



General Assembly

February Session, 2008

**Raised Bill No. 5620**

LCO No. 2069

\*02069\_\_\_\_\_HS\_\*

Referred to Committee on Human Services

Introduced by:  
(HS)

***AN ACT RAISING THE CHILD SUPPORT AGE LIMIT.***

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

1 Section 1. Subdivision (1) of subsection (a) of section 17b-745 of the  
2 2008 supplement to the general statutes is repealed and the following  
3 is substituted in lieu thereof (*Effective October 1, 2008*):

4 (a) (1) The Superior Court or a family support magistrate may make  
5 and enforce orders for payment of support to the Commissioner of  
6 Administrative Services or, in IV-D support cases, to the state acting by  
7 and through the IV-D agency, directed to the husband or wife and, if  
8 the patient or person is under the age of eighteen years or, [as  
9 otherwise provided in this subsection] in the case of IV-D support  
10 cases under the age of twenty-one years, to any parent of any patient  
11 or person being supported by the state, wholly or in part, in a state  
12 humane institution, or under any welfare program administered by  
13 the Department of Social Services, as the court or family support  
14 magistrate finds, in accordance with the provisions of subsection (b) of  
15 section 17b-179 of the 2008 supplement to the general statutes, or  
16 section 17a-90, 17b-81, 17b-223, 46b-129 of the 2008 supplement to the  
17 general statutes or 46b-130, to be reasonably commensurate with the

18 financial ability of any such relative. [If such person is unmarried and a  
19 full-time high school student, such support shall continue according to  
20 the parents' respective abilities, if such person is in need of support,  
21 until such person completes the twelfth grade or attains the age of  
22 nineteen, whichever occurs first.] Any court or family support  
23 magistrate called upon to make or enforce such an order, including an  
24 order based upon a determination consented to by the relative, shall  
25 ensure that such order is reasonable in light of the relative's ability to  
26 pay.

27 Sec. 2. Subdivision (1) of subsection (a) of section 46b-215 of the 2008  
28 supplement to the general statutes is repealed and the following is  
29 substituted in lieu thereof (*Effective October 1, 2008*):

30 (a) (1) The Superior Court or a family support magistrate may make  
31 and enforce orders for payment of support against any person who  
32 neglects or refuses to furnish necessary support to such person's  
33 spouse or a child under the age of [eighteen or as otherwise provided  
34 in this subsection] twenty-one, according to such person's ability to  
35 furnish such support, notwithstanding the provisions of section 46b-  
36 37. [If such child is unmarried and a full-time high school student, such  
37 support shall continue according to the parents' respective abilities, if  
38 such child is in need of support, until such child completes the twelfth  
39 grade or attains the age of nineteen, whichever occurs first.]

40 Sec. 3. Subsection (e) of section 46b-160 of the 2008 supplement to  
41 the general statutes is repealed and the following is substituted in lieu  
42 thereof (*Effective October 1, 2008*):

43 (e) (1) The answer form shall require the putative father to indicate  
44 whether he admits that he is the father, denies that he is the father or  
45 does not know whether he is the father of the child. Any response to  
46 the answer form shall not be deemed to waive any jurisdictional  
47 defense.

48 (2) The notice to the putative father shall inform him that (A) he has

49 a right to be represented by an attorney, and if he is indigent, the court  
50 will appoint an attorney for him, (B) if he is found to be the father, he  
51 will be required to financially support the child until the child attains  
52 the age of [eighteen] twenty-one years, (C) if he does not admit he is  
53 the father, the court or family support magistrate may order a genetic  
54 test to determine paternity and that the cost of such test shall be paid  
55 by the state in IV-D support cases, and in non-IV-D cases shall be paid  
56 by the petitioner, except that if he is subsequently adjudicated to be the  
57 father of the child, he shall be liable to the state or the petitioner, as the  
58 case may be, for the amount of such cost, and (D) if he fails to return  
59 the answer form or fails to appear for a scheduled genetic test without  
60 good cause, a default judgment shall be entered.

61 (3) The application for appointment of counsel shall include a  
62 financial affidavit.

63 Sec. 4. Subdivision (1) of subsection (a) of section 46b-171 of the 2008  
64 supplement to the general statutes is repealed and the following is  
65 substituted in lieu thereof (*Effective October 1, 2008*):

66 (a) (1) (A) If the defendant is found to be the father of the child, the  
67 court or family support magistrate shall order the defendant to stand  
68 charged with the support and maintenance of such child, with the  
69 assistance of the mother if such mother is financially able, as the court  
70 or family support magistrate finds, in accordance with the provisions  
71 of subsection (b) of section 17b-179 of the 2008 supplement to the  
72 general statutes, or section 17a-90, 17b-81, 17b-223, 17b-745 of the 2008  
73 supplement to the general statutes, as amended by this act, 46b-129 of  
74 the 2008 supplement to the general statutes, 46b-130 or 46b-215 of the  
75 2008 supplement to the general statutes, as amended by this act, to be  
76 reasonably commensurate with the financial ability of the defendant,  
77 and to pay a certain sum periodically until the child attains the age of  
78 [eighteen] twenty-one years. [or as otherwise provided in this  
79 subsection. If such child is unmarried and a full-time high school  
80 student, such support shall continue according to the parents'

81 respective abilities, if such child is in need of support, until such child  
82 completes the twelfth grade or attains the age of nineteen, whichever  
83 occurs first.]

