



General Assembly

February Session, 2008

Raised Bill No. 667

LCO No. 3050

03050_____HS_

Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT CONCERNING ESTABLISHMENT, MODIFICATION AND ENFORCEMENT OF TITLE IV-D CHILD SUPPORT ORDERS.

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

1 Section 1. Subsections (b) to (g), inclusive, of section 17b-179 of the
2 2008 supplement to the general statutes are repealed and the following
3 is substituted in lieu thereof (*Effective October 1, 2008*):

4 (b) (1) The Commissioner of Social Services shall [, in the manner
5 provided in section 17b-81,] investigate the financial condition of the
6 parent or parents of: (A) Any child applying for or receiving assistance
7 under [the provisions of sections 17b-807 and 17b-808 and] (i) the
8 temporary family assistance [for needy families] program pursuant to
9 section 17b-112 of the 2008 supplement to the general statutes, which
10 may be referred to as ["TANF"] TFA for the purposes of this section or
11 (ii) the Medicaid program pursuant to section 17b-261 of the 2008
12 supplement to the general statutes, (B) any child seeking IV-D child
13 support enforcement services pursuant to subdivision (1) of subsection
14 (h) of this section, and (C) any child committed to the care of the
15 Commissioner of Children and Families who is receiving payments in
16 the foster care program and for whom a referral to the Bureau of Child

17 Support Enforcement is made under section 46b-130, as amended by
18 this act, and shall determine the financial liability of such parent or
19 parents for [the] such child.

20 (2) (A) For the purposes of this subdivision and subdivision (3) of
21 this subsection, "new custodial party" means a person other than the
22 custodial party to whom a support order is made payable who obtains
23 physical custody of the child or children on whose behalf such order is
24 entered.

25 (B) [The] In IV-D support cases, the Bureau of Child Support
26 Enforcement may, upon notice to the obligor and obligee, redirect
27 payments for the support of all such children to either the [state of
28 Connecticut or the present custodial party] new custodial party, who
29 shall be named in such notice, or the state of Connecticut, as their
30 interests may appear, provided neither the obligor nor the obligee
31 objects in writing [within] to such redirection no later than ten
32 business days [from] after the mailing date of such notice of
33 redirection. Any such notice shall be filed with the assistant clerk of the
34 Family Support Magistrate Division and a copy of such notice shall be
35 sent by first class mail to the most recent address of such obligor and
36 obligee, as recorded in the state case registry pursuant to section 46b-
37 218, and [a copy of such notice shall be filed with the court or family
38 support magistrate if both the obligor and obligee fail to object to the
39 redirected payments within ten business days from the mailing date of
40 such notice] to the new custodial party.

41 (C) The notice filed with the Family Support Magistrate Division in
42 accordance with subparagraph (B) of this subdivision shall include a
43 certification indicating the names and addresses of the parties to
44 whom the notices were mailed. By such filing and certification, the
45 new custodial party named in the notice of redirection shall be deemed
46 a party to the support order, and shall remain a party until removed
47 by subsequent court order, redirection of payments in accordance with
48 this subdivision or similar provisions in sections 17b-745 of the 2008

49 supplement to the general statutes, as amended by this act, 46b-171 of
50 the 2008 supplement to the general statutes, as amended by this act,
51 46b-172 of the 2008 supplement to the general statutes, as amended by
52 this act, or 46b-215 of the 2008 supplement to the general statutes, as
53 amended by this act, or the sustaining by a family support magistrate
54 of an objection to redirection filed in accordance with subparagraph
55 (D) of this subdivision. Such redirection shall not be subject to review
56 by the Family Support Magistrate Division unless an objection is filed
57 by the obligor or obligee pursuant to subparagraph (D) of this
58 subdivision.

59 (D) The notices mailed to the obligor and obligee in accordance with
60 subparagraph (B) of this subdivision shall include an objection claim
61 form and be in clear and simple language informing the parties that (i)
62 the Bureau of Child Support Enforcement will redirect support
63 payments commencing ten business days after the date of the notice
64 unless the obligor or obligee objects to such redirection by filing the
65 objection claim form with the assistant clerk of the Family Support
66 Magistrate Division and sending a copy of such form to the Bureau of
67 Child Support Enforcement; (ii) the objection claim form must state the
68 grounds for objection to the redirection and include a certification that
69 a copy was sent to the Bureau of Child Support Enforcement; and (iii)
70 upon the filing of a signed objection claim form stating the reason for
71 objection no later than ten business days after the mailing date of the
72 notice, the clerk will schedule a hearing on the objection to redirection.

73 (E) Upon the filing of an objection claim form by the obligor or
74 obligee in accordance with subparagraph (D) of this subdivision, the
75 assistant clerk shall promptly (i) schedule a hearing on the objection to
76 redirection of support payments, (ii) send a file-stamped copy of the
77 objection claim form to the issuing office of the Bureau of Child
78 Support Enforcement, and (iii) notify all parties of the date, time and
79 place for the hearing at least ten days before the date of the hearing.

80 (F) The Family Support Magistrate Division shall hear and

81 determine the objection to redirection of support payments without
82 requiring a motion of the agency issuing the notice of redirection, and
83 may require the presence at the hearing of the new custodial party
84 named in the notice of redirection. The family support magistrate shall
85 order that the objection to redirection be overruled unless the objecting
86 party shows cause why such redirection should not occur. The order
87 shall be a final judgment for purposes of appeal. The redirection shall
88 not be stayed on appeal except by order of the Family Support
89 Magistrate Division.

90 (G) If the objection to redirection is overruled by the family support
91 magistrate, the Bureau of Child Support Enforcement shall redirect
92 support payments as stated in the notice of redirection. If the objection
93 to redirection is sustained, payments shall continue as stated in the
94 support order, unless otherwise ordered by the family support
95 magistrate. All payments shall be distributed as required by Title IV-D
96 of the Social Security Act.

97 (3) Notwithstanding subdivision (2) of this subsection or any similar
98 provisions in subparagraph (B) of subdivision (6) of subsection (a) of
99 section 17b-745 of the 2008 supplement to the general statutes, as
100 amended by this act, subparagraph (C) of subdivision (1) of subsection
101 (a) of section 46b-171 of the 2008 supplement to the general statutes, as
102 amended by this act, subparagraph (B) of subdivision (3) of subsection
103 (b) of section 46b-172 of the 2008 supplement to the general statutes, as
104 amended by this act, subparagraph (B) of subdivision (5) of subsection
105 (c) of section 46b-172 of the 2008 supplement to the general statutes, as
106 amended by this act, and subdivision (2) of subsection (c) of section
107 46b-215 of the 2008 supplement to the general statutes, as amended by
108 this act, the Bureau of Child Support Enforcement or a support
109 enforcement agency under cooperative agreement with the Bureau of
110 Child Support Enforcement shall redirect payments for the support of
111 children described in subparagraphs (A)(i) and (C) of subdivision (1)
112 of this subsection to the state of Connecticut effective the date of the
113 assistance grant. Upon such redirection, the Bureau of Child Support

114 Enforcement or support enforcement agency shall follow the
115 procedures in subdivision (2) of this subsection if assistance is being
116 received by a new custodial party on behalf of such children and, if an
117 objection to redirection is sustained in accordance with subparagraph
118 (G) of subdivision (2) of this subsection, shall refund to the obligee of
119 the support order any money retained by the state during the period of
120 redirection that is due such obligee.

121 (c) The [Connecticut] Bureau of Child Support Enforcement
122 [Bureau] shall enter into cooperative agreements with appropriate
123 officials of the Judicial [Department] Branch and law enforcement
124 officials to assist in administering the child support enforcement plan
125 and with respect to other matters of common concern in the area of
126 child support enforcement. Officers of the Judicial [Department]
127 Branch and law enforcement officials authorized and required to enter
128 into cooperative agreements with the [Connecticut] Bureau of Child
129 Support Enforcement [Bureau] include, but are not limited to, [the]
130 officials of the Superior Court and the Office of the Attorney General.
131 Such cooperative agreements shall contain performance standards to
132 address the mandatory provisions of both state and federal laws and
133 federal regulations concerning child support.

134 (d) The [Connecticut] Bureau of Child Support Enforcement
135 [Bureau] shall have authority to determine on a periodic basis whether
136 any individuals who owe child support obligations are receiving
137 unemployment compensation. In IV-D cases, the bureau may
138 authorize the collection of any such obligations owed by an individual
139 receiving unemployment compensation through an agreement with
140 the individual or a court order pursuant to section 52-362 of the 2008
141 supplement to the general statutes, as amended by this act, under
142 which a portion of the individual's unemployment compensation is
143 withheld and forwarded to the state [agency] acting by and through
144 the IV-D agency. As used in this section, the term "unemployment
145 compensation" means any compensation payable under chapter 567,
146 including amounts payable by the administrator of the unemployment

147 compensation law pursuant to an agreement under any federal law
148 providing for compensation, assistance or allowances with respect to
149 unemployment.

150 (e) The Bureau of Child Support Enforcement [Bureau] shall enter
151 into purchase of service agreements with other state officials,
152 departments and agencies which do not have judicial or law
153 enforcement authority, including but not limited to, the Commissioner
154 of Administrative Services, to assist in administering the child support
155 enforcement plan. The Bureau of Child Support Enforcement [Bureau]
156 shall have authority to enter into such agreements with the Labor
157 Commissioner and to withhold unemployment compensation
158 pursuant to subsection (d) of this section and section 31-227.

159 (f) The [Connecticut] Bureau of Child Support Enforcement
160 [Bureau] shall have the sole responsibility to make referrals to the
161 federal Parent Locator Service established pursuant to 88 Stat. 2353
162 (1975), 42 USC 653, as amended, for the purpose of locating deserting
163 parents.

164 (g) The [Connecticut] Bureau of Child Support Enforcement
165 [Bureau] shall have the sole responsibility to make recommendations
166 to the Governor and the General Assembly for needed program
167 legislation to ensure implementation of Title IV-D of the Social Security
168 Act, as amended.

169 Sec. 2. Subsection (h) of section 17b-179 of the 2008 supplement to
170 the general statutes is repealed and the following is substituted in lieu
171 thereof (*Effective October 1, 2008*):

172 (h) (1) The [Connecticut] Bureau of Child Support Enforcement
173 [Bureau] shall provide, or arrange to provide through one or more of
174 the state offices, departments and agencies the same services for
175 obtaining and enforcing child support orders in cases in which
176 children are not beneficiaries of [TANF] TFA, Medicaid or foster care
177 as in cases where children are the beneficiaries of such aid. Such

178 services shall also be made available to residents of other states on the
179 same terms as to residents of this state. Support services in [non-TANF
180 support] cases other than TFA, Medicaid or foster case will be
181 provided upon application to the [Connecticut] Bureau of Child
182 Support Enforcement by the person seeking to enforce a child support
183 obligation and the payment of an application fee, pursuant to the
184 provisions of subsection (i) of this section.

