subsection (a), (b) or (c) of this section [is the tribunal having] has continuing [, exclusive] jurisdiction to the extent provided in section 46b-212h or 46b-212i, as amended by this act.

[(e)] (f) The family support magistrate [which] that determines by order [the identity of] which is the controlling order under subdivisions (1) or (2) of subsection (b) or subsection (c) of this section or [which] that issues a new controlling order under subdivision (3) of subsection (b) of this section, shall state in the order: [the] (1) The basis upon which the tribunal made its determination; (2) the amount of prospective support, if any; and (3) the total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by section 46b-212l, as amended by this act.

[(f)] (g) The family support magistrate shall order the party obtaining the order determining [the identity of] which is the controlling order to file, within thirty days after issuance of [an] the order determining [the identity of] which is the controlling order, a certified copy of such order with each tribunal that issued or registered

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an earlier order of child support. A party or support enforcement agency obtaining the order that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file such order pursuant to this subsection shall not affect the validity or enforceability of the controlling order.

(h) An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section shall be recognized in proceedings under sections 46b-212 to 46b-213w, inclusive, as amended by this act.

Sec. 24. Section 46b-212k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

In responding to [multiple] registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, the Family Support Magistrate Division shall enforce those orders in the same manner as if the [multiple] orders had been issued by the Family Support Magistrate Division.

Sec. 25. Section 46b-212l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

[Amounts] The Family Support Magistrate Division shall credit amounts collected [and credited] for a particular period pursuant to [a support order] any child support order against the amounts owed for the same period under any other child support order for support of the same child issued by a tribunal of this or another state. [must be credited against the amounts accruing or accrued for the same period under a support order issued by the Family Support Magistrate Division or the Superior Court.]

Sec. 26. Section 46b-212m of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) Except as otherwise provided in sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, sections 46b-212m to 46b-213d, inclusive, as amended by this act, apply to all proceedings under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act.

[(b) Sections 46b-212 to 46b-213v, inclusive, provide for the following proceedings: (1) Establishment of an order for spousal support or child support pursuant to section 46b-213e; (2) enforcement of a support order and income withholding order of another state without registration pursuant to section 46b-213f; (3) registration of an order for spousal support or child support of another state for enforcement pursuant to sections 46b-213g to 46b-213r, inclusive; (4) modification of an order for child support or spousal support issued by a tribunal of this state pursuant to sections 46b-212f to 46b-212i, inclusive; (5) registration of an order for child support of another state for modification pursuant to sections 46b-213g to 46b-213r, inclusive; (6) determination of paternity pursuant to section 46b-213s; and (7) assertion of jurisdiction over nonresidents pursuant to sections 46b-212d and 46b-212e.]

[(c)] (b) An individual petitioner or a support enforcement agency may [commence] initiate a proceeding authorized under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.

Sec. 27. Section 46b-212o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

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Except as otherwise provided [by] in sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, a responding tribunal of this state shall: (1) [Shall apply] Apply the procedural and substantive law [, including the rules on choice of law,] generally applicable to similar proceedings originating in this state and may exercise all powers and provide all remedies available in those proceedings; and (2) [shall] determine the duty of support and the amount payable in accordance with the law and support guidelines of this state.

Sec. 28. Section 46b-212p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) Except with respect to the initial petition in a IV-D support case, upon filing of a petition authorized by sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, an initiating tribunal of this state shall forward [three copies of] the petition and its accompanying documents: (1) To the responding tribunal or appropriate support enforcement agency in the responding state; or (2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged. If a petition is the initial petition in a IV-D support case, the initiating tribunal shall forward [the three copies of] the petition and its accompanying documents to the interstate central registry in the responding state.

(b) If [a responding state has not enacted a law or procedure substantially similar to sections 46b-212 to 46b-213v, inclusive] requested by the responding tribunal, the family support magistrate [may] shall issue a certificate or other document and make findings required by the law of the [other] responding state. If the responding state is a foreign [jurisdiction] country or political subdivision, upon request, the family support magistrate [may] shall specify the amount of support sought, convert that amount into the equivalent amount in

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the foreign currency under applicable official or market exchange rate as publicly reported and provide any other documents necessary to satisfy the requirements of the responding state.

Sec. 29. Section 46b-212q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) When the Family Support Magistrate Division receives a petition or comparable pleading from an initiating tribunal or directly pursuant to subsection [(c)] (b) of section 46b-212m, as amended by this act, the Family Support Magistrate Division, or Support Enforcement Services acting on its behalf shall promptly cause the petition or pleading to be filed and notify the petitioner [by first class mail] where and when it was filed.

(b) In matters arising under this section, family support magistrates shall have the same powers and authority as provided by law for IV-D support cases.

(c) The family support magistrate shall include in a support order issued under sections 46b-212 to 46b-213w, inclusive, as amended by this act, or in the documents accompanying the order, the calculations on which the support order is based.

[(c)] (d) The family support magistrate may not condition the payment of a support order issued under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, upon compliance by a party with provisions for visitation.

[(d)] (e) If the Family Support Magistrate Division issues an order under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, the Family Support Magistrate Division, or Support Enforcement Services acting on its behalf, shall send a copy of the order [by first class mail] to the petitioner and the respondent and to the initiating tribunal, if any.

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(f) If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, the Family Support Magistrate Division, or Support Enforcement Services acting on its behalf, shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.

Sec. 30. Section 46b-212r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

If a petition or comparable pleading is received by an inappropriate tribunal of this state, the tribunal shall promptly forward the pleading and accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner [by first class mail] where and when the pleading was sent.

Sec. 31. Section 46b-212s of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act.

(b) A support enforcement agency of this state that is providing services to the petitioner [as appropriate] shall: (1) Take all steps necessary to enable an appropriate tribunal in this state or another state to obtain jurisdiction over the respondent; (2) request an appropriate tribunal to set a date, time and place for a hearing; (3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties; (4) within five days, exclusive of Saturdays, Sundays and legal holidays, after receipt of [a written] notice in a record from an initiating, responding or registering tribunal, send a copy of the notice [by first class mail] to the petitioner; (5) within five days, exclusive of Saturdays, Sundays and

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legal holidays, after receipt of [a written] communication in a record from the respondent or the respondent's attorney, send a copy of the communication [by first class mail] to the petitioner; and (6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

(c) A support enforcement agency of this state that requests registration of a child support order in this state for enforcement or modification of such order shall make reasonable efforts: (1) To ensure that the order to be registered is the controlling order; or (2) if two or more child support orders exist and the identity of the controlling order has not been determined, to ensure that a request for such a determination is made in a tribunal having jurisdiction to do so.