84 (B) The court or family support magistrate shall order the defendant  
85 to pay such sum to the complainant, or, if a town or the state has paid  
86 such expense, to the town or the state, as the case may be, and shall  
87 grant execution for the same and costs of suit taxed as in other civil  
88 actions, together with a reasonable attorney's fee, and may require the  
89 defendant to become bound with sufficient surety to perform such  
90 orders for support and maintenance. In IV-D support cases, the IV-D  
91 agency or a support enforcement agency under cooperative agreement  
92 with the IV-D agency may, upon notice to the obligor and obligee,  
93 redirect payments for the support of any child receiving child support  
94 enforcement services either to the state of Connecticut or to the present  
95 custodial party, as their interests may appear, provided neither the  
96 obligor nor the obligee objects in writing within ten business days  
97 from the mailing date of such notice. Any such notice shall be sent by  
98 first class mail to the most recent address of such obligor and obligee,  
99 as recorded in the state case registry pursuant to section 46b-218, and a  
100 copy of such notice shall be filed with the court or family support  
101 magistrate if both the obligor and obligee fail to object to the redirected  
102 payments within ten business days from the mailing date of such  
103 notice. All payments made shall be distributed as required by Title IV-  
104 D of the Social Security Act.

105 Sec. 5. Subdivision (1) of subsection (a) of section 46b-172 of the 2008  
106 supplement to the general statutes is repealed and the following is  
107 substituted in lieu thereof (*Effective October 1, 2008*):

108 (a) (1) In lieu of or in conclusion of proceedings under section 46b-  
109 160 of the 2008 supplement to the general statutes, as amended by this  
110 act, a written acknowledgment of paternity executed and sworn to by  
111 the putative father of the child when accompanied by (A) an attested  
112 waiver of the right to a blood test, the right to a trial and the right to an

113 attorney, and (B) a written affirmation of paternity executed and sworn  
114 to by the mother of the child shall have the same force and effect as a  
115 judgment of the Superior Court. It shall be considered a legal finding  
116 of paternity without requiring or permitting judicial ratification, and  
117 shall be binding on the person executing the same whether such  
118 person is an adult or a minor, subject to subdivision (2) of this  
119 subsection. Such acknowledgment shall not be binding unless, prior to  
120 the signing of any affirmation or acknowledgment of paternity, the  
121 mother and the putative father are given oral and written notice of the  
122 alternatives to, the legal consequences of, and the rights and  
123 responsibilities that arise from signing such affirmation or  
124 acknowledgment. The notice to the mother shall include, but shall not  
125 be limited to, notice that the affirmation of paternity may result in  
126 rights of custody and visitation, as well as a duty of support, in the  
127 person named as father. The notice to the putative father shall include,  
128 but not be limited to, notice that such father has the right to contest  
129 paternity, including the right to appointment of counsel, a genetic test  
130 to determine paternity and a trial by the Superior Court or a family  
131 support magistrate and that acknowledgment of paternity will make  
132 such father liable for the financial support of the child until the child's  
133 [eighteenth] twenty-first birthday. In addition, the notice shall inform  
134 the mother and the father that DNA testing may be able to establish  
135 paternity with a high degree of accuracy and may, under certain  
136 circumstances, be available at state expense. The notices shall also  
137 explain the right to rescind the acknowledgment, as set forth in  
138 subdivision (2) of this subsection, including the address where such  
139 notice of rescission should be sent, and shall explain that the  
140 acknowledgment cannot be challenged after sixty days, except in court  
141 upon a showing of fraud, duress or material mistake of fact.

142 Sec. 6. Subdivision (1) of subsection (b) of section 46b-172 of the 2008  
143 supplement to the general statutes is repealed and the following is  
144 substituted in lieu thereof (*Effective October 1, 2008*):

145 (b) (1) An agreement to support the child by payment of a periodic

146 sum until the child attains the age of [eighteen] twenty-one years, [or  
147 as otherwise provided in this subsection,] together with provisions for  
148 reimbursement for past-due support based upon ability to pay in  
149 accordance with the provisions of subsection (b) of section 17b-179 of  
150 the 2008 supplement to the general statutes, or section 17a-90, 17b-81,  
151 17b-223, 46b-129 of the 2008 supplement to the general statutes or 46b-  
152 130, and reasonable expense of prosecution of the petition, when filed  
153 with and approved by a judge of the Superior Court, or in IV-D  
154 support cases and matters brought under sections 46b-212 to 46b-213v,  
155 inclusive, of the 2008 supplement to the general statutes a family  
156 support magistrate at any time, shall have the same force and effect,  
157 retroactively or prospectively in accordance with the terms of said  
158 agreement, as an order of support entered by the court, and shall be  
159 enforceable and subject to modification in the same manner as is  
160 provided by law for orders of the court in such cases. [If such child is  
161 unmarried and a full-time high school student, such support shall  
162 continue according to the parents' respective abilities, if such child is in  
163 need of support, until such child completes the twelfth grade or attains  
164 the age of nineteen, whichever occurs first.]