185 (2) In addition to the application fee, the [Connecticut] Bureau of
186 Child Support Enforcement [Bureau] may assess costs incurred for the
187 establishment, enforcement or modification of a support order in [non-
188 TANF] cases other than TFA, Medicaid or foster care. Such assessment
189 shall be based on a fee schedule adopted by the Department of Social
190 Services pursuant to chapter 54. The fee schedule to be charged in
191 [non-TANF support] such cases shall be made available to any
192 individual upon request. The Bureau of Child Support Enforcement
193 [Bureau] shall adopt procedures for the notification of Superior Court
194 judges and family support magistrates when a fee has been assessed
195 an obligee for support services and a Superior Court judge or a family
196 support magistrate shall order the obligor to pay any such assessment
197 to the Bureau of Child Support Enforcement. [Bureau.] In cases where
198 such order is not entered, the obligee shall pay an amount based on a
199 sliding scale not to exceed the obligee's ability to pay. The Department
200 of Social Services shall adopt such sliding scale pursuant to chapter 54.

201 (3) The [Connecticut] Bureau of Child Support Enforcement
202 [Bureau] shall also, in the case of an individual who never received
203 temporary assistance for needy families and for whom the state has
204 collected at least five hundred dollars of support in a one-year period,
205 impose an annual fee of twenty-five dollars for each case in which
206 services are furnished. The annual fee shall be (A) retained by the state
207 from the support collected on behalf of the individual, but not from the
208 first five hundred dollars collected, (B) paid by the individual applying
209 for the services, (C) recovered from the noncustodial parent, or (D)
210 paid by the state.

211 Sec. 3. Subsection (i) of section 17b-179 of the 2008 supplement to
212 the general statutes is repealed and the following is substituted in lieu
213 thereof (*Effective October 1, 2008*):

214 (i) In [non-TANF] child support cases other than TFA, Medicaid or
215 foster care, the state shall impose an application fee in an amount
216 necessary to comply with federal law and regulations under Title IV-D
217 of the Social Security Act, which fee shall be paid by the state. The
218 amount of such fee shall be established by regulations adopted, in
219 accordance with the provisions of chapter 54, by the Commissioner of
220 Social Services and shall not exceed twenty-five dollars or such higher
221 or lower amount as the Secretary of the Department of Health and
222 Human Services may determine to be appropriate for any fiscal year to
223 reflect increases or decreases in administrative costs. The court in
224 which a child support obligation is sought to be enforced may order
225 the obligor to reimburse the state for such application fee. Recipients of
226 [TANF] TFA, foster care or Medicaid assistance whose eligibility for
227 aid is terminated shall be entitled to continuation of child support
228 enforcement services without requiring an application or the payment
229 of an application fee.

230 Sec. 4. Subsection (l) of section 17b-179 of the 2008 supplement to
231 the general statutes is repealed and the following is substituted in lieu
232 thereof (*Effective October 1, 2008*):

233 (l) The [Connecticut] Bureau of Child Support Enforcement [Bureau]
234 shall arrange to provide a single centralized automated system for the
235 reporting of collections on all accounts established for the collection of
236 all IV-D support orders. Such reporting shall be made available to the
237 Family Support Magistrate Division and to all state agencies which
238 have a cooperative agreement with the IV-D agency. [On or before
239 October 1, 1998, such] Such automated system shall include a state case
240 registry which complies with federal law and regulations. The state
241 case registry shall contain information on each support order
242 established or modified in this state.

243 Sec. 5. Subparagraphs (A) and (B) of subdivision (5) of subsection (a)
244 of section 17b-745 of the 2008 supplement to the general statutes are
245 repealed and the following is substituted in lieu thereof (*Effective*
246 *October 1, 2008*):

247 (5) (A) The court or family support magistrate may also make and
248 enforce orders for the payment by any person named herein of past-
249 due support for which any such person is liable in accordance with the
250 provisions of subsection (b) of section 17b-179 of the 2008 supplement
251 to the general statutes, as amended by this act, or section 17a-90,
252 17b-81, 17b-223, 46b-129 of the 2008 supplement to the general statutes
253 or 46b-130, [or] as amended by this act, and, in IV-D cases, [and] order
254 such person, provided such person is not incapacitated, to participate
255 in work activities that may include, but shall not be limited to, job
256 search, training, work experience and participation in the job training
257 and retraining program established by the Labor Commissioner
258 pursuant to section 31-3t. [The father's] A parent's liability for past-due
259 support of a child [born out of wedlock] shall be limited to the three
260 years next preceding the filing of a petition pursuant to this section
261 unless the court or family support magistrate finds that such parent
262 engaged in a pattern of willfully avoiding payment of support while
263 having an ability to pay. In such cases, liability for past-due support
264 may also be found for periods of time prior to the three years during
265 which such parent willfully avoided such payment.

266 (B) [In the determination of child support due based on neglect or
267 refusal to furnish support prior to the action, the] The support due for
268 periods of time prior to the action shall be based upon the obligor's
269 ability to pay during such prior periods, as determined in accordance
270 with the child support guidelines established pursuant to section 46b-
271 215a, as amended by this act. The state shall disclose to the court any
272 information in its possession concerning current and past ability to
273 pay. If no information is available to the court concerning past ability
274 to pay, the court may determine the support due for periods of time
275 prior to the action as if past ability to pay is equal to current ability to

276 pay, if current ability is known. If current ability to pay is not known,
277 the court shall determine the past ability to pay based on the obligor's
278 work history if known, or if not known, on the state minimum wage
279 that was in effect during such periods, provided only actual earnings
280 shall be used to determine ability to pay for past periods during which
281 the obligor was a full-time high school student or was incarcerated,
282 institutionalized or incapacitated.

283 Sec. 6. Subdivision (6) of subsection (a) of section 17b-745 of the 2008
284 supplement to the general statutes is repealed and the following is
285 substituted in lieu thereof (*Effective October 1, 2008*):

286 (6) (A) All payments ordered by the court or family support
287 magistrate under this section shall be made to the Commissioner of
288 Administrative Services or, in IV-D cases, to the state acting by and
289 through the IV-D agency, as the court or family support magistrate
290 may determine, for the period during which the supported person is
291 receiving assistance or care from the state, provided, in the case of
292 beneficiaries of any program of public assistance, upon the
293 discontinuance of such assistance, payments shall be distributed to the
294 beneficiary, beginning with the effective date of discontinuance, and
295 provided further that in IV-D support cases, all payments shall be
296 distributed as required by Title IV-D of the Social Security Act. [Any]
297 Except as provided in subsection (b) of this section or subparagraph
298 (B) of this subdivision, any order of payment made under this section
299 may, at any time after being made, be set aside or altered by the court
300 or a family support magistrate.

301 (B) [In] (i) For the purposes of this subparagraph, (I) "new custodial
302 party" means a person other than the custodial party to whom a
303 support order is made payable who obtains physical custody of the
304 child or children on whose behalf such order is entered; and (II)
305 "issuing agency" means the IV-D agency or a support enforcement
306 agency under cooperative agreement with the IV-D agency that issues
307 a notice of redirection pursuant to this subparagraph.

308 (ii) Notwithstanding subparagraph (A) of this subdivision, in IV-D
309 support cases, the [IV-D agency or a support enforcement agency
310 under cooperative agreement with the IV-D] issuing agency may, upon
311 notice to the obligor and obligee, redirect payments for the support of
312 any child receiving child support enforcement services to either [to the
313 state of Connecticut or to the present custodial party] the new
314 custodial party, who shall be named in such notice, or the state of
315 Connecticut, as their interests may appear, provided neither the
316 obligor nor the obligee objects in writing to such redirection within ten
317 business days from the mailing date of such notice of redirection. Any
318 such notice shall be filed with the assistant clerk of the Family Support
319 Magistrate Division and a copy of such notice shall be sent by first
320 class mail to the most recent address of such obligor and obligee, as
321 recorded in the state case registry pursuant to section 46b-218, and [a
322 copy of such notice shall be filed with the court or family support
323 magistrate if both the obligor and obligee fail to object to the redirected
324 payments within ten business days from the mailing date of such
325 notice] to the new custodial party.

326 (iii) The notice filed with the Family Support Magistrate Division in
327 accordance with clause (ii) of this subparagraph shall include a
328 certification indicating the names and addresses of the parties to
329 whom the notice were mailed. By such filing and certification, the new
330 custodial party named in the notice of redirection shall be deemed a
331 party to the support order, and shall remain a party until removed by
332 subsequent court order, redirection of payments in accordance with
333 this subparagraph or similar provisions in sections 17b-179 of the 2008
334 supplement to the general statutes, as amended by this act, 46b-171 of
335 the 2008 supplement to the general statutes, as amended by this act,
336 46b-172 of the 2008 supplement to the general statutes, as amended by
337 this act, or 46b-215 of the 2008 supplement to the general statutes, as
338 amended by this act, or the sustaining by a family support magistrate
339 of an objection to redirection filed in accordance with subparagraph
340 (B)(iv) of this subdivision. Such redirection shall not be subject to
341 review by the Family Support Magistrate Division unless an objection

342 is filed by the obligor or obligee pursuant to subparagraph (B)(iv) of
343 this subdivision.

344 (iv) The notices mailed to the obligor and obligee in accordance with
345 subparagraph (B)(ii) of this subdivision shall include an objection
346 claim form and be in clear and simple language informing the parties
347 that (I) the issuing agency will redirect support payments commencing
348 ten business days after the date of the notice unless the obligor or
349 obligee objects to such redirection by filing the objection claim form
350 with the assistant clerk of the Family Support Magistrate Division and
351 sending a copy of such form to the issuing agency; (II) the objection
352 claim form must state the grounds for objection to the redirection and
353 include a certification that a copy was sent to the issuing agency; and
354 (III) upon the filing of a signed objection claim form stating the reason
355 for objection no later ten business days after the mailing date of the
356 notice, the clerk will schedule a hearing on the objection to redirection.

357 (v) Upon the filing of an objection claim form by the obligor or
358 obligee in accordance with subparagraph (B)(iv) of this subdivision,
359 the assistant clerk shall promptly (I) schedule a hearing on the
360 objection to redirection of support payments; (II) send a file-stamped
361 copy of the objection claim to the office of the issuing agency; and (III)
362 notify all parties of the date, time and place for the hearing at least ten
363 days before the date of the hearing.

