



General Assembly

**Amendment**

January Session, 2007

LCO No. 8101

**\*HB0736108101HDO\***

Offered by:

REP. VILLANO, 91<sup>st</sup> Dist.

REP. ABERCROMBIE, 83<sup>rd</sup> Dist.

To: Subst. House Bill No. 7361

File No. 437

Cal. No. 383

**"AN ACT CONCERNING CHILD SUPPORT ENFORCEMENT  
PROGRAM COMPLIANCE AND IMPROVEMENTS."**

1 Strike section 3 in its entirety and substitute the following in lieu  
2 thereof:

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4 section 17b-745 of the general statutes is repealed and the following is  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

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

11 (i) The provision for health care coverage may include an order for  
12 either parent to name any child as a beneficiary of any medical or  
13 dental insurance or benefit plan carried by such parent or available to

14 such parent [on a group basis through an employer or a union. Any  
15 such employment-based order] at a reasonable cost, as described in  
16 clause (iv) of this subparagraph. If such order requires the parent to  
17 maintain insurance available through an employer, the order shall be  
18 enforced using a National Medical Support Notice as provided in  
19 section 46b-88, as amended by this act.

20 [If such insurance coverage is unavailable at reasonable cost, the] (ii)  
21 The provision for health care coverage may include an order for either  
22 parent to: [apply] (I) Apply for and maintain coverage on behalf of the  
23 child under the HUSKY Plan, Part B; [. The noncustodial parent shall  
24 be ordered to apply for the HUSKY Plan, Part B only if such parent is  
25 found to have sufficient ability to pay the appropriate premium. In any  
26 IV-D support case in which the noncustodial parent is found to have  
27 insufficient ability to provide medical insurance coverage and the  
28 custodial party is the HUSKY Plan, Part A or Part B applicant, the  
29 provision for health care coverage may include an order for the  
30 noncustodial parent to pay such amount as is specified by the court or  
31 family support magistrate] or (II) provide cash medical support, as  
32 described in clauses (v) and (vi) of this subparagraph. An order under  
33 this clause shall be made only if the cost to the parent obligated to  
34 maintain coverage under the HUSKY Plan, Part B, or provide cash  
35 medical support is reasonable as described in clause (iv) of this  
36 subparagraph. An order under subclause (I) of this clause shall be  
37 made only if insurance coverage as described in clause (i) of this  
38 subparagraph is unavailable at reasonable cost to either parent, or  
39 inaccessible to the child.

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

45 (iv) Health care coverage shall be deemed reasonable in cost if: (I)  
46 The parent obligated to maintain such coverage would qualify as a

47 low-income obligor under the child support guidelines established  
48 pursuant to section 46b-215a, based solely on such parent's income,  
49 and the cost does not exceed five per cent of such parent's net income;  
50 or (II) the parent obligated to maintain such coverage would not  
51 qualify as a low-income obligor under such guidelines and the cost  
52 does not exceed seven and one-half per cent of such parent's net  
53 income. In either case, net income shall be determined in accordance  
54 with the child support guidelines established pursuant to section 46b-  
55 215a. If a parent obligated to maintain insurance must obtain coverage  
56 for himself or herself to comply with the order to provide coverage for  
57 the child, reasonable cost shall be determined based on the combined  
58 cost of coverage for such parent and such child.

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

81 (II) of this clause are subject to an order for unreimbursed medical and  
82 dental expenses pursuant to clause (iii) of this subparagraph.

83 (vi) Cash medical support to offset the cost of any insurance payable  
84 under the HUSKY Plan, Part A or Part B, [unless the] shall not be  
85 ordered against a noncustodial parent who is a low-income obligor, as  
86 defined in the child support guidelines established pursuant to section  
87 46b-215a, or against a custodial parent of children covered under the  
88 HUSKY Plan, Part A or Part B."

89 In line 168, strike the closing bracket after "The" and strike "In other  
90 than IV-D support cases, the"

91 In line 170, insert a closing bracket after the period

92 Strike section 7 in its entirety and substitute the following in lieu  
93 thereof:

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

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

112       (2) The court shall include in each support order a provision for the  
113 health care coverage of the child [which provision may include an  
114 order for either parent to name any child] who is subject to the  
115 provisions of subsection (a) or (b) of this section. Such provision may  
116 include an order for either parent or both parents to provide such  
117 coverage under any or all of subparagraphs (A), (B) or (C) of this  
118 subdivision.