165 Sec. 7. Subdivision (1) of subsection (c) of section 46b-172 of the 2008  
166 supplement to the general statutes is repealed and the following is  
167 substituted in lieu thereof (*Effective October 1, 2008*):

168 (c) (1) At any time after the signing of any acknowledgment of  
169 paternity, upon the application of any interested party, the court or  
170 any judge thereof or any family support magistrate in IV-D support  
171 cases and in matters brought under sections 46b-212 to 46b-213v,  
172 inclusive, of the 2008 supplement to the general statutes shall cause a  
173 summons, signed by such judge or family support magistrate, by the  
174 clerk of the court or by a commissioner of the Superior Court, to be  
175 issued, requiring the acknowledged father to appear in court at a time  
176 and place as determined by the clerk but not more than ninety days  
177 after the issuance of the summons, to show cause why the court or the  
178 family support magistrate assigned to the judicial district in IV-D

179 support cases should not enter judgment for support of the child by  
180 payment of a periodic sum until the child attains the age of [eighteen]  
181 twenty-one years, [or as otherwise provided in this subsection,]  
182 together with provision for reimbursement for past-due support based  
183 upon ability to pay in accordance with the provisions of subsection (b)  
184 of section 17b-179 of the 2008 supplement to the general statutes, or  
185 section 17a-90, 17b-81, 17b-223, 46b-129 of the 2008 supplement to the  
186 general statutes or 46b-130, a provision for health coverage of the child  
187 as required by section 46b-215 of the 2008 supplement to the general  
188 statutes, as amended by this act, and reasonable expense of the action  
189 under this subsection. [If such child is unmarried and a full-time high  
190 school student such support shall continue according to the parents'  
191 respective abilities, if such child is in need of support, until such child  
192 completes the twelfth grade or attains the age of nineteen, whichever  
193 occurs first.]

194 Sec. 8. Subsection (a) of section 53-304 of the general statutes is  
195 repealed and the following is substituted in lieu thereof (*Effective*  
196 *October 1, 2008*):

197 (a) Any person who neglects or refuses to furnish reasonably  
198 necessary support to the person's spouse, child under the age of  
199 [eighteen] twenty-one or parent under the age of sixty-five shall be  
200 deemed guilty of nonsupport and shall be imprisoned not more than  
201 one year, unless the person shows to the court before which the trial is  
202 had that, owing to physical incapacity or other good cause, the person  
203 is unable to furnish such support. The court may suspend the  
204 execution of any community correctional center sentence imposed,  
205 upon any terms or conditions that it deems just, may suspend the  
206 execution of the balance of any such sentence in a like manner, and, in  
207 addition to any other sentence or in lieu thereof, may order that the  
208 person convicted shall pay to the Commissioner of Administrative  
209 Services directly or through Support Enforcement Services of the  
210 Superior Court, such support, in such amount as the court may find  
211 commensurate with the necessities of the case and the ability of such

212 person, for such period as the court shall determine. Any such order of  
 213 support may, at any time thereafter, be set aside or altered by the court  
 214 for cause shown. Failure of any defendant to make any payment may  
 215 be punished as contempt of court and, in addition thereto or in lieu  
 216 thereof, the court may order the issuance of a wage withholding in the  
 217 same manner as is provided in section 17b-745 of the 2008 supplement  
 218 to the general statutes, as amended by this act, which withholding  
 219 order shall have the same precedence as is provided in section 52-362  
 220 of the 2008 supplement to the general statutes. The amounts withheld  
 221 under such withholding order shall be remitted to the Department of  
 222 Administrative Services by the person or corporation to whom the  
 223 withholding order is presented at such intervals as such withholding  
 224 order directs. For the purposes of this section, "child" includes one  
 225 born out of wedlock whose father has acknowledged in writing his  
 226 paternity of such child or has been adjudged the father by a court of  
 227 competent jurisdiction.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	17b-745(a)(1)
Sec. 2	<i>October 1, 2008</i>	46b-215(a)(1)
Sec. 3	<i>October 1, 2008</i>	46b-160(e)
Sec. 4	<i>October 1, 2008</i>	46b-171(a)(1)
Sec. 5	<i>October 1, 2008</i>	46b-172(a)(1)
Sec. 6	<i>October 1, 2008</i>	46b-172(b)(1)
Sec. 7	<i>October 1, 2008</i>	46b-172(c)(1)
Sec. 8	<i>October 1, 2008</i>	53-304(a)

**Statement of Purpose:**

To require child support for a child through the age of twenty-one.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*