364 (vi) The Family Support Magistrate Division shall hear and
365 determine the objection to redirection of support payments without
366 requiring a motion of the issuing agency, and may require the presence
367 at the hearing of the new custodial party named in the notice of
368 redirection. The family support magistrate shall order that the
369 objection to redirection be overruled unless the objecting party shows
370 cause why such redirection should not occur. The order shall be a final
371 judgment for purposes of appeal. The redirection shall not be stayed
372 on appeal except by order of the Family Support Magistrate Division.

373 (vii) If the objection to redirection is overruled by the family support

374 magistrate, the issuing agency shall redirect support payments as
375 stated in the notice of redirection. If the objection to redirection is
376 sustained, payments shall continue as stated in the support order,
377 unless otherwise ordered by the family support magistrate.

378 Sec. 7. Subdivision (8) of subsection (a) of section 17b-745 of the 2008
379 supplement to the general statutes is repealed and the following is
380 substituted in lieu thereof (*Effective October 1, 2008*):

381 (8) Failure of any defendant to obey an order of the court or Family
382 Support Magistrate Division made under this section may be punished
383 as contempt of court. If the summons and order is signed by a
384 commissioner of the Superior Court, upon proof of service of the
385 summons to appear in court or before a family support magistrate and
386 upon the failure of the defendant to appear at the time and place
387 named for hearing upon the petition, request may be made by the
388 petitioner to the court or family support magistrate for an order that a
389 *capias mittimus* be issued. Except as otherwise provided, upon proof
390 of the service of the summons to appear in court or before a family
391 support magistrate at the time and place named for a hearing upon the
392 failure of the defendant to obey the court order as contempt of court,
393 the court or the family support magistrate may order a *capias mittimus*
394 to be issued and directed to [some] a judicial marshal pursuant to
395 section 48 of this act, or any other proper officer to arrest such
396 defendant and bring such defendant before the Superior Court for the
397 contempt hearing. The costs of commitment of any person imprisoned
398 therefor shall be paid by the state as in criminal cases. When any such
399 defendant is so found in contempt, the court or family support
400 magistrate may award to the petitioner a reasonable attorney's fee and
401 the fees of the officer serving the contempt citation, such sums to be
402 paid by the person found in contempt.

403 Sec. 8. Subsection (b) of section 17b-745 of the 2008 supplement to
404 the general statutes is repealed and the following is substituted in lieu
405 thereof (*Effective October 1, 2008*):

406 (b) Except as provided in sections 46b-212 to [46b-213v] 46b-213w,
407 inclusive, of the 2008 supplement to the general statutes any court or
408 family support magistrate, called upon to enforce a support order,
409 shall insure that such order is reasonable in light of the obligor's ability
410 to pay. Except as provided in sections 46b-212 to [46b-213v] 46b-213w,
411 inclusive, of the 2008 supplement to the general statutes any support
412 order entered pursuant to this section, or any support order from
413 another jurisdiction subject to enforcement by the state of Connecticut,
414 may be modified by motion of the party seeking such modification,
415 including Support Enforcement Services in [TANF] IV-D support cases
416 as defined in subdivision [(14)] (13) of subsection (b) of section 46b-231
417 of the 2008 supplement to the general statutes, as amended by this act,
418 or as provided in subdivision (5) of subsection (s) of section 46b-231 of
419 the 2008 supplement to the general statutes, as amended by this act,
420 upon a showing of a substantial change in the circumstances of either
421 party or upon a showing that the final order for child support
422 substantially deviates from the child support guidelines established
423 pursuant to section 46b-215a, as amended by this act, unless there was
424 a specific finding on the record that the application of the guidelines
425 would be inequitable or inappropriate, provided, in the case of a
426 motion for modification, the court or family support magistrate finds
427 that the obligor or the obligee and any other interested party have
428 received actual notice of the pendency of such motion and of the time
429 and place of the hearing on such motion. There shall be a rebuttable
430 presumption that any deviation of less than fifteen per cent from the
431 child support guidelines is not substantial and any deviation of fifteen
432 per cent or more from the guidelines is substantial. Modification may
433 be made of such support order without regard to whether the order
434 was issued before, on or after May 9, 1991. In any hearing to modify
435 any support order from another jurisdiction the court or the family
436 support magistrate shall conduct the proceedings in accordance with
437 [the procedure set forth in] sections 46b-213o to [46b-213q] 46b-213r,
438 inclusive, of the 2008 supplement to the general statutes. No such
439 support orders may be subject to retroactive modification except that

440 the court or family support magistrate may order modification with
441 respect to any period during which there is a pending motion for a
442 modification of an existing support order from the date of service of
443 notice of such pending motion upon the opposing party pursuant to
444 section 52-50.

445 Sec. 9. Subsection (d) of section 19a-42 of the general statutes is
446 repealed and the following is substituted in lieu thereof (*Effective*
447 *October 1, 2008*):

448 (d) (1) Upon receipt of (A) an acknowledgment of paternity
449 executed in accordance with the provisions of subsection (a) of section
450 46b-172 of the 2008 supplement to the general statutes, as amended by
451 this act, by both parents of a child born out of wedlock, or (B) a
452 certified copy of an order of a court of competent jurisdiction
453 establishing the paternity of a child born out of wedlock, the
454 commissioner shall include on or amend, as appropriate, such child's
455 birth certificate to show such paternity if paternity is not already
456 shown on such birth certificate and to change the name of the child if
457 so indicated on the acknowledgment of paternity form or within the
458 certified court order as part of the paternity action.

459 (2) If another father is listed on the birth certificate, the
460 commissioner shall not remove or replace the father's information
461 unless presented with a certified court order that meets the
462 requirements specified in section 7-50, or upon the proper filing of a
463 rescission, in accordance with the provisions of section 46b-172 of the
464 2008 supplement to the general statutes, as amended by this act. The
465 commissioner shall thereafter amend such child's birth certificate to
466 remove or change the father's name and to change the name of the
467 child, as requested at the time of the filing of a rescission, in
468 accordance with the provisions of section 46b-172 of the 2008
469 supplement to the general statutes, as amended by this act. Birth
470 certificates amended under this subsection shall not be marked
471 "Amended".

472 (3) A fee of twenty-five dollars shall be charged by the department
473 for each amendment to a birth certificate requested pursuant to this
474 subsection which request is not received from a hospital, a state agency
475 or a court of competent jurisdiction, provided no such fee shall be
476 charged any person for any such amendment that is requested based
477 on receipt of an acknowledgment of paternity executed in accordance
478 with the provisions of subsection (a) of section 46b-172 of the 2008
479 supplement to the general statutes by both parents of a child born out
480 of wedlock.

481 Sec. 10. Section 19a-42a of the general statutes is repealed and the
482 following is substituted in lieu thereof (*Effective October 1, 2008*):

483 (a) All (1) voluntary acknowledgments of paternity and rescissions
484 of such acknowledgments executed in accordance with subsection (a)
485 of section 46b-172 of the 2008 supplement to the general statutes, as
486 amended by this act, and (2) adjudications of paternity issued by a
487 court or family support magistrate under section 46b-171 of the 2008
488 supplement to the general statutes, as amended by this act, section
489 46b-172a of the 2008 supplement to the general statutes or any other
490 provision of the general statutes shall be filed in the paternity registry
491 maintained by the Department of Public Health. All information in
492 such registry shall be made available to the IV-D agency, as defined in
493 subdivision (12) of subsection (b) of section 46b-231 of the 2008
494 supplement to the general statutes, as amended by this act, for
495 comparison with information in the state case registry established
496 under subsection (l) of section 17b-179 of the 2008 supplement to the
497 general statutes, as amended by this act. The IV-D agency may disclose
498 information in the paternity registry to an agency under cooperative
499 agreement with the IV-D agency for child support enforcement
500 purposes.

501 (b) Except for the IV-D agency, as provided in subsection (a) of this
502 section, the department shall restrict access to and issuance of certified
503 copies of acknowledgments of paternity to the following parties: (1)

504 Parents named on the acknowledgment of paternity; (2) the person
505 whose birth is acknowledged, if such person is over eighteen years of
506 age; (3) an authorized representative of the Department of Social
507 Services; (4) an attorney representing such person or a parent named
508 on the acknowledgment; or (5) agents of a state or federal agency, as
509 approved by the department.

510 Sec. 11. Section 29-1g of the general statutes is repealed and the
511 following is substituted in lieu thereof (*Effective October 1, 2008*):

512 The Commissioner of Public Safety may appoint not more than
513 [four] eight persons nominated by the Commissioner of Social Services
514 as special policemen in the Bureau of Child Support Enforcement of
515 the Department of Social Services for the service of any warrant or
516 *capias mittimus* issued by the courts on child support matters. Such
517 appointees, having been sworn, shall serve at the pleasure of the
518 Commissioner of Public Safety and, during such tenure, shall have all
519 the powers conferred on state policemen and state marshals.

520 Sec. 12. Section 46b-62 of the 2008 supplement to the general statutes
521 is repealed and the following is substituted in lieu thereof (*Effective*
522 *October 1, 2008*):

523 In any proceeding seeking relief under the provisions of this chapter
524 and sections 17b-743, 17b-744, 45a-257, 46b-1, 46b-6, 46b-212 to [46b-
525 213v] 46b-213w, inclusive, of the 2008 supplement to the general
526 statutes, 47-14g, 51-348a and 52-362 of the 2008 supplement to the
527 general statutes, as amended by this act, the court may order either
528 spouse or, if such proceeding concerns the custody, care, education,
529 visitation or support of a minor child, either parent to pay the
530 reasonable attorney's fees of the other in accordance with their
531 respective financial abilities and the criteria set forth in section 46b-82.
532 If, in any proceeding under this chapter and said sections, the court
533 appoints an attorney for a minor child, the court may order the father,
534 mother or an intervening party, individually or in any combination, to
535 pay the reasonable fees of the attorney or may order the payment of

536 the attorney's fees in whole or in part from the estate of the child. If the
537 child is receiving or has received state aid or care, the compensation of
538 the attorney shall be established and paid by the Commission on Child
539 Protection.

540 Sec. 13. Subsection (c) of section 46b-86 of the general statutes is
541 repealed and the following is substituted in lieu thereof (*Effective*
542 *October 1, 2008*):

543 (c) When one of the parties, or a child of the parties, is receiving or
544 has received aid or care from the state under its aid to families with
545 dependent children [program] or temporary family assistance [for
546 needy families] program, HUSKY Plan, Part A, or [under its] foster
547 care program as provided in Title IV-E of the Social Security Act, or
548 [where] when one of the parties has applied for child support
549 enforcement services under Title IV-D of the Social Security Act as
550 provided in section 17b-179 of the 2008 supplement to the general
551 statutes, as amended by this act, such motion to modify shall be filed
552 with the Family Support Magistrate Division for determination in
553 accordance with subsection (m) of section 46b-231 of the 2008
554 supplement to the general statutes, as amended by this act.