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

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

146 subparagraph (A) of this subdivision is unavailable at reasonable cost  
147 to either parent, or inaccessible to the child.

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

153 (D) Health care coverage shall be deemed reasonable in cost if: (i)  
154 The parent obligated to maintain such coverage would qualify as a  
155 low-income obligor under the child support guidelines established  
156 pursuant to section 46b-215a, based solely on such parent's income,  
157 and the cost does not exceed five per cent of such parent's net income;  
158 or (ii) the parent obligated to maintain such coverage would not  
159 qualify as a low-income obligor under such guidelines and the cost  
160 does not exceed seven and one-half per cent of such parent's net  
161 income. In either case, net income shall be determined in accordance  
162 with the child support guidelines established pursuant to section 46b-  
163 215a. If a parent obligated to maintain insurance must obtain coverage  
164 for himself or herself to comply with the order to provide coverage for  
165 the child, reasonable cost shall be determined based on the combined  
166 cost of coverage for such parent and such child.

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

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

191 (F) Cash medical support to offset the cost of any insurance payable  
192 under the HUSKY Plan, Part A or Part B, [unless the] shall not be  
193 ordered against a noncustodial parent who is a low-income obligor, as  
194 defined in the child support guidelines established pursuant to section  
195 46b-215a, or against a custodial parent of children covered under the  
196 HUSKY Plan, Part A or Part B."

197 In line 355, strike "Such petition, summons and order, in other than  
198 IV-D support"

199 Strike lines 356 and 357 in their entirety

200 Strike section 11 in its entirety and substitute the following in lieu  
201 thereof:

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

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

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

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

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

244 (D) Health care coverage shall be deemed reasonable in cost if: (i)  
245 The parent obligated to maintain such coverage would qualify as a  
246 low-income obligor under the child support guidelines established  
247 pursuant to section 46b-215a, based solely on such parent's income,  
248 and the cost does not exceed five per cent of such parent's net income;  
249 or (ii) the parent obligated to maintain such coverage would not  
250 qualify as a low-income obligor under such guidelines and the cost  
251 does not exceed seven and one-half per cent of such parent's net  
252 income. In either case, net income shall be determined in accordance  
253 with the child support guidelines established pursuant to section 46b-  
254 215a. If a parent obligated to maintain insurance must obtain coverage  
255 for himself or herself to comply with the order to provide coverage for  
256 the child, reasonable cost shall be determined based on the combined  
257 cost of coverage for such parent and such child.

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

278 long as health insurance coverage is maintained. Any unreimbursed  
279 medical and dental expenses not covered by an order pursuant to  
280 clause (ii) of this subparagraph are subject to an order for  
281 unreimbursed medical and dental expenses pursuant to subparagraph  
282 (C) of this subdivision.

283 (F) Cash medical support to offset the cost of any insurance payable  
284 under the HUSKY Plan, Part A or Part B, [unless the] shall not be  
285 ordered against a noncustodial parent who is a low-income obligor, as  
286 defined in the child support guidelines established pursuant to section  
287 46b-215a, or against a custodial parent of children covered under the  
288 HUSKY Plan, Part A or Part B."

289 In line 459, strike the opening and closing bracket

290 In line 460, strike ", and in other than IV-D support" and insert "." in  
291 lieu thereof

292 Strike lines 461 and 462 in their entirety

293 In line 466, insert an opening bracket before "The" and strike ", in  
294 other than IV-D support"

295 In line 467, strike "cases,"

296 In line 468, insert a closing bracket after the period

297 In line 1008, strike "for notification of" and substitute "to notify the  
298 support enforcement agency of this state, the Family Support  
299 Magistrate Division, and such other entity as the Attorney General  
300 deems appropriate, of" in lieu thereof

301 Strike lines 1377 through 1380 in their entirety and substitute the  
302 following in lieu thereof:

303 "(a) [After] Except as provided in subsection (b) of section 46b-213r,  
304 as amended by this act, in any matter where the Family Support  
305 Magistrate Division does not have jurisdiction pursuant to subsection

306 (f) of this section, upon petition a family support magistrate may  
307 modify a"