(d) A support enforcement agency of this state that requests registration and enforcement of a support order, arrears or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.

(e) A support enforcement agency of this state shall issue, or request a family support magistrate to issue, a child support order and an income withholding order that redirect payment of current support, arrears and interest if requested to do so by a support enforcement agency of another state pursuant to section 46b-213d, as amended by this act.

[(c)] (f) The provisions of sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, do not create a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

Sec. 32. Section 46b-212t of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

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(a) The Attorney General shall provide necessary legal services on behalf of the support enforcement agency in providing services to a petitioner under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act.

(b) An individual may employ private counsel to represent the individual in proceedings authorized by sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act.

(c) The Attorney General may determine that a foreign country or political subdivision has established a reciprocal arrangement for child support with this state and take appropriate action to notify the support enforcement agency of this state, the Family Support Magistrate Division, and such other entity as the Attorney General deems appropriate, of the determination.

Sec. 33. Section 46b-212v of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) Support Enforcement Services of the Superior Court is the state information agency under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act.

(b) The state information agency shall: (1) Compile and maintain a current list, including addresses, of the tribunals in this state which have jurisdiction under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, and any support enforcement agencies in this state and transmit a copy to the state information agency of every other state; (2) maintain a registry of the names and addresses of tribunals and support enforcement agencies received from other states; (3) forward to the appropriate tribunal [in the place] in this state in which the [individual] obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under sections 46b-212

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to [46b-213v] 46b-213w, inclusive, as amended by this act, received from an initiating tribunal or the state information agency of the initiating state; and (4) obtain information concerning the location of the obligor and the obligor's property within this state not exempt from execution.

(c) In addition to its duties as the state information agency Support Enforcement Services of the Superior Court shall maintain a registry of support orders and judgments in the Family Support Magistrate Division of the Superior Court and shall perform such clerical, administrative and other nonjudicial functions on behalf of the Family Support Magistrate Division as may be required, or as are otherwise agreed upon, pursuant to sections 46b-62, 46b-69, 46b-179a, 46b-179b, 46b-207, 46b-208, 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, 46b-231, as amended by this act, 52-362, as amended by this act, and 52-362f.

Sec. 34. Section 46b-212w of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) [A] In a proceeding under sections 46b-212 to 46b-213w, inclusive, as amended by this act, a petitioner seeking to: [establish or modify] Establish a support order, [or to] determine paternity, [in a proceeding under sections 46b-212 to 46b-213v, inclusive, must verify the] or register and modify a support order of another state must file a petition. Unless otherwise ordered under section 46b-212x, as amended by this act, the petition or accompanying documents [must] shall provide, so far as known, the name, residential address and Social Security numbers of the obligor and the obligee, or the parent and alleged parent, and the name, sex, residential address, Social Security number and date of birth of each child for [whom] whose benefit support is sought [. The] or whose paternity is to be determined. Unless filed at the time of registration, the petition [must] shall be accompanied by a [certified] copy of any support order [in

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effect] known to have been issued by another tribunal. The petition may include any other information that may assist in locating or identifying the respondent.

(b) The petition [must] shall specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

Sec. 35. Section 46b-212x of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

[Upon a finding, which may be made ex parte, that the health, safety or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under sections 46b-212 to 46b-213v, inclusive.]

If a party alleges in an affidavit or a pleading under oath that the health, safety or liberty of a party or child would be jeopardized by disclosure of specific identifying information, such identifying information shall be sealed and may not be disclosed to the other party or the public unless ordered by a tribunal. After a hearing in which a tribunal takes into consideration the health, safety or liberty of the party or child, the tribunal may order disclosure of any information that the tribunal determines to be in the interest of justice.

Sec. 36. Section 46b-212z of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) Participation by a petitioner in a proceeding under sections 46b-212 to 46b-213w, inclusive, as amended by this act, before a responding tribunal, whether in person, by private attorney or through services

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provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(b) A petitioner is not amenable to service of civil process while physically present in this state to participate in a proceeding under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act.

(c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, committed by a party while physically present in this state to participate in the proceeding.

Sec. 37. Section 46b-213 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

A party whose paternity of a child has been previously determined by or pursuant to law may not plead nonpaternity as a defense to a proceeding under sections 46b-212 to [46b-213v] 46b-212w, inclusive, as amended by this act.

Sec. 38. Section 46b-213a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) The physical presence of [the petitioner] a nonresident party who is an individual in a [responding] tribunal of this state is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining paternity.

(b) [A verified petition,] An affidavit, a document substantially complying with federally-mandated forms [and] or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under [oath] penalty of perjury by a party or witness

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residing in another state.

(c) A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it and is admissible to show whether payments were made.

(d) Copies of bills for testing for paternity and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least ten days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

(e) Documentary evidence transmitted from another state to a tribunal of this state by telephone, telecopier or other means that do not provide an original [writing] record may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, the family support magistrate [may] shall permit a party or witness residing in another state to be deposed or to testify under penalty or perjury by telephone, audiovisual means, or other electronic means [, if available, and such costs for such testimony shall be assessed to the party requesting such method of providing testimony] at a designated tribunal or other location in that state. A tribunal of this state shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

(g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) A privilege against disclosure of communications between spouses does not apply in a proceeding under sections 46b-212 to [46b-

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213v] 46b-213w, inclusive, as amended by this act.

(i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act.

(j) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish paternity of the child.

Sec. 39. Section 46b-213b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

A family support magistrate may communicate with a tribunal of another state or foreign country or political subdivision in [writing] a record, or by telephone or other means, to obtain information concerning the laws, [of that state,] the legal effect of a judgment, decree or order of that tribunal and the status of a proceeding in the other state or foreign country or political subdivision. A family support magistrate may furnish similar information by similar means to a tribunal of another state or foreign country or political subdivision.