555 Sec. 14. Section 46b-130 of the general statutes is repealed and the
556 following is substituted in lieu thereof (*Effective October 1, 2008*):

557 The parents of a minor child for whom care or support of any kind
558 has been provided under the provisions of this chapter shall be liable
559 to reimburse the state for such care or support to the same extent, and
560 under the same terms and conditions, as are the parents of recipients of
561 public assistance. Upon receipt of foster care maintenance payments
562 under Title IV-E of the Social Security Act by a minor child, the right of
563 support, present, past, and future, from a parent of such child shall, by
564 this section, be assigned to the Commissioner of Children and
565 Families. Referral by the commissioner shall promptly be made to the
566 Bureau of Child Support Enforcement [Unit] of the Department of
567 Social Services for pursuit of support for such minor child in

568 accordance with the provisions of section 17b-179 of the 2008
569 supplement to the general statutes, as amended by this act. Any child
570 who reimburses the state under the provisions of subsection (l) of
571 section 46b-129 of the 2008 supplement to the general statutes for any
572 care or support such child received shall have a right of action to
573 recover such payments from such child's parents.

574 Sec. 15. Subdivision (1) of subsection (a) of section 46b-160 of the
575 2008 supplement to the general statutes is repealed and the following
576 is substituted in lieu thereof (*Effective October 1, 2008*):

577 (a) (1) (A) Proceedings to establish paternity of a child born or
578 conceived out of lawful wedlock, including one born to, or conceived
579 by, a married woman but begotten by a man other than her husband,
580 shall be commenced by the service on the putative father of a verified
581 petition of the mother or expectant mother. Such petition may be
582 brought at any time prior to the child's eighteenth birthday, provided
583 liability for past support shall be limited to the three years next
584 preceding the date of the filing of any such petition unless the court or
585 family support magistrate finds that the putative father engaged in a
586 pattern of willfully avoiding payment of support while having an
587 ability to pay. In such cases, liability for past support may also be
588 found for periods of time prior to the three years during which such
589 parent willfully avoided such payment.

590 (B) In cases involving public assistance recipients, the petition shall
591 also be served upon the Attorney General who shall be and remain a
592 party to any paternity proceeding and to any proceedings after
593 judgment in such action.

594 Sec. 16. Subsections (a) and (b) of section 46b-168a of the general
595 statutes are repealed and the following is substituted in lieu thereof
596 (*Effective October 1, 2008*):

597 (a) In any IV-D support case, as defined in subdivision (13) of
598 subsection (b) of section 46b-231 of the 2008 supplement to the general

599 statutes, as amended by this act, in which the paternity of a child is at
600 issue, or in any case in which a support enforcement agency is
601 providing services to a petitioner in a proceeding under sections 46b-
602 212 to [46b-213v] 46b-213w, inclusive, of the 2008 supplement to the
603 general statutes in which the paternity of a child is at issue, the IV-D
604 agency or the support enforcement agency shall require the child and
605 all other parties other than individuals who have good cause for
606 refusing to cooperate or who are subject to other exceptions to submit
607 to genetic tests which shall mean deoxyribonucleic acid tests, to be
608 performed by a hospital, accredited laboratory, qualified physician or
609 other qualified person designated by such agency, to determine
610 whether or not the putative father or husband is the father of the child,
611 upon the request of any such party, provided such request is
612 supported by a sworn statement by the party which either (1) alleges
613 paternity and sets forth facts establishing a reasonable possibility of
614 the requisite sexual contact between the parties, or (2) denies paternity
615 and sets forth facts establishing a reasonable possibility of the
616 nonexistence of sexual contact between the parties.

617 (b) The costs of making the tests provided by this section shall be
618 paid by the state, except that if the putative father is the requesting
619 party and he subsequently acknowledges paternity or is adjudicated to
620 be the father of the child, he shall be liable to the state for the amount
621 of such costs unless he is found to be (1) a low-income obligor, as
622 defined in the child support guidelines established pursuant to section
623 46b-215a, as amended by this act, or (2) otherwise indigent and unable
624 to pay such costs. Any [court or family support magistrate may order
625 a] father who is found liable for genetic testing costs under this
626 subsection shall be ordered to reimburse the state for the amount of
627 such costs. The contesting party shall make advance payment for any
628 additional testing required in the event of a contest of the original test
629 results.

630 Sec. 17. Section 46b-170 of the general statutes is repealed and the
631 following is substituted in lieu thereof (*Effective October 1, 2008*):

632 No such petition shall be withdrawn except upon approval of a
633 judge or in IV-D support cases as defined in subsection (b) of section
634 46b-231 of the 2008 supplement to the general statutes, as amended by
635 this act, and petitions brought under sections 46b-212 to [46b-213v]
636 46b-213w, inclusive, of the 2008 supplement to the general statutes the
637 family support magistrate assigned to the judicial district in which the
638 petition was brought. Any agreement of settlement, before or after a
639 petition has been brought, other than an agreement made under the
640 provisions of section 46b-172 of the 2008 supplement to the general
641 statutes, as amended by this act, between the mother and putative
642 father shall take effect only upon approval of the terms thereof by a
643 judge of the Superior Court, or family support magistrate assigned to
644 the judicial district in which the mother or the putative father resides
645 and, in the case of children supported by the state or the town, on the
646 approval of the Commissioner of Social Services or the Attorney
647 General. When so approved, such agreements shall be binding upon
648 all persons executing them, whether such person is a minor or an
649 adult.

650 Sec. 18. Subdivision (1) of subsection (a) of section 46b-171 of the
651 2008 supplement to the general statutes is repealed and the following
652 is substituted in lieu thereof (*Effective October 1, 2008*):

653 (a) (1) (A) If the defendant is found to be the father of the child, the
654 court or family support magistrate shall order the defendant to stand
655 charged with the support and maintenance of such child, with the
656 assistance of the mother if such mother is financially able, as the court
657 or family support magistrate finds, in accordance with the provisions
658 of subsection (b) of section 17b-179 of the 2008 supplement to the
659 general statutes, as amended by this act, or section 17a-90, 17b-81, 17b-
660 223, 17b-745 of the 2008 supplement to the general statutes, as
661 amended by this act, 46b-129 of the 2008 supplement to the general
662 statutes, 46b-130, as amended by this act, or 46b-215 of the 2008
663 supplement to the general statutes, as amended by this act, to be
664 reasonably commensurate with the financial ability of the defendant,

665 and to pay a certain sum periodically until the child attains the age of
666 eighteen years or as otherwise provided in this subsection. If such
667 child is unmarried and a full-time high school student, such support
668 shall continue according to the parents' respective abilities, if such
669 child is in need of support, until such child completes the twelfth
670 grade or attains the age of nineteen, whichever occurs first.

671 (B) The court or family support magistrate shall order the defendant
672 to pay such sum to the complainant, or, if a town or the state has paid
673 such expense, to the town or the state, as the case may be, and shall
674 grant execution for the same and costs of suit taxed as in other civil
675 actions, together with a reasonable attorney's fee, and may require the
676 defendant to become bound with sufficient surety to perform such
677 orders for support and maintenance. [In]

678 (C) (i) For the purposes of this subparagraph, (I) "new custodial
679 party" means a person other than the custodial party to whom a
680 support order is made payable who obtains physical custody of the
681 child or children on whose behalf such order is entered; and (II)
682 "issuing agency" means the IV-D agency or a support enforcement
683 agency under cooperative agreement with the IV-D agency that issues
684 a notice of redirection pursuant to this subparagraph.

685 (ii) Notwithstanding subparagraph (B) of this subdivision, in IV-D
686 support cases, the [IV-D agency or a support enforcement agency
687 under cooperative agreement with the IV-D] issuing agency may, upon
688 notice to the obligor and obligee, redirect payments for the support of
689 any child receiving child support enforcement services to either [to the
690 state of Connecticut or to the present custodial party] the new
691 custodial party, who shall be named in such notice, or the state of
692 Connecticut, as their interests may appear, provided neither the
693 obligor nor the obligee objects in writing to such redirection within ten
694 business days from the mailing date of such notice of redirection. Any
695 such notice shall be filed with the assistant clerk of the Family Support
696 Magistrate Division and a copy of such notice shall be sent by first

697 class mail to the most recent address of such obligor and obligee, as
698 recorded in the state case registry pursuant to section 46b-218, and [a
699 copy of such notice shall be filed with the court or family support
700 magistrate if both the obligor and obligee fail to object to the redirected
701 payments within ten business days from the mailing date of such
702 notice] to the new custodial party.

703 (iii) The notice filed with the Family Support Magistrate Division in
704 accordance with subparagraph (C)(ii) of this subdivision shall include
705 a certification indicating the names and addresses of the parties to
706 whom the notices were mailed. By such filing and certification, the
707 new custodial party named in the notice of redirection shall be deemed
708 a party to the support order, and shall remain a party until removed
709 by subsequent order, redirection of payments in accordance with this
710 subparagraph or similar provisions in sections 17b-179 of the 2008
711 supplement to the general statutes, as amended by this act, 17b-745 of
712 the 2008 supplement to the general statutes, as amended by this act,
713 46b-172 of the 2008 supplement to the general statutes, as amended by
714 this act, or 46b-215 of the 2008 supplement to the general statutes, as
715 amended by this act, or the sustaining by a family support magistrate
716 of an objection to redirection filed in accordance with subparagraph
717 (C)(iv) of this subdivision. Such redirection shall not be subject to
718 review by the Family Support Magistrate Division unless an objection
719 is filed by the obligor or obligee pursuant to subparagraph (C)(iv) of
720 this subdivision.

721 (iv) The notices mailed to the obligor and obligee in accordance with
722 subparagraph (C)(ii) of this subdivision shall include an objection
723 claim form and be in clear and simple language informing the parties
724 that (I) the issuing agency will redirect support payments commencing
725 ten business days after the date of the notice unless the obligor or
726 obligee objects to such redirection by filing the objection claim form
727 with the assistant clerk of the Family Support Magistrate Division and
728 sending a copy of such form to the issuing agency; (II) the objection
729 claim form must state the grounds for objection to the redirection and

730 include a certification that a copy was sent to the issuing agency; and
731 (III) upon the filing of a signed objection claim form stating the reason
732 for objection no later than business days after the mailing date of the
733 notice, the clerk will schedule a hearing on the objection to redirection.