308 Strike section 57 in its entirety and substitute the following in lieu  
309 thereof:

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

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

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

327 [If such insurance coverage is unavailable at reasonable cost, the]  
328 (B) The provision for health care coverage may include an order for  
329 either parent to: [apply] (i) Apply for and maintain coverage on behalf  
330 of the child under the HUSKY Plan, Part B; [ The noncustodial parent  
331 shall be ordered to apply for the HUSKY Plan, Part B only if such  
332 parent is found to have sufficient ability to pay the appropriate  
333 premium. In any IV-D support case in which the noncustodial parent  
334 is found to have insufficient ability to provide medical insurance  
335 coverage and the custodial party is the HUSKY Plan, Part A or Part B  
336 applicant, the provision for health care coverage may include an order  
337 for the noncustodial parent to pay such amount as is specified by the

338 court or family support magistrate] or (ii) provide cash medical  
339 support, as described in subparagraphs (E) and (F) of this subdivision.  
340 An order under this subparagraph shall be made only if the cost to the  
341 parent obligated to maintain coverage under the HUSKY Plan, Part B,  
342 or provide cash medical support is reasonable, as defined in  
343 subparagraph (D) of this subdivision. An order under clause (i) of this  
344 subparagraph shall be made only if insurance coverage as described in  
345 subparagraph (A) of this subdivision is unavailable at reasonable cost  
346 to either parent, or inaccessible to the child.

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

352 (D) Health care coverage shall be deemed reasonable in cost if: (i)  
353 The parent obligated to maintain such coverage would qualify as a  
354 low-income obligor under the child support guidelines established  
355 pursuant to section 46b-215a, based solely on such parent's income,  
356 and the cost does not exceed five per cent of such parent's net income;  
357 or (ii) the parent obligated to maintain such coverage would not  
358 qualify as a low-income obligor under such guidelines and the cost  
359 does not exceed seven and one-half per cent of such parent's net  
360 income. In either case, net income shall be determined in accordance  
361 with the child support guidelines established pursuant to section 46b-  
362 215a. If a parent obligated to maintain insurance must obtain coverage  
363 for himself or herself to comply with the order to provide coverage for  
364 the child, reasonable cost shall be determined based on the combined  
365 cost of coverage for such parent and such child.

366 (E) Cash medical support means (i) an amount ordered to be paid  
367 toward the cost of premiums for health insurance coverage provided  
368 by a public entity, including the HUSKY Plan, Part A or Part B, except  
369 as provided in subparagraph (F) of this subdivision, or by another  
370 parent through employment or otherwise, or (ii) an amount ordered to

371 be paid, either directly to a medical provider or to the person obligated  
372 to pay such provider, toward any ongoing extraordinary medical and  
373 dental expenses of the child that are not covered by insurance or  
374 reimbursed in any other manner, provided such expenses are  
375 documented and identified specifically on the record. Cash medical  
376 support, as described in clauses (i) and (ii) of this subparagraph, may  
377 be ordered in lieu of an order under subparagraph (A) of this  
378 subdivision to be effective until such time as health insurance that is  
379 accessible to the child and reasonable in cost becomes available, or in  
380 addition to an order under subparagraph (A) of this subdivision,  
381 provided the total cost to the obligated parent of insurance and cash  
382 medical support is reasonable, as described in subparagraph (D) of this  
383 subdivision. An order for cash medical support shall be payable to the  
384 state or the custodial party, as their interests may appear, provided an  
385 order under clause (i) of this subparagraph shall be effective only as  
386 long as health insurance coverage is maintained. Any unreimbursed  
387 medical and dental expenses not covered by an order issued pursuant  
388 to clause (ii) of this subparagraph are subject to an order for  
389 unreimbursed medical and dental expenses pursuant to subparagraph  
390 (C) of this subdivision.

391 (F) Cash medical support to offset the cost of any insurance payable  
392 under the HUSKY Plan, Part A or Part B, [unless the] shall not be  
393 ordered against a noncustodial parent who is a low-income obligor, as  
394 defined in the child support guidelines established pursuant to section  
395 46b-215a, or against a custodial parent of children covered under the  
396 HUSKY Plan, Part A or Part B."

397 In line 1777, strike "Such petition, summons and"

398 Strike lines 1778 and 1779 in their entirety

399 In line 1784, insert "." after "law" and insert an opening bracket  
400 before the comma

401 In line 1785, strike ", in other than IV-D support cases,"

- 402 In line 1786, insert a closing bracket after the period
- 403 Strike section 65 in its entirety and renumber remaining sections
- 404 and internal references accordingly