Sec. 40. Section 46b-213d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) The Child Support Enforcement Bureau of the Department of Social Services or its designated collection agent, and any tribunal shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The bureau, agent or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

(b) If neither the obligor, nor an obligee who is an individual, nor

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the child resides in this state, upon request from the support enforcement agency of this state or another state, the support enforcement agency or tribunal of this state shall: (1) Direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services; and (2) issue and send to the obligor's employer a conforming income withholding order or an administrative notice of change of payee, reflecting the redirected payments.

(c) The support enforcement agency of this state, receiving redirected payments from another state pursuant to a law similar to subsection (b) of this section, shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

Sec. 41. Section 46b-213e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) If a support order entitled to recognition under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, has not been issued, a family support magistrate may issue a support order if: (1) The individual seeking the order resides in another state; or (2) the support enforcement agency seeking the order is located in another state.

(b) The family support magistrate may issue a temporary child support order if the family support magistrate determines that such an order is appropriate and the individual ordered to pay is: (1) [The respondent has signed a verified statement acknowledging paternity; (2) the respondent has been determined by or pursuant to law to be the parent; or (3) there is clear and convincing evidence of paternity which evidence shall include, but not be limited to, genetic test results indicating a ninety-nine per cent or greater probability that such respondent is the father of the child] A presumed father of the child;

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(2) petitioning to have paternity adjudicated; (3) identified as the father of the child through genetic testing; (4) an alleged father who has declined to submit to genetic testing; (5) shown by clear and convincing evidence to be the father of the child; (6) an acknowledged father as provided by section 46b-172, as amended by this act; (7) the mother of the child; or (8) an individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

(c) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 46b-212q, as amended by this act.

Sec. 42. Subsection (a) of section 46b-213f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) A party or support enforcement agency seeking to enforce a support order or an income withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to Support Enforcement Services.

Sec. 43. Section 46b-213g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

A support order or [an] income withholding order issued by a tribunal of another state may be registered in this state for enforcement with the registry of support orders of the Family Support Magistrate Division maintained by Support Enforcement Services of the Superior Court.

Sec. 44. Section 46b-213h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

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(a) A support order or income withholding order of another state may be registered in this state by sending the following [documents] records and information to Support Enforcement Services for filing in the registry of support orders of the Family Support Magistrate Division: (1) A letter of transmittal to Support Enforcement Services requesting registration and enforcement; (2) two copies, including one certified copy, of [all orders] the order to be registered, including any modification of [an] the order; (3) a sworn statement by the [party seeking] person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage; (4) the name of the obligor and, if known: (A) The obligor's address and Social Security number; (B) the name and address of the obligor's employer and any other source of income of the obligor; and (C) a description and the location of property of the obligor in this state not exempt from execution; (5) except as otherwise provided in section 46b-212x, as amended by this act, the name and address of the obligee and, if applicable, the [agency or] person to whom support payments are to be remitted; and (6) a statement disclosing whether or not any other action or proceeding is currently pending concerning the support of the child who is the subject of such support order.

(b) On receipt of a request for registration, Support Enforcement Services shall cause the order to be filed as a foreign judgment in the registry of support orders of the Family Support Magistrate Division, together with one copy of the documents and information, regardless of their form.

(c) A petition or comparable pleading seeking a remedy that is required to be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading shall specify the grounds for the remedy sought.

(d) If two or more orders are in effect, the person requesting registration shall: (1) Furnish to Support Enforcement Services a copy

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of every support order asserted to be in effect in addition to the documents specified in this section; (2) specify the order alleged to be the controlling order, if any; and (3) specify the amount of consolidated arrears, if any.

(e) A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

Sec. 45. Section 46b-213j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) [The] Except as provided in subsection (d) of this section, the law of the issuing state governs; [the] (1) The nature, extent, amount and duration of current payments [and other obligations of support and the] under a registered support order; (2) the computation and payment of arrearages and accrual of interest on the arrearages under the support order; and (3) the existence and satisfaction of other obligations under the support order.

(b) In a proceeding for [arrearages] arrears under a registered support order, the statute of limitations [under the laws] of this state or of the issuing state, whichever is longer, applies.

(c) A responding tribunal of this state shall apply the procedures and remedies of this state to enforce current support and collect arrears and interest due on a support order of another state registered in this state.

(d) After a tribunal of this or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this state shall prospectively apply the law of the state issuing the controlling order, including its law on interest, arrears,

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current and future support, and on consolidated arrears.

Sec. 46. Section 46b-213k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) When a support order or income withholding order issued in another state is registered, the Family Support Magistrate Division or Support Enforcement Services acting on its behalf, shall notify the nonregistering party. [Notice must be given by first class, certified or registered mail or by any means of personal service authorized by the law of this state.] The notice [must] shall be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) [The] A notice [must] shall inform the nonregistering party: (1) That a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this state; (2) that a hearing before the Family Support Magistrate Division to contest the validity or enforcement of the registered order must be requested [within] not later than twenty days after [the date of mailing or personal service of the] a notice; (3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and (4) of the amount of any alleged arrearages.

(c) If the registering party asserts that two or more orders are in effect, a notice shall also: (1) Identify the two or more orders and the order alleged by the registering person to be the controlling order and the consolidated arrears, if any; (2) notify the nonregistering party of the right to a determination of which is the controlling order; (3) state that the procedures provided in subsection (b) of this section apply to the determination of which is the controlling order; and (4) state that

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failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

[(c)] (d) Upon registration of an income withholding order for enforcement, the Family Support Magistrate Division, or Support Enforcement Services acting on its behalf, shall notify the obligor's employer pursuant to section 52-362, as amended by this act.

Sec. 47. Section 46b-213l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) A nonregistering party seeking to contest the validity or enforcement of a registered order in this state shall request a hearing before the Family Support Magistrate Division within twenty days after [the date of mailing or personal service of] notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 46b-213m, as amended by this act.

(b) If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

(c) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the Family Support Magistrate Division shall schedule the matter for hearing and give notice to the parties [by first class mail] of the date, time and place of the hearing.