734 (v) Upon the filing of an objection claim form by the obligor or
735 obligee in accordance with subparagraph (C)(iv) of this subdivision,
736 the assistant clerk shall promptly (I) schedule a hearing on the
737 objection to redirection of support payments; (II) send a file-stamped
738 copy of the objection claim form to the office of the issuing agency; and
739 (III) notify all parties of the date, time and place for the hearing at least
740 ten days before the date of the hearing.

741 (vi) The Family Support Magistrate Division shall hear and
742 determine the objection to redirection of support payments without
743 requiring a motion of the issuing agency, and may require the presence
744 at the hearing of the new custodial party named in the notice of
745 redirection. The family support magistrate shall order that the
746 objection to redirection be overruled unless the objecting party shows
747 cause why such redirection should not occur. The order shall be a final
748 judgment for purposes of appeal. The redirection shall not be stayed
749 on appeal except by order of the Family Support Magistrate Division.

750 (vii) If the objection to redirection is overruled by the family support
751 magistrate, the issuing agency shall redirect support payment as stated
752 in the notice of redirection. If the objection to redirection is sustained,
753 payments shall continue as stated in the support order, unless
754 otherwise ordered by the family support magistrate. All payments
755 made shall be distributed as required by Title IV-D of the Social
756 Security Act.

757 Sec. 19. Subdivision (3) of subsection (a) of section 46b-171 of the
758 2008 supplement to the general statutes is repealed and the following
759 is substituted in lieu thereof (*Effective October 1, 2008*):

760 (3) The court or family support magistrate may also make and

761 enforce orders for the payment by any person named herein of past-
762 due support for which the defendant is liable in accordance with the
763 provisions of section 17b-81, 17b-223, subsection (b) of section 17b-179
764 of the 2008 supplement to the general statutes, as amended by this act,
765 section 17a-90, 46b-129 of the 2008 supplement to the general statutes
766 or 46b-130, as amended by this act, and, in IV-D cases, [and] order such
767 person, provided such person is not incapacitated, to participate in
768 work activities which may include, but shall not be limited to, job
769 search, training, work experience and participation in the job training
770 and retraining program established by the Labor Commissioner
771 pursuant to section 31-3t. The defendant's liability for past-due
772 support under this subdivision shall be limited to the three years next
773 preceding the filing of the petition unless the court or family support
774 magistrate finds that the defendant engaged in a pattern of willfully
775 avoiding payment of support while having an ability to pay. In such
776 cases, liability for past support may also be found for periods of time
777 prior to the three years during which such parent willfully avoided
778 such payment.

779 Sec. 20. Subdivision (1) of subsection (b) of section 46b-172 of the
780 2008 supplement to the general statutes is repealed and the following
781 is substituted in lieu thereof (*Effective October 1, 2008*):

782 (b) (1) An agreement to support the child by payment of a periodic
783 sum until the child attains the age of eighteen years or as otherwise
784 provided in this subsection, together with provisions for
785 reimbursement for past-due support based upon ability to pay in
786 accordance with the provisions of subsection (b) of section 17b-179 of
787 the 2008 supplement to the general statutes, as amended by this act, or
788 section 17a-90, 17b-81, 17b-223, 46b-129 of the 2008 supplement to the
789 general statutes or 46b-130, as amended by this act, and reasonable
790 expense of prosecution of the petition, when filed with and approved
791 by a judge of the Superior Court, or in IV-D support cases and matters
792 brought under sections 46b-212 to [46b-213v] 46b-213w, inclusive, of
793 the 2008 supplement to the general statutes a family support

794 magistrate at any time, shall have the same force and effect,
795 retroactively or prospectively in accordance with the terms of said
796 agreement, as an order of support entered by the court, and shall be
797 enforceable and subject to modification in the same manner as is
798 provided by law for orders of the court in such cases. If such child is
799 unmarried and a full-time high school student, such support shall
800 continue according to the parents' respective abilities, if such child is in
801 need of support, until such child completes the twelfth grade or attains
802 the age of nineteen, whichever occurs first.

803 Sec. 21. Subdivision (3) of subsection (b) of section 46b-172 of the
804 2008 supplement to the general statutes is repealed and the following
805 is substituted in lieu thereof (*Effective October 1, 2008*):

806 (3) (A) Payments under such agreement shall be made to the
807 petitioner, except that in IV-D support cases, as defined in subsection
808 (b) of section 46b-231 of the 2008 supplement to the general statutes, as
809 amended by this act, payments shall be made to the Bureau of Child
810 Support Enforcement or its designated agency and distributed as
811 required by Title IV-D of the Social Security Act. [In]

812 (B) (i) For the purposes of this subparagraph, (I) "new custodial
813 party" means a person other than the custodial party to whom a
814 support order is made payable who obtains physical custody of the
815 child or children on whose behalf such order is entered; and (II)
816 "issuing agency" means the IV-D agency or a support enforcement
817 agency under cooperative agreement with the IV-D agency that issues
818 a notice of redirection pursuant to this subparagraph.

819 (ii) Notwithstanding subparagraph (A) of this subdivision, in IV-D
820 support cases, the [IV-D agency or a support enforcement agency
821 under cooperative agreement with the IV-D] issuing agency may, upon
822 notice to the obligor and obligee, redirect payments for the support of
823 any child receiving child support enforcement services to either [to the
824 state of Connecticut or to the present custodial party] the new
825 custodial party, who shall be named in such notice, or the state of

826 Connecticut, as their interests may appear, provided neither the
827 obligor nor the obligee objects in writing to such redirection within ten
828 business days from the mailing date of such notice of redirection. Any
829 such notice shall be filed with the assistant clerk of the Family Support
830 Magistrate Division and a copy of such notice shall be sent by first
831 class mail to the most recent address of such obligor and obligee, as
832 recorded in the state case registry pursuant to section 46b-218, and [a
833 copy of such notice shall be filed with the court or family support
834 magistrate if both the obligor and obligee fail to object to the redirected
835 payments within ten business days from the mailing date of such
836 notice] to the new custodial party.

837 (iii) The notice filed with the Family Support Magistrate Division in
838 accordance with subparagraph (B)(ii) of this subdivision shall include
839 a certification indicating the names and addresses of the parties to
840 whom the notices were mailed. By such filing and certification, the
841 new custodial party named in the notice of redirection shall be deemed
842 a party to the support order, and shall remain a party until removed
843 by subsequent order, redirection of payments in accordance with this
844 subparagraph or similar provisions in subdivision (5) of subsection (c)
845 of this section or sections 17b-179, as amended by this act, 17b-745 of
846 the 2008 supplement to the general statutes, as amended by this act,
847 46b-171 of the 2008 supplement to the general statutes, as amended by
848 this act, or 46b-215 of the 2008 supplement to the general statutes, as
849 amended by this act, or the sustaining by a family support magistrate
850 of an objection to redirection filed in accordance with subparagraph
851 (B)(iv) of this subdivision. Such redirection shall not be subject to
852 review by the Family Support Magistrate Division unless an objection
853 is filed by the obligor or obligee pursuant to subparagraph (B)(iv) of
854 this subdivision.

855 (iv) The notices mailed to the obligor and obligee in accordance with
856 subparagraph (B)(ii) of this subdivision shall include an objection
857 claim form and be in clear and simple language informing the parties
858 that (I) the issuing agency will redirect support payments commencing

859 ten business days after the date of the notice unless the obligor or
860 obligee objects to such redirection by filing the objection claim form
861 with the assistant clerk of the Family Support Magistrate Division and
862 sending a copy of such form to the issuing agency; (II) the objection
863 claim form must state the grounds for objection to the redirection and
864 include a certification that a copy was sent to the issuing agency; and
865 (III) upon the filing of a signed objection claim form stating the reason
866 for objection no later than ten business days after the mailing date of
867 the notice, the clerk will schedule a hearing on the objection to
868 redirection.

869 (v) Upon the filing of an objection claim form by the obligor or
870 obligee in accordance with subparagraph (B)(iv) of this subdivision,
871 the assistant clerk shall promptly (I) schedule a hearing on the
872 objection to redirection of support payments; (II) send a file-stamped
873 copy of the objection claim form to the office of the issuing agency; and
874 (III) notify all parties of the date, time and place for the hearing at least
875 ten days before the date of the hearing.

876 (vi) The Family Support Magistrate Division shall hear and
877 determine the objection to redirection of support payments without
878 requiring a motion of the issuing agency, and may require the presence
879 at the hearing of the new custodial party named in the notice of
880 redirection. The family support magistrate shall order that the
881 objection to redirection be overruled unless the objecting party shows
882 cause why such redirection should not occur. The order shall be a final
883 judgment for purposes of appeal. The redirection shall not be stayed
884 on appeal except by order of the Family Support Magistrate Division.

885 (vii) If the objection to redirection is overruled by the family support
886 magistrate, the issuing agency shall redirect support payment as stated
887 in the notice of redirection. If the objection to redirection is sustained,
888 payments shall continue as stated in the support order, unless
889 otherwise ordered by the family support magistrate.

890 Sec. 22. Subdivisions (1) and (2) of subsection (c) of section 46b-172

891 of the 2008 supplement to the general statutes are repealed and the
892 following is substituted in lieu thereof (*Effective October 1, 2008*):

893 (c) (1) At any time after the signing of any acknowledgment of
894 paternity, upon the application of any interested party, the court or
895 any judge thereof or any family support magistrate in IV-D support
896 cases and in matters brought under sections 46b-212 to [46b-213v] 46b-
897 213w, inclusive, of the 2008 supplement to the general statutes shall
898 cause a summons, signed by such judge or family support magistrate,
899 by the clerk of the court or by a commissioner of the Superior Court, to
900 be issued, requiring the acknowledged father to appear in court at a
901 time and place as determined by the clerk but not more than ninety
902 days after the issuance of the summons, to show cause why the court
903 or the family support magistrate assigned to the judicial district in IV-
904 D support cases should not enter judgment for support of the child by
905 payment of a periodic sum until the child attains the age of eighteen
906 years or as otherwise provided in this subsection, together with
907 provision for reimbursement for past-due support based upon ability
908 to pay in accordance with the provisions of subsection (b) of section
909 17b-179 of the 2008 supplement to the general statutes, as amended by
910 this act, or section 17a-90, 17b-81, 17b-223, 46b-129 of the 2008
911 supplement to the general statutes or 46b-130, as amended by this act,
912 a provision for health coverage of the child as required by section 46b-
913 215 of the 2008 supplement to the general statutes, as amended by this
914 act, and reasonable expense of the action under this subsection. If such
915 child is unmarried and a full-time high school student such support
916 shall continue according to the parents' respective abilities, if such
917 child is in need of support, until such child completes the twelfth
918 grade or attains the age of nineteen, whichever occurs first.