Sec. 48. Section 46b-213m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) A party contesting the validity or enforcement of a registered

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order or seeking to vacate the registration has the burden of proving one or more of the following defenses: (1) The issuing tribunal lacked personal jurisdiction over the contesting party; (2) the order was obtained by fraud; (3) the order has been vacated, suspended or modified by a later order; (4) the issuing tribunal has stayed the order pending appeal; (5) there is a defense under the law of this state to the remedy sought; (6) full or partial payment has been made; [or] (7) the statute of limitations under section 46b-213j, as amended by this act, precludes enforcement of some or all of the alleged arrearages; or (8) the alleged controlling order is not the controlling order.

(b) If a party presents evidence establishing a full or partial defense under subsection (a) of this section, a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this state.

(c) If the contesting party does not establish a defense under subsection (a) of this section to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

Sec. 49. Section 46b-213p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

A family support magistrate may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a family support magistrate, but the registered order may be modified only if the requirements of section 46b-213q, as amended by this act, or subsection (b) of section 46b-213r, as amended by this act, have been met.

Sec. 50. Section 46b-213q of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) [After] Except as provided in subsection (b) of section 46b-213r, as amended by this act, in any matter where the Family Support Magistrate Division does not have jurisdiction pursuant to subsection (f) of this section, upon petition a family support magistrate may modify a child support order issued in another state [has been] which is registered in this state [, a family support magistrate may modify that order only if subsection (e) of this section does not apply and,] if, after notice and hearing, such magistrate finds that: (1) The following requirements are met: (A) [The] Neither the child, nor the [individual] obligee [and] who is an individual nor the obligor [do not reside] resides in the issuing state; (B) a petitioner who is a nonresident of this state seeks modification; and (C) the respondent is subject to the personal jurisdiction of the Family Support Magistrate Division; or (2) this state is the state of residence the child or a party who is an individual is subject to the personal jurisdiction of the Family Support Magistrate Division and all of the parties who are individuals have filed [written] consents in a record in the issuing tribunal for a family support magistrate to modify the support order and assume continuing exclusive jurisdiction. [over the order provided if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to sections 46b-212 to 46b-213v, inclusive, the consent otherwise required of an individual residing in this state is not required for the family support magistrate to assume jurisdiction to modify a child support order.]

(b) Modification of a registered child support order is subject to the same requirements, procedures and defenses that apply to the modification of an order issued by the Family Support Magistrate Division and the order may be enforced and satisfied in the same manner.

(c) [A] Except as provided in subsection (b) of section 46b-213r, as

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amended by this act, a family support magistrate may not modify any aspect of a child support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child support orders for the same obligor and same child, the order that controls and shall be so recognized under section 46b-212j, as amended by this act, establishes the aspects of the support order which are nonmodifiable.

(d) In a proceeding to modify a child support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this state.

~~[(d)]~~ (e) On issuance of an order by the Family Support Magistrate Division modifying a child support order issued in another state, the Family Support Magistrate Division becomes the tribunal [of] having continuing exclusive jurisdiction.

~~[(e)]~~ (f) (1) If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, the Family Support Magistrate Division has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.

(2) The Family Support Magistrate Division exercising jurisdiction under this subsection shall apply the provisions of sections 46b-212a to 46b-212l, inclusive, as amended by this act, and sections 46b-213g to 46b-213r, inclusive, as amended by this act, and the procedural and substantive law of this state to the proceeding for enforcement or modification. Sections 46b-212m to 46b-213f, inclusive, as amended by this act, sections 46b-213s to 46b-213u, inclusive, as amended by this act, and section 46b-213w, as amended by this act, shall not apply to such proceeding.

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~~[(f)] (g)~~ The family support magistrate shall order the party obtaining the modification of a child support order to file, within thirty days after issuance of such modification order, a certified copy of such order with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file such orders pursuant to this subsection shall not affect the validity or enforceability of the ~~[controlling]~~ modified order of the new tribunal having continuing exclusive jurisdiction.

Sec. 51. Section 46b-213r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

~~[The]~~ (a) If a child support order issued by the Family Support Magistrate Division or Superior Court [shall recognize a modification of its earlier child support order] is modified by a tribunal of another state which assumed jurisdiction pursuant to [a law substantially similar to sections 46b-212 to 46b-213v, inclusive, and, upon request, except as otherwise provided in said sections, shall] the Uniform Interstate Family Support Act, a tribunal of this state: (1) [Enforce the] May enforce its order that was modified only as to ~~[amounts]~~ arrears and interest accruing before the modification; (2) [enforce only nonmodifiable aspects of that order; (3)] may provide [other] appropriate relief [only] for violations of [that] its order which occurred before the effective date of modification; and ~~[(4)] (3)~~ shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

(b) (1) If a foreign country or political subdivision that is a state will not or may not modify its order pursuant to its laws, a tribunal of this state may assume jurisdiction to modify the child support order and bind all individuals subject to the personal jurisdiction of the tribunal whether or not the consent to modification of a child support order

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otherwise required of the individual pursuant to subsection (a) of section 46b-213q, as amended by this act, has been given or whether the individual seeking modification is a resident of this state or of the foreign country or political subdivision. (2) An order issued pursuant to this subsection is the controlling order.

Sec. 52. Section 46b-213s of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

[(a) The Family Support Magistrate Division] A court of this state authorized to determine paternity of a child may serve as [an initiating or] a responding tribunal in a proceeding to determine paternity brought under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, or a law substantially similar to said sections. [the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of such child.]

[(b) In a proceeding to determine paternity, the Family Support Magistrate Division shall apply the procedural and substantive law of this state and the rules of this state on choice of law.]

Sec. 53. Section 46b-213t of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) The Governor of this state may: (1) Demand that the governor of another state surrender an individual found in the other state who is charged criminally in this state with having failed to provide for the support of an obligee; or (2) on the demand [by] of the governor of another state, surrender an individual found in this state who is charged criminally in the other state with having failed to provide for the support of an obligee.

(b) A provision for extradition of individuals not inconsistent with

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sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

Sec. 54. Section 46b-213u of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) Before making a demand that the governor of another state surrender an individual charged criminally in this state with having failed to provide for the support of an obligee, the Governor of this state may require a state's attorney or assistant state's attorney to demonstrate that at least sixty days previously the obligee had initiated proceedings for support pursuant to sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, or that the proceeding would be of no avail.