919 (2) Past-due support in such cases shall be limited to the three years
920 next preceding the filing of a petition pursuant to this section unless
921 the court or family support magistrate finds that the acknowledged
922 father engaged in a pattern of willfully avoiding payment of support
923 while having an ability to pay. In such cases, liability for past-due

924 support may also be found for periods of time prior to the three years
925 during which the acknowledged father willfully avoided such
926 payment. Such court or family support magistrate, in IV-D support
927 cases, may also order the acknowledged father who is subject to a plan
928 for reimbursement of past-due support and is not incapacitated to
929 participate in work activities which may include, but shall not be
930 limited to, job search, training, work experience and participation in
931 the job training and retraining program established by the Labor
932 Commissioner pursuant to section 31-3t.

933 Sec. 23. Subdivision (5) of subsection (c) of section 46b-172 of the
934 2008 supplement to the general statutes is repealed and the following
935 is substituted in lieu thereof (*Effective October 1, 2008*):

936 (5) (A) All payments under this subsection shall be made to the
937 petitioner, except that in IV-D support cases, as defined in subsection
938 (b) of section 46b-231 of the 2008 supplement to the general statutes, as
939 amended by this act, payments shall be made to the state, acting by
940 and through the IV-D agency and distributed as required by Title IV-D
941 of the Social Security Act. [In]

942 (B) (i) For the purposes of this subparagraph, (I) "new custodial
943 party" means a person other than the custodial party to whom a
944 support order is made payable who obtains physical custody of the
945 child or children on whose behalf such order is entered; and (II)
946 "issuing agency" means the IV-D agency or a support enforcement
947 agency under cooperative agreement with the IV-D agency that issues
948 a notice of redirection pursuant to this subparagraph.

949 (ii) Notwithstanding subparagraph (A) of this subdivision, in IV-D
950 support cases, the [IV-D agency or a support enforcement agency
951 under cooperative agreement with the IV-D] issuing agency may, upon
952 notice to the obligor and obligee, redirect payments for the support of
953 any child receiving child support enforcement services to either [to the
954 state of Connecticut or to the present custodial party] the new
955 custodial party, who shall be named in such notice, or the state of

956 Connecticut, as their interests may appear, provided neither the
957 obligor nor the obligee objects in writing to such redirection within ten
958 business days from the mailing date of such notice of redirection. Any
959 such notice shall be filed with the assistant clerk of the Family Support
960 Magistrate Division and a copy of such notice shall be sent by first
961 class mail to the most recent address of such obligor and obligee, as
962 recorded in the state case registry pursuant to section 46b-218, and [a
963 copy of such notice shall be filed with the court or family support
964 magistrate if both the obligor and obligee fail to object to the redirected
965 payments within ten business days from the mailing date of such
966 notice] to the new custodial party.

967 (iii) The notice filed with the Family Support Magistrate Division in
968 accordance with subparagraph (B)(ii) of this subdivision shall include
969 a certification indicating the names and addresses of the parties to
970 whom the notices were mailed. By such filing and certification, the
971 new custodial party named in the notice of redirection shall be deemed
972 a party to the support order, and shall remain a party until removed
973 by subsequent order, redirection of payments in accordance with this
974 subparagraph or similar provisions in subdivision (3) of subsection (b)
975 of this section or sections 17b-179 of the 2008 supplement to the
976 general statutes, as amended by this act, 17b-745 of the 2008
977 supplement to the general statutes, as amended by this act, 46b-171 of
978 the 2008 supplement to the general statutes, as amended by this act, or
979 46b-215 of the 2008 supplement to the general statutes, as amended by
980 this act, or the sustaining by a family support magistrate of an
981 objection to redirection filed in accordance with subparagraph (B)(iv)
982 of this subdivision. Such redirection shall not be subject to review by
983 the Family Support Magistrate Division unless an objection is filed by
984 the obligor or obligee pursuant to subparagraph (B)(iv) of this
985 subdivision.

986 (iv) The notices mailed to the obligor and obligee in accordance with
987 subparagraph (B)(ii) of this subdivision shall include an objection
988 claim form and be in clear and simple language informing the parties

989 that (I) the issuing agency will redirect support payments commencing
990 ten business days after the date of the notice unless the obligor or
991 obligee objects to such redirection by filing the objection claim form
992 with the assistant clerk of the Family Support Magistrate Division and
993 sending a copy of such form to the issuing agency; (II) the objection
994 claim form must state the grounds for objection to the redirection and
995 include a certification that a copy was sent to the issuing agency; and
996 (III) upon the filing of a signed objection claim form stating the reason
997 for objection no later than ten business days after the mailing date of
998 the notice, the clerk will schedule a hearing on the objection to
999 redirection.

1000 (v) Upon the filing of an objection claim form by the obligor or
1001 obligee in accordance with subparagraph (B)(iv) of this subdivision,
1002 the assistant clerk shall promptly (I) schedule a hearing on the
1003 objection to redirection of support payments; (II) send a file-stamped
1004 copy of the objection claim form to the office of the issuing agency; and
1005 (III) notify all parties of the date, time and place for the hearing at least
1006 ten days before the date of the hearing.

1007 (vi) The Family Support Magistrate Division shall hear and
1008 determine the objection to redirection of support payments without
1009 requiring a motion of the issuing agency, and may require the presence
1010 at the hearing of the new custodial party named in the notice of
1011 redirection. The family support magistrate shall order that the
1012 objection to redirection be overruled unless the objecting party shows
1013 cause why such redirection should not occur. The order shall be a final
1014 judgment for purposes of appeal. The redirection shall not be stayed
1015 on appeal except by order of the Family Support Magistrate Division.

1016 (vii) If the objection to redirection is overruled by the family support
1017 magistrate, the issuing agency shall redirect support payment as stated
1018 in the notice of redirection. If the objection to redirection is sustained,
1019 payments shall continue as stated in the support order, unless
1020 otherwise ordered by the family support magistrate.

1021 Sec. 24. Section 46b-207 of the general statutes is repealed and the
1022 following is substituted in lieu thereof (*Effective October 1, 2008*):

1023 The court is authorized to establish and maintain Support
1024 Enforcement Services and such offices thereof as it determines are
1025 necessary for the proper handling of the administrative details incident
1026 to proceedings under sections 46b-212 to [46b-213v] 46b-213w,
1027 inclusive, of the 2008 supplement to the general statutes and may
1028 appoint such personnel as necessary for the proper administration of
1029 the nonjudicial functions of proceedings under sections 46b-212 to
1030 [46b-213v] 46b-213w, inclusive, of the 2008 supplement to the general
1031 statutes.

1032 Sec. 25. Section 46b-208 of the general statutes is repealed and the
1033 following is substituted in lieu thereof (*Effective October 1, 2008*):

1034 The support service investigators of Support Enforcement Services
1035 of the Superior Court shall, while acting within the scope of their
1036 duties as such, pursuant to matters under sections 46b-212 to [46b-
1037 213v] 46b-213w, inclusive, of the 2008 supplement to the general
1038 statutes have the powers of service and of execution of summons and
1039 orders for withholding, and the conduct of investigations.

1040 Sec. 26. Subsection (a) of section 46b-213d of the 2008 supplement to
1041 the general statutes is repealed and the following is substituted in lieu
1042 thereof (*Effective October 1, 2008*):

1043 (a) The Bureau of Child Support Enforcement [Bureau] of the
1044 Department of Social Services or its designated collection agent, and
1045 any tribunal shall disburse promptly any amounts received pursuant
1046 to a support order, as directed by the order. The bureau, agent or
1047 tribunal shall furnish to a requesting party or tribunal of another state
1048 a certified statement by the custodian of the record of the amounts and
1049 dates of all payments received.

1050 Sec. 27. Subdivision (1) of subsection (a) of section 46b-215 of the

1051 2008 supplement to the general statutes is repealed and the following
1052 is substituted in lieu thereof (*Effective October 1, 2008*):

1053 (a) (1) The Superior Court or a family support magistrate may make
1054 and enforce orders for payment of support against any person [who
1055 neglects or refuses to furnish necessary support to] for the support of
1056 such person's spouse or a child under the age of eighteen or as
1057 otherwise provided in this subsection, according to such person's
1058 ability to furnish such support, notwithstanding the provisions of
1059 section 46b-37. If such child is unmarried and a full-time high school
1060 student, such support shall continue according to the parents'
1061 respective abilities, if such child is in need of support, until such child
1062 completes the twelfth grade or attains the age of nineteen, whichever
1063 occurs first.

1064 Sec. 28. Subparagraphs (A) and (B) of subdivision (7) of subsection
1065 (a) of section 46b-215 of the 2008 supplement to the general statutes are
1066 repealed and the following is substituted in lieu thereof (*Effective*
1067 *October 1, 2008*):

1068 (7) (A) The court or family support magistrate may also determine,
1069 order and enforce payment of any support due [because of neglect or
1070 refusal to furnish support] for periods prior to the action. [In the case
1071 of a child born out of wedlock whose parents have not intermarried,
1072 the father's] A parent's liability for such support shall be limited to the
1073 three years next preceding the filing of a petition or written agreement
1074 to support pursuant to this section unless the court or family support
1075 magistrate finds that such parent engaged in a pattern of willfully
1076 avoiding payment of support while having an ability to pay. In such
1077 cases, liability for past-due support may also be found for periods of
1078 time prior to the three years during which such parent willfully
1079 avoided such payment.

1080 (B) [In the determination of support due based on neglect or refusal
1081 to furnish support prior to the action, the] The support due for periods
1082 of time prior to the action shall be based upon the obligor's ability to

1083 pay during such prior periods, as determined in accordance with the
1084 child support guidelines established pursuant to section 46b-215a, as
1085 amended by this act. The state shall disclose to the court any
1086 information in its possession concerning current and past ability to
1087 pay. If no information is available to the court concerning past ability
1088 to pay, the court may determine the support due for periods of time
1089 prior to the action as if past ability to pay is equal to current ability to
1090 pay, if current ability is known. If current ability to pay is not known,
1091 the court shall determine the past ability to pay based on the obligor's
1092 work history, if known, or if not known, on the state minimum wage
1093 that was in effect during such periods, provided only actual earnings
1094 shall be used to determine ability to pay for past periods during which
1095 the obligor was a full-time high school student or was incarcerated,
1096 institutionalized or incapacitated.