(b) If, under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, or a law substantially similar to said sections, [the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act,] the governor of another state makes a demand that the Governor of this state surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the Governor may require a state's attorney or assistant state's attorney to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective, but has not been initiated, the Governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(c) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the Governor may decline to honor the demand. If the petitioner prevails and the individual whose

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rendition is demanded is subject to a support order, the Governor may decline to honor the demand if the individual is complying with the support order.

Sec. 55. Section 46b-213v of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

[Sections 46b-212 to 46b-213v, inclusive, shall be applied and construed to effectuate their general purpose to make uniform]

In applying and construing the Uniform Interstate Family Support Act under this part consideration shall be given to the need to promote uniformity of the law with respect to [the] its subject [of said sections,] matter among states [enacting this uniform act] that enact said Uniform Act.

Sec. 56. Section 46b-213w of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2008*):

(a) An income withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person [or entity] defined as the obligor's employer under section 52-362, as amended by this act, without first filing a petition or comparable pleading or registering the order in the registry of support orders of the Family Support Magistrate Division.

(b) Upon receipt of an income withholding order issued in another state, the obligor's employer shall immediately provide to the obligor (1) a copy of the order, and (2) a copy of the notice and claim form provided by the Department of Social Services pursuant to subsection (c) of this section.

(c) The Department of Social Services shall distribute to all employers in this state a standard notice and claim form, written in clear and simple language, which shall include:

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(1) Notice that money will be withheld from the employee's wages for child support and health insurance;

(2) Notice of the amount of disposable earnings that are exempt from the income withholding order;

(3) Notice that the amount of the income withholding order may not exceed the maximum permitted by federal law under Section 1673 of Title 15 of the United States Code, together with a statement of the obligor's right to claim any other applicable state or federal exemptions;

(4) Notice of the right to object to the validity or enforcement of such income withholding order in a court in this state and of the right to seek modification of the underlying support order in the court of continuing exclusive jurisdiction;

(5) Notice of the right to seek the assistance of the Bureau of Child Support Enforcement [Bureau] of the Department of Social Services and the toll-free telephone number at which the bureau can be contacted;

(6) A claim form which shall include (A) a list of the most common defenses and exemptions to such income withholding order in a manner which allows the obligor to check any of the defenses and exemptions which apply; (B) a space where the obligor may briefly explain the obligor's claim or defense; (C) a space where the obligor may initiate a request for services to modify the support order; (D) a space for the obligor to provide the obligor's address and the name of the town in which the obligor principally conducts the obligor's work for the employer; (E) a space for the obligor to sign the obligor's name; (F) the address of the Bureau of Child Support Enforcement of the Department of Social Services to which the claim form is to be sent in order to contest the validity or enforcement of the income withholding

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order or to initiate a request for modification; and (G) space for the employer to state the date upon which the form was actually delivered to the obligor.

(d) The employer shall treat an income withholding order issued in another state which appears [valid] regular on its face if it had been issued by a tribunal of this state.

(e) Except as otherwise provided in subsections (f) and (g) of this section, the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify: (1) The duration and amount of periodic payments of current child support, stated as a sum certain; (2) the person [or agency] designated to receive payments and the address to which the payments are to be forwarded; (3) medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment, subject to the provisions of subsection (e) of section 38a-497a, as amended by this act; (4) the amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal and the obligee's attorney, stated as sums certain; and (5) the amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(f) The employer shall comply with the law of this state for withholding from income with respect to: (1) The prohibition against an employer's fee for processing an income withholding order; (2) the maximum amount permitted to be withheld from the obligor's income; and (3) the time period within which the employer must implement the withholding order and forward the child support payment.

(g) If an employer receives [multiple] two or more income withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of [the multiple] such orders if the

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employer complies with the law of this state to establish the priorities for withholding and allocating income withheld for [multiple] two or more child support obligees.

(h) An employer who complies with an income withholding order issued in another state in accordance with this section shall be immune from civil liability with regard to the employer's withholding of child support from the obligor's income.

(i) An employer who wilfully fails to comply with an income withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this state.

(j) An obligor may contest the validity or enforcement of an income withholding order issued in another state and received directly by an employer in this state by: (1) Registering the order in accordance with section 46b-213h, as amended by this act, and filing a contest to that order as provided in section 46b-213l, as amended by this act, notwithstanding the obligor is the registering party; (2) otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this state; or [by] (3) mailing to the Bureau of Child Support Enforcement of the Department of Social Services the claim form delivered to the obligor pursuant to subsection (b) of this section, signed by the obligor and containing his address and a copy of the income withholding order. The obligor shall also deliver a copy of such claim form to the employer. [If a claim form contesting the validity or enforcement of an income withholding order is received by the employer within fourteen days of the receipt by the obligor of the notice and claim form, imposition of the withholding order shall be stayed and the employer shall not implement the withholding order for a period of thirty days. If the employer receives from the Bureau of Child Support Enforcement a notice that it has received the claim form, the employer shall not implement the withholding order until the

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claim is decided by a family support magistrate.]

(k) Upon receipt of a claim form contesting the validity or enforcement of an income withholding order, the Bureau of Child Support Enforcement shall within seven days notify the employer of the receipt of the claim form. The bureau shall also give notice of the contest [and of the fact that the order is stayed until the claim is decided by a family support magistrate] to (1) the support enforcement agency providing services to the obligee; (2) [the obligor's] each employer that has directly received an income withholding order relating to the obligor; (3) the person [or agency] designated to receive payments in the income withholding order; and (4) if the obligee's address is known, the obligee. In addition, the bureau shall immediately cause the income withholding order to be registered in this state [with the appropriate clerk of the Family Support Magistrate Division and shall comply with the registration requirements of] in accordance with section 46b-213h, as amended by this act. The bureau shall also immediately file the claim form on behalf of the obligor with Support Enforcement Services acting on behalf of the Family Support Magistrate Division, [of the Superior Court.] The clerk shall promptly enter the appearance of the obligor, schedule a hearing, and give notice of the hearing to the obligor, the Bureau of Child Support Enforcement, the party initiating the income withholding order, and, if the obligee's address is known, the obligee. The clerk shall proceed in accordance with subsection (d) of section [52-361] 52-362, as amended by this act. The family support magistrate shall promptly hear and determine the claim and enter its determination within forty-five days from the date of the filing of the claim form. In addition to any notice given by the clerk, upon entry of the decision of the family support magistrate on the claim, the bureau shall give notice of the decision to [the] each employer that has directly received an income withholding order related to the obligor, the party initiating the income withholding order, the obligor and, if the obligee's address is known,

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the obligee.

(l) If the claim form requests services to modify the support order, the Bureau of Child Support Enforcement shall assist the obligor to file a motion for modification with the appropriate tribunal of the state of continuing exclusive jurisdiction in accordance with the law of that jurisdiction. The receipt of the request for modification shall constitute a request for Title IV-D services, but the bureau may require the making of a formal application. Such assistance shall include, but is not limited to, providing the obligor with information about how such a motion is filed, contacting the state of continuing exclusive jurisdiction on behalf of the obligor to obtain appropriate forms, and transmitting such forms and applicable information to the appropriate tribunal in such state.

(m) Venue for contested claims under this section shall be the family support magistrate division of the superior court in the judicial district in which the obligor resides, provided (1) if the obligor does not reside in this state, venue shall be in the judicial district in which the obligor principally conducts his work for the employer who is subject to the income withholding order, and (2) if there is an existing action concerning support of the child or children who are the subject of the income withholding order, the claim shall be filed in that action.

Sec. 57. Subdivision (2) of subsection (a) of section 46b-215 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(2) Any such support order in a IV-D support case shall include a provision for the health care coverage of the child. [which] Such provision may include an order for either parent or both parents to provide such coverage under any or all of subparagraphs (A), (B) or (C) of this subdivision.

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(A) The provision for health care coverage may include an order for either parent to name any child as a beneficiary of any medical or dental insurance or benefit plan carried by such parent or available to such parent [on a group basis through an employer or a union. Any such employment-based order] at a reasonable cost, as defined in subparagraph (D) of this subdivision. If such order requires the parent to maintain insurance available through an employer, the order shall be enforced using a National Medical Support Notice as provided in section 46b-88, as amended by this act.

[If such insurance coverage is unavailable at reasonable cost, the]

(B) The provision for health care coverage may include an order for either parent to: [apply] (i) Apply for and maintain coverage on behalf of the child under the HUSKY Plan, Part B; [. The noncustodial parent shall be ordered to apply for the HUSKY Plan, Part B only if such parent is found to have sufficient ability to pay the appropriate premium. In any IV-D support case in which the noncustodial parent is found to have insufficient ability to provide medical insurance coverage and the custodial party is the HUSKY Plan, Part A or Part B applicant, the provision for health care coverage may include an order for the noncustodial parent to pay such amount as is specified by the court or family support magistrate] or (ii) provide cash medical support, as described in subparagraphs (E) and (F) of this subdivision. An order under this subparagraph shall be made only if the cost to the parent obligated to maintain coverage under the HUSKY Plan, Part B, or provide cash medical support is reasonable, as defined in subparagraph (D) of this subdivision. An order under clause (i) of this subparagraph shall be made only if insurance coverage as described in subparagraph (A) of this subdivision is unavailable at reasonable cost to either parent, or inaccessible to the child.

(C) An order for payment of the child's medical and dental expenses, other than those described in clause (ii) of subparagraph (E)

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of this subdivision, that are not covered by insurance or reimbursed in any other manner shall be entered in accordance with the child support guidelines established pursuant to section 46b-215a.

(D) Health care coverage shall be deemed reasonable in cost if: (i) The parent obligated to maintain such coverage would qualify as a low-income obligor under the child support guidelines established pursuant to section 46b-215a, based solely on such parent's income, and the cost does not exceed five per cent of such parent's net income; or (ii) the parent obligated to maintain such coverage would not qualify as a low-income obligor under such guidelines and the cost does not exceed seven and one-half per cent of such parent's net income. In either case, net income shall be determined in accordance with the child support guidelines established pursuant to section 46b-215a. If a parent obligated to maintain insurance must obtain coverage for himself or herself to comply with the order to provide coverage for the child, reasonable cost shall be determined based on the combined cost of coverage for such parent and such child.

(E) Cash medical support means (i) an amount ordered to be paid toward the cost of premiums for health insurance coverage provided by a public entity, including the HUSKY Plan, Part A or Part B, except as provided in subparagraph (F) of this subdivision, or by another parent through employment or otherwise, or (ii) an amount ordered to be paid, either directly to a medical provider or to the person obligated to pay such provider, toward any ongoing extraordinary medical and dental expenses of the child that are not covered by insurance or reimbursed in any other manner, provided such expenses are documented and identified specifically on the record. Cash medical support, as described in clauses (i) and (ii) of this subparagraph, may be ordered in lieu of an order under subparagraph (A) of this subdivision to be effective until such time as health insurance that is accessible to the child and reasonable in cost becomes available, or in

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addition to an order under subparagraph (A) of this subdivision, provided the total cost to the obligated parent of insurance and cash medical support is reasonable, as described in subparagraph (D) of this subdivision. An order for cash medical support shall be payable to the state or the custodial party, as their interests may appear, provided an order under clause (i) of this subparagraph shall be effective only as long as health insurance coverage is maintained. Any unreimbursed medical and dental expenses not covered by an order issued pursuant to clause (ii) of this subparagraph are subject to an order for unreimbursed medical and dental expenses pursuant to subparagraph (C) of this subdivision.

(F) Cash medical support to offset the cost of any insurance payable under the HUSKY Plan, Part A or Part B, [unless the] shall not be ordered against a noncustodial parent who is a low-income obligor, as defined in the child support guidelines established pursuant to section 46b-215a, or against a custodial parent of children covered under the HUSKY Plan, Part A or Part B.

Sec. 58. Subdivision (3) of subsection (a) of section 46b-215 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(3) Proceedings to obtain orders of support under this section shall be commenced by the service on the liable person or persons of a verified petition, with summons and order, [in a form prescribed by the Office of the Chief Court Administrator,] of the husband or wife, child or any relative or the conservator, guardian or support enforcement officer, town or state, or any selectmen or the public official charged with the administration of public assistance of the town, or in [TANF] IV-D support cases, as defined in subdivision [(14)] (13) of subsection (b) of section 46b-231, as amended by this act, the Commissioner of Social Services. The verified petition, summons and order shall be filed in the judicial district in which the petitioner or

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respondent resides or does business, or if filed in the Family Support Magistrate Division, in the judicial district in which the petitioner or respondent resides or does business.