1097 Sec. 29. Subparagraph (C) of subdivision (8) of subsection (a) of
1098 section 46b-215 of the 2008 supplement to the general statutes is
1099 repealed and the following is substituted in lieu thereof (*Effective*
1100 *October 1, 2008*):

1101 (C) The court [L] or any judge thereof, when said court or judge is
1102 not sitting, or a family support magistrate, when said [court or] family
1103 support magistrate is not sitting, may require the defendant or
1104 defendants to become bound, with sufficient surety, to the state, town
1105 or person bringing the complaint, to abide such judgment as may be
1106 rendered on such complaint. Failure of the defendant or defendants to
1107 obey any order made under this section, may be punished as contempt
1108 of court and the costs of commitment of any person imprisoned
1109 therefor shall be paid by the state as in criminal cases. Except as
1110 otherwise provided, upon proof of the service of the summons to
1111 appear in court or before a family support magistrate at the time and
1112 place named for a hearing upon the failure of the defendant or
1113 defendants to obey such court order or order of the family support
1114 magistrate, the court or family support magistrate may order a *capias*
1115 *mittimus* be issued, and directed to [some] a judicial marshal pursuant

1116 to section 48 of this act or any other proper officer to arrest such
1117 defendant or defendants and bring such defendant or defendants
1118 before the Superior Court for the contempt hearing. When any person
1119 is found in contempt under this section, the court or family support
1120 magistrate may award to the petitioner a reasonable attorney's fee and
1121 the fees of the officer serving the contempt citation, such sums to be
1122 paid by the person found in contempt.

1123 Sec. 30. Subsections (b) and (c) of section 46b-215 of the 2008
1124 supplement to the general statutes are repealed and the following is
1125 substituted in lieu thereof (*Effective October 1, 2008*):

1126 (b) The Attorney General of the state of Connecticut and the
1127 attorney representing a town, shall become a party for the interest of
1128 the state of Connecticut and such town, in any proceedings for support
1129 which concerns any person who is receiving or has received public
1130 assistance or care from the state or any town. The Attorney General
1131 shall represent the IV-D agency in [non-TANF] non-TFA IV-D support
1132 cases if the IV-D agency determines that such representation is
1133 required pursuant to guidelines issued by the Commissioner of Social
1134 Services.

1135 (c) (1) The court or a family support magistrate shall direct all
1136 payments on orders of support in IV-D cases to be made to the state
1137 acting by and through the IV-D agency. [In]

1138 (2) (A) For the purposes of this subdivision, (i) "new custodial party"
1139 means a person other than the custodial party to whom a support
1140 order is made payable who obtains physical custody of the child or
1141 children on whose behalf such order is entered; and (ii) "issuing
1142 agency" means the IV-D agency or a support enforcement agency
1143 under cooperative agreement with the IV-D agency that issues a notice
1144 of redirection pursuant to this subdivision.

1145 (B) Notwithstanding subdivision (1) of this subsection, in IV-D
1146 support cases, the [IV-D agency or a support enforcement agency

1147 under cooperative agreement with the IV-D] issuing agency may, upon
1148 notice to the obligor and obligee, redirect payments for the support of
1149 any child receiving child support enforcement services to either [to the
1150 state of Connecticut or to the present custodial party] the new
1151 custodial party, who shall be named in such notice, or the state of
1152 Connecticut, as their interests may appear, provided neither the
1153 obligor nor the obligee objects in writing to such redirection within ten
1154 business days from the mailing date of such notice of redirection. Any
1155 such notice shall be filed with the assistant clerk of the Family Support
1156 Magistrate Division and a copy of such notice shall be sent by first
1157 class mail to the most recent address of such obligor and obligee, as
1158 recorded in the state case registry pursuant to section 46b-218, and [a
1159 copy of such notice shall be filed with the court or family support
1160 magistrate if both the obligor and obligee fail to object to the redirected
1161 payments within ten business days from the mailing date of such
1162 notice] to the new custodial party.

1163 (C) The notice filed with the Family Support Magistrate Division in
1164 accordance with subparagraph (B) of this subdivision shall include a
1165 certification indicating the names and addresses of the parties to
1166 whom the notices were mailed. By such filing and certification, the
1167 new custodial party named in the notice of redirection shall be deemed
1168 a party to the support order, and shall remain a party until removed
1169 by subsequent order, redirection of payments in accordance with this
1170 subdivision or similar provisions in sections 17b-179 of the 2008
1171 supplement to the general statutes, as amended by this act, 17b-745 of
1172 the 2008 supplement to the general statutes, as amended by this act,
1173 46b-171 of the 2008 supplement to the general statutes, as amended by
1174 this act, or 46b-172 of the 2008 supplement to the general statutes, as
1175 amended by this act, or the sustaining by a family support magistrate
1176 of an objection to redirection filed in accordance with subparagraph
1177 (D) of this subdivision. Such redirection shall not be subject to review
1178 by the Family Support Magistrate Division unless an objection is filed
1179 by the obligor or obligee pursuant to subparagraph (D) of this
1180 subdivision.

1181 (D) The notices mailed to the obligor and obligee in accordance with
1182 subparagraph (B) of this subdivision shall include an objection claim
1183 form and be in clear and simple language informing the parties that (i)
1184 the issuing agency will redirect support payments commencing ten
1185 business days after the date of the notice unless the obligor or obligee
1186 objects to such redirection by filing the objection claim form with the
1187 assistant clerk of the Family Support Magistrate Division and sending
1188 a copy of such form to the issuing agency; (ii) the objection claim form
1189 must state the grounds for objection to the redirection and include a
1190 certification that a copy was sent to the issuing agency; and (iii) upon
1191 the filing of a signed objection claim form stating the reason for
1192 objection no later than ten business days after the mailing date of the
1193 notice, the clerk will schedule a hearing on the objection to redirection.

1194 (E) Upon the filing of an objection claim form by the obligor or
1195 obligee in accordance with subparagraph (D) of this subdivision, the
1196 assistant clerk shall promptly (i) schedule a hearing on the objection to
1197 redirection of support payments, (ii) send a file-stamped copy of the
1198 objection claim form to the office of the issuing agency, and (iii) notify
1199 all parties of the date, time and place for the hearing at least ten days
1200 before the date of the hearing.

1201 (F) The Family Support Magistrate Division shall hear and
1202 determine the objection to redirection of support payments without
1203 requiring a motion of the issuing agency, and may require the presence
1204 at the hearing of the new custodial party named in the notice of
1205 redirection. The family support magistrate shall order that the
1206 objection to redirection be overruled unless the objecting party shows
1207 cause why such redirection should not occur. The order shall be a final
1208 judgment for purposes of appeal. The redirection shall not be stayed
1209 on appeal except by order of the Family Support Magistrate Division.

1210 (G) If the objection to redirection is overruled by the family support
1211 magistrate, the issuing agency shall redirect support payment as stated
1212 in the notice of redirection. If the objection to redirection is sustained,

1213 payments shall continue as stated in the support order, unless
1214 otherwise ordered by the family support magistrate. All payments
1215 made shall be distributed as required by Title IV-D of the Social
1216 Security Act.

1217 Sec. 31. Subsection (e) of section 46b-215 of the 2008 supplement to
1218 the general statutes is repealed and the following is substituted in lieu
1219 thereof (*Effective October 1, 2008*):

1220 (e) [Any] Except as provided in sections 46b-212 to 46b-213w,
1221 inclusive, of the 2008 supplement to the general statutes, any court or
1222 family support magistrate, called upon to enforce a support order,
1223 shall insure that such order is reasonable in light of the obligor's ability
1224 to pay. [Any] Except as provided in sections 46b-212 to 46b-213w,
1225 inclusive, of the 2008 supplement to the general statutes, any support
1226 order entered pursuant to this section, or any support order from
1227 another jurisdiction subject to enforcement by the state of Connecticut,
1228 may be modified by motion of the party seeking such modification, or
1229 as provided in subdivision (5) of subsection (s) of section 46b-231 of
1230 the 2008 supplement to the general statutes, as amended by this act,
1231 upon a showing of a substantial change in the circumstances of either
1232 party or upon a showing that such support order substantially
1233 deviates from the child support guidelines established pursuant to
1234 section 46b-215a, as amended by this act, unless there was a specific
1235 finding on the record that the application of the guidelines would be
1236 inequitable or inappropriate, provided, in the case of a motion for
1237 modification, the court or family support magistrate finds that the
1238 obligor or the obligee and any other interested party have received
1239 actual notice of the pendency of such motion and of the time and place
1240 of the hearing on such motion. There shall be a rebuttable presumption
1241 that any deviation of less than fifteen per cent from the child support
1242 guidelines is not substantial and any deviation of fifteen per cent or
1243 more from the guidelines is substantial. Modification may be made of
1244 such support order without regard to whether the order was issued
1245 before, on or after May 9, 1991. No such support orders may be subject

1246 to retroactive modification, except that the court or family support
 1247 magistrate may order modification with respect to any period during
 1248 which there is a pending motion for a modification of an existing
 1249 support order from the date of service of the notice of such pending
 1250 motion upon the opposing party pursuant to section 52-50. In any
 1251 hearing to modify any support order from another jurisdiction the
 1252 court or the family support magistrate shall conduct the proceedings in
 1253 accordance with [the procedure set forth in] sections 46b-213o to [46b-
 1254 213q] 46b-213r, inclusive, of the 2008 supplement to the general
 1255 statutes.

1256 Sec. 32. Section 46b-215a of the general statutes is repealed and the
 1257 following is substituted in lieu thereof (*Effective October 1, 2008*):

1258 (a) The Commission for Child Support Guidelines is established to
 1259 review the child support and arrearage guidelines [promulgated
 1260 pursuant to section 8 of public act 85-548*, to establish criteria for the
 1261 establishment of guidelines] adopted as regulations pursuant to
 1262 section 46b-215c, as amended by this act, to ensure the appropriateness
 1263 of criteria for the establishment of child support awards and to issue
 1264 updated guidelines not later than October 1, [1993] 2009, and every
 1265 four years thereafter. [Not later than January 1, 1992, the commission
 1266 shall also establish criteria and promulgate guidelines to ensure] Such
 1267 guidelines shall ensure, subject to section 46b-215c, as amended by this
 1268 act, that [such] the child support award consisting of current support,
 1269 health care coverage, child care contribution and orders of payment on
 1270 any arrearage and past due support shall be based on the income of
 1271 both parents and the obligor's ability to pay. Such guidelines shall also
 1272 ensure the appropriateness of periodic [payments of] payment orders
 1273 on arrearages: [when] (1) When the obligor [(1)] (A) is the child's legal
 1274 guardian and resides with the child, or [(2)] (B) is not the child's legal
 1275 guardian but has resided with the child either for at least six months
 1276 immediately preceding the order of payment [of] on the arrearage or
 1277 for at least six months of the twelve months immediately preceding
 1278 such order; [. In such cases, the commission shall consider exemptions

1279 similar to those in the uniform contribution scale adopted pursuant to
1280 section 4a-12. Updated arrearage guidelines shall be issued at the same
1281 time as the child support guidelines.] and (2) when the obligor's duty
1282 to provide current support ends. The commission shall determine the
1283 appropriateness of periodic payment orders on arrearages under this
1284 subsection based upon, but not limited to, a reasonable percentage of
1285 the current support order that existed immediately prior to the ending
1286 of the current support obligation. Any child support award entered or
1287 modified on or after the effective date of any guidelines adopted as
1288 regulations after October 1, 2009, shall include a provision for the
1289 automatic increase of the arrearage payment order upon the ending of
1290 the current support obligation, which increase shall be determined in
1291 accordance with any criteria established by the commission under this
1292 subsection, subject to section 46b-215b, as amended by this act.