Sec. 59. Section 46b-223 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

The judges of the Superior Court may adopt any rules they deem necessary to implement the provisions of section 46b-220, including the application of said section to the practice of law. [, and the Office of the Chief Court Administrator shall prescribe any forms required to implement said section.]

Sec. 60. Section 46b-224 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

Whenever the Probate Court, in a guardianship matter under chapter 802h, or the Superior Court, in a [juvenile matter under chapter 815t,] family relations matter, as defined in section 46b-1, orders a change or transfer of the guardianship or custody of a child who is the subject of a preexisting support order, and the court makes no finding with respect to such support order, such guardianship or custody order shall operate to: (1) Suspend the support order if guardianship or custody is transferred to the obligor under the support order; or (2) modify the payee of the support order to be the person or entity awarded guardianship or custody of the child by the court, if such person or entity is other than the obligor under the support order.

Sec. 61. Subsection (s) of section 46b-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

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

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(1) Supervise the payment of any child or spousal support order made by a family support magistrate. Supervision of such orders is defined as the utilization of all procedures available by law to collect child or spousal support, or enforce medical support including (A) issuance and implementation of income withholdings ordered by the Superior Court or a family support magistrate pursuant to section 52-362, as amended by this act, (B) issuance of an order requiring any party to appear before a family support magistrate on an action to modify a support order pursuant to subdivision (4) of this subsection, (C) issuance of a *capias mittimus* directed to a proper officer to arrest an obligor or witness and bring such obligor or witness before a family support magistrate if such obligor or witness is served with a summons, subpoena, citation or order to appear issued by a family support magistrate, the assistant clerk of the Family Support Magistrate Division or a support enforcement officer and fails to appear, [and] (D) if necessary, bringing an application for contempt to a family support magistrate and, in connection with such application, issuing an order requiring the obligor to appear before a family support magistrate to show cause why such obligor should not be held in contempt for failure to pay an order for child or spousal support entered by the Superior Court or a family support magistrate, and (E) issuance of a National Medical Support Notice in accordance with section 46b-88, as amended by this act;

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

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agreements for support with the assistant clerk of the Family Support Magistrate Division;

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

(4) Review child support orders (A) in non-TANF IV-D support cases (i) at the request of either parent or custodial party subject to a support order, or (ii) upon receipt of information indicating a substantial change in circumstances of any party to the support order, (B) in TANF cases, at the request of the Bureau of Child Support Enforcement, or (C) as necessary to comply with federal requirements for the child support enforcement program mandated by Title IV-D of the Social Security Act, and initiate an action before a family support magistrate to modify such support order if it is determined upon such review that the order substantially deviates from the child support guidelines established pursuant to section 46b-215a or 46b-215b. A requesting party under subparagraph (A)(i) or (B) of this subdivision shall have a right to such review every three years without proving a substantial change in circumstances, but more frequent reviews shall be made only if such requesting party demonstrates a substantial change in circumstances. There shall be a rebuttable presumption that any deviation of less than fifteen per cent from the child support guidelines is not substantial and any deviation of fifteen per cent or more from the guidelines is substantial. Modification may be made of such support order without regard to whether the order was issued before, on or after May 9, 1991. In determining whether to modify a child support order based on a substantial deviation from such child

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support guidelines, consideration shall be given to the division of real and personal property between the parties set forth in any final decree entered pursuant to chapter 815j and the benefits accruing to the child as the result of such division. No order for periodic payment of support may be subject to retroactive modification, except that the family support magistrate may order modification with respect to any period during which there is a pending motion for modification of a support order from the date of service of notice of such pending motion to the opposing party pursuant to section 52-50.

Sec. 62. Subsection (a) of section 52-362 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) For purposes of this section:

(1) "Dependent" means a spouse, former spouse or child entitled to payments under a support order, provided Support Enforcement Services of the Superior Court or the state acting under an assignment of a dependent's support rights or under an application for child support enforcement services shall, through an officer of Support Enforcement Services or the Bureau of Child Support Enforcement within the Department of Social Services or an investigator of the Department of Administrative Services or the Attorney General, take any action which the dependent could take to enforce a support order;

(2) "Disposable earnings" means that part of the earnings of an individual remaining after deduction from those earnings of amounts required to be withheld for the payment of federal, state and local income taxes, employment taxes, normal retirement contributions, union dues and initiation fees, and group life and health insurance premiums;

(3) "Earnings" means any debt accruing to an obligor by reason of

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such obligor's personal services, including any compensation payable by an employer to an employee for such personal services whether denominated as wages, salary, commission, bonus or otherwise, including unemployment compensation if a purchase of service agreement between the Commissioner of Social Services and the Labor Commissioner is in effect pursuant to subsection (e) of section 17b-179, as amended by this act;

(4) "Employer" means any person, including the Labor Commissioner, who owes earnings to an obligor;

(5) "Income" means any periodic form of payment due to an individual, regardless of source, including, but not limited to, disposable earnings, workers' compensation and disability benefits, payments pursuant to a pension or retirement program and interest;

(6) "Obligor" means a person required to make payments under a support order;

(7) "Support order" means a court order, or order of a family support magistrate including an agreement approved by a court or a family support magistrate, that requires the payment to a dependent of [either] current support, cash medical support, a specific dollar amount of child care costs or arrearage payments; [, payments on an arrearage, or both;]

(8) "Unemployment compensation" means any compensation payable under chapter 567, including amounts payable by the administrator of the unemployment compensation law pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment.

Sec. 63. Subsection (e) of section 52-362 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

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(e) A withholding order shall issue in the amount necessary to enforce a support order against only such nonexempt income of the obligor as exceeds the greater of (1) eighty-five per cent of the first one hundred forty-five dollars per week of disposable income, or (2) the amount exempt under Section 1673 of Title 15 of the United States Code, or against any lesser amount which the court or family support magistrate deems equitable. [The] Subject to subsection (d) of section 46b-88, as amended by this act, the withholding order shall secure payment of past and future amounts due under the support order and an additional amount computed in accordance with the child support guidelines established in accordance with section 46b-215a, to be applied toward liquidation of any arrearage accrued under such order, unless contested by the obligor after a notice has been served pursuant to subsection (c) of this section, in which case the court or family support magistrate may determine the amount to be applied toward the liquidation of the arrearage found to have accrued under prior order of the court or family support magistrate. In no event shall such additional amount be applied if there is an existing arrearage order from the court or family support magistrate in a IV-D support case, as defined in subdivision (13) of subsection (b) of section 46b-231, as amended by this act. Any investigator or other authorized employee of the Bureau of Child Support Enforcement within the Department of Social Services, or any officer of Support Enforcement Services of the Superior Court, may issue a withholding order entered by the Superior Court or a family support magistrate pursuant to subsection (b) of this section, and shall issue a withholding order pursuant to this subsection when the obligor becomes subject to withholding under subsection (c) of this section. On service of the order of withholding on an existing or any future employer or other payer of income, and until the support order is fully satisfied or modified, the order of withholding is a continuing lien and levy on the obligor's income as it becomes due.

Sec. 64. Section 52-362e of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) Subject to the provisions of section 52-362h, whenever an order of the Superior Court or a family support magistrate for support of a [minor] child or children is issued, and, in [TFA] IV-D support cases as defined in subdivision (13) of subsection (b) of section 46b-231, as amended by this act, the person against whom such order was issued owes past-due support [of one hundred fifty dollars or more, or in non-TANF IV-D support cases, as defined in subdivision (13) of subsection (b) of said section 46b-231, the person against whom such order was issued owes past-due support of five hundred dollars or more] in the amount specified in subsection (c) of this section, the state shall submit to the Internal Revenue Service through the federal Office of Child Support Enforcement the name of such person and request the withholding from refunds of federal income taxes owed to such person of an amount equal to the past-due support, and payment of such withheld amount to the state for distribution [to the state for reimbursement of public assistance in TANF cases and in non-TANF IV-D support cases for distribution to the guardian or custodial parent of such minor child or children] in accordance with subsection (d) of this section, after first deducting from [the] any amount payable to [such] the guardian or custodial parent of such child a collection fee [determined by the Secretary of the Treasury to be] sufficient to reimburse the Internal Revenue Service and the state for the cost of the offset procedure.

(b) (1) Subject to the provisions of subsection [(c)] (d) of this section, whenever an order of the Superior Court or a family support magistrate for support of a [minor] child or children is issued, and, in [TANF] IV-D support cases, the person against whom such support order is issued owes past-due support [of one hundred fifty dollars or more, or in non-TANF IV-D support cases the person against whom such order is issued owes past-due support of five hundred dollars or

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more] in the amount specified in subsection (c) of this section, the Department of Social Services shall submit to the Commissioner of Administrative Services the name of such person and request the withholding from refunds of state income taxes owed to such person of an amount equal to the past-due support, and payment of such withheld amount by the Commissioner of Revenue Services to the state for distribution [to the state for reimbursement of public assistance in TANF cases and in non-TANF IV-D support cases for distribution to the guardian or custodial parent of such minor child or children] in accordance with subsection (d) of this section.

(2) Whenever an order of the Superior Court or family support magistrate is issued against a parent to cover the cost of health insurance for a child who is eligible for Medicaid and such parent has received payment from a third party for the costs of services provided under such health coverage for such child but such parent has not used such payments to reimburse, as appropriate, either the other parent or guardian or the provider of such services, the Commissioner of Social Services shall submit to the Commissioner of Administrative Services the name of such person and request the withholding from refunds of state income taxes owed to such person of an amount necessary to reimburse the Department of Social Services for such costs under the Medicaid program, and payment of such amount shall be withheld by the Commissioner of Revenue Services and distributed to the Department of Social Services for reimbursement. However, any claims for current or past due child support shall take priority over any such claims for the costs of such services.

(c) The amount of past-due support qualifying a IV-D support case for use of the federal income tax refund withholding procedure under subsection (a) of this section or the state income tax refund withholding procedure under subdivision (1) of subsection (b) of this section shall be: (1) One hundred fifty dollars or more in temporary

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family assistance cases under section 17b-112; and (2) five hundred dollars or more in nontemporary family assistance cases.

[(c)] (d) Support collected pursuant to this section shall be distributed as required by Title IV-D of the Social Security Act.

[(d)] (e) The Commissioner of Social Services shall adopt regulations, in accordance with chapter 54, setting forth procedures in compliance with federal law and regulations under Title IV-D of the Social Security Act providing for adequate notice of (1) the right to a review by Support Enforcement Services of the Superior Court, (2) the right to a fair hearing before a hearing officer, (3) a list of available defenses including the defense described in section 52-362h, and (4) procedures for a fair hearing for any person who is alleged to owe past-due support and is subject to the provisions of this section.

Sec. 65. Subsection (a) of section 12-742 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) In cases where any person or entity is due a refund of state income taxes, and that same person owes a debt or obligation for which the Commissioner of Administrative Services is seeking reimbursement, the Commissioner of Revenue Services, upon notification by the Commissioner of Administrative Services, shall withhold the payment of said refund to such person or entity to the extent of such debt or obligation, provided the Commissioner of Revenue Services shall notify such debtor that he or she has the right to a hearing before an officer designated by the Commissioner of Administrative Services if he or she contests the validity or amount of the Commissioner of Administrative Services' claim, except that where the debt or obligation is a debt resulting from failure to pay an order for child support, the administrative review process will be held in accordance with subsection [(c)] (e) of section 52-362e, as amended by

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this act. If the debtor fails to apply in writing to the Commissioner of Administrative Services for a hearing within sixty days of the issuance of notice of withholding, the Commissioner of Revenue Services shall remit the amount of the withheld refund to the Commissioner of Administrative Services. If the debtor elects an administrative hearing within this time, the Commissioner of Revenue Services shall remit the amount of the withheld refund in accordance with any decisions of the hearing officer or the court upon an appeal of the hearing officer's decision.

Approved July 11, 2007