1293 (b) The commission shall consist of eleven members as follows: The
1294 Chief Court Administrator or his designee, the Commissioner of Social
1295 Services or his designee, the Attorney General or his designee, the
1296 chairpersons and ranking members of the joint standing committee on
1297 judiciary or their designees and a representative of the Connecticut Bar
1298 Association, a representative of legal services, a person who represents
1299 the financial concerns of child support obligors and a representative of
1300 the Permanent Commission on the Status of Women, all of whom shall
1301 be appointed by the Governor. The Commissioner of Social Services
1302 shall convene the commission whenever a review is required to issue
1303 updated guidelines pursuant to subsection (a) of this section. When the
1304 commission convenes, the chairperson of the commission shall be
1305 elected by the members of the commission. A vacancy on the
1306 commission at any time shall not invalidate any actions taken by the
1307 commission during such vacancy, provided at least nine members are
1308 serving at such time.

1309 Sec. 33. Section 46b-215b of the general statutes is repealed and the
1310 following is substituted in lieu thereof (*Effective October 1, 2008*):

1311 (a) The child support guidelines established pursuant to section 46b-
1312 215a, as amended by this act, and in effect on the date of the support
1313 determination shall be considered in all determinations of child
1314 support award amounts, including any current support, health care
1315 coverage, child care contribution and past-due support amounts, and
1316 payment on arrearages and past-due support within the state. In all
1317 such determinations, there shall be a rebuttable presumption that the
1318 amount of such awards which resulted from the application of such
1319 guidelines is the amount [of support, including any past-due support,
1320 or payment on any arrearage or past-due support] to be ordered. A
1321 specific finding on the record that the application of the guidelines
1322 would be inequitable or inappropriate in a particular case, as
1323 determined under the deviation criteria established by the
1324 Commission for Child Support Guidelines under section 46b-215a, as
1325 amended by this act, shall be required in order to rebut the
1326 presumption in such case.

1327 (b) In any determination pursuant to subsection (a) of this section,
1328 when a party has been determined by the Social Security
1329 Administration, or a state agency authorized to award disability
1330 benefits, to qualify for disability benefits under the federal
1331 Supplemental Security Income Program, the Social Security disability
1332 program, the state supplement to the federal Supplemental Security
1333 Income Program, or the state-administered general assistance
1334 program, parental earning capacity shall not be a basis for deviating
1335 from the presumptive support amount that results from the
1336 application of the child support guidelines to such party's income. All
1337 of such party's income that is not excluded under such guidelines shall
1338 be considered in determining presumptive support amounts, and any
1339 applicable deviation criteria other than such parent's earning capacity
1340 may be considered as a basis for deviating such amounts.

1341 (c) In any proceeding for the establishment or modification of a
1342 child support award, the child support and arrearage guidelines shall
1343 be considered in addition to and not in lieu of the criteria for such

1344 awards established in sections 46b-84 of the 2008 supplement to the
1345 general statutes, 46b-86, as amended by this act, 46b-130, as amended
1346 by this act, 46b-171 of the 2008 supplement to the general statutes, as
1347 amended by this act, 46b-172 of the 2008 supplement to the general
1348 statutes, as amended by this act, 46b-215 of the 2008 supplement to the
1349 general statutes, as amended by this act, 17b-179 of the 2008
1350 supplement to the general statutes, as amended by this act, and 17b-
1351 745 of the 2008 supplement to the general statutes, as amended by this
1352 act.

1353 Sec. 34. Section 46b-215c of the general statutes is repealed and the
1354 following is substituted in lieu thereof (*Effective October 1, 2008*):

1355 (a) Notwithstanding the provisions of sections [46b-215] 46b-215a,
1356 as amended by this act, and 46b-215b, as amended by this act, updated
1357 child support guidelines issued by the Commission for Child Support
1358 Guidelines pursuant to section 46b-215a, as amended by this act, shall
1359 be submitted by the commission to the standing legislative regulation
1360 review committee and adopted as regulations in accordance with the
1361 provisions of chapter 54.

1362 (b) Nothing in this section shall affect the validity of a child support
1363 order issued pursuant to any guidelines promulgated pursuant to
1364 section 46b-215a, as amended by this act, prior to the approval of [any]
1365 such guidelines pursuant to the provisions of this section.

1366 Sec. 35. Subsection (b) of section 46b-231 of the 2008 supplement to
1367 the general statutes is repealed and the following is substituted in lieu
1368 thereof (*Effective October 1, 2008*):

1369 (b) For the purposes of this section:

1370 (1) "Chief Family Support Magistrate" means the family support
1371 magistrate designated by the Chief Court Administrator as provided
1372 in subsection (g) of this section;

1373 (2) "Child support enforcement services" means the services

1374 provided by the IV-D agency or an agency under cooperative or
1375 purchase of service agreement therewith pursuant to Title IV-D of the
1376 Social Security Act, including, but not limited to, location;
1377 establishment of paternity; establishment, modification and
1378 enforcement of child and medical support orders and the collection
1379 and distribution of support payments;

1380 (3) "Commissioner" means the Commissioner of Social Services or a
1381 designee or authorized representative;

1382 (4) "Bureau of Child Support Enforcement" means a division within
1383 the Department of Social Services established pursuant to section 17b-
1384 179 of the 2008 supplement to the general statutes, as amended by this
1385 act;

1386 (5) "Department" means the Department of Social Services or any
1387 bureau, division or agency of the Department of Social Services;

1388 (6) "Family Support Magistrate Division" means a division of the
1389 Superior Court created by this section for the purpose of establishing
1390 and enforcing child and spousal support in IV-D cases and in cases
1391 brought pursuant to sections 46b-212 to [46b-213v] 46b-213w,
1392 inclusive, of the 2008 supplement to the general statutes utilizing
1393 quasi-judicial proceedings;

1394 (7) "Family support magistrate" means a person [L] appointed as
1395 provided in subsection (f) of this section to establish and enforce child
1396 and spousal support orders;

1397 (8) "Foster care cases" [are] means cases in which children are
1398 receiving foster care under part I of chapter 319a or part I of chapter
1399 815t, but does not include cases in which children reside in detention
1400 facilities, forestry camps, training schools or other facilities operated
1401 primarily for the detention of children adjudicated as delinquent;

1402 (9) "Law" [includes] means both [common and statute] statutory and
1403 common law;

1404 (10) "Obligee" means any person to whom a duty of support is
1405 owed;

1406 (11) "Obligor" means any person owing a duty of support;

1407 (12) "IV-D agency" means the Bureau of Child Support Enforcement
1408 within the Department of Social Services, created by section 17b-179 of
1409 the 2008 supplement to the general statutes, as amended by this act,
1410 and authorized to administer the child support program mandated by
1411 Title IV-D of the Social Security Act;

1412 (13) "IV-D support cases" [are those] means cases in which the IV-D
1413 agency is providing child support enforcement services under Title IV-
1414 D of the Social Security Act [, including all] pursuant to (A) an
1415 application under subsection (h) of section 17b-179 of the 2008
1416 supplement to the general statutes, as amended by this act, or (B)
1417 referral of a (i) temporary family assistance case under section 17b-112
1418 of the 2008 supplement to the general statutes, which for the purposes
1419 of this section may be referred to as "TFA", (ii) a Medicaid case under
1420 section 17b-261 of the 2008 supplement to the general statutes, or (iii) a
1421 foster care [cases referred to the Bureau of Child Support Enforcement]
1422 case under section 46b-130, as amended by this act; and

1423 (14) "Support order" means a judgment, decree or order, whether
1424 temporary, final or subject to modification, issued by a court or an
1425 administrative agency of competent jurisdiction, for the support and
1426 maintenance of a child, including a child who has attained the age of
1427 majority under the law of the issuing state, or a [child and] parent with
1428 whom the child is living, which provides for monetary support, health
1429 care, arrearages or reimbursement, and which may include related
1430 costs and fees, interest and penalties, income withholding, attorneys'
1431 fees and other relief.

1432 Sec. 36. Subsection (f) of section 46b-231 of the 2008 supplement to
1433 the general statutes is repealed and the following is substituted in lieu
1434 thereof (*Effective October 1, 2008*):

1435 (f) The Family Support Magistrate Division shall include nine family
1436 support magistrates who shall be appointed by the Governor to serve
1437 in that capacity for a term of three years. A family support magistrate
1438 may be reappointed upon completion of [his] each term of office by the
1439 Governor. To be eligible for appointment, a family support magistrate
1440 must have engaged in the practice of law for five years prior to [his]
1441 appointment and shall be experienced in the field of family law. [He]
1442 The family support magistrate shall devote full time to [his] the duties
1443 [as] of a family support magistrate and shall not engage in the private
1444 practice of law. A family support magistrate may be removed from
1445 office by the Governor for cause.

1446 Sec. 37. Subsection (l) of section 46b-231 of the 2008 supplement to
1447 the general statutes is repealed and the following is substituted in lieu
1448 thereof (*Effective October 1, 2008*):

1449 (l) The judges of the Superior Court shall adopt rules of procedure
1450 in accordance with the provisions of section 51-14 of the 2008
1451 supplement to the general statutes for the handling by magistrates of
1452 IV-D support cases and in cases brought pursuant to sections 46b-212
1453 to [46b-213v] 46b-213w, inclusive, of the 2008 supplement to the
1454 general statutes. Such rules of procedure shall conform when
1455 applicable to rules adopted for the Superior Court.

1456 Sec. 38. Subdivisions (1) to (3), inclusive, of subsection (m) of section
1457 46b-231 of the 2008 supplement to the general statutes are repealed
1458 and the following is substituted in lieu thereof (*Effective October 1,*
1459 *2008*):

1460 (1) A family support magistrate in IV-D support cases may compel
1461 the attendance of witnesses or the obligor under a summons issued
1462 pursuant to sections 17b-745 of the 2008 supplement to the general
1463 statutes, as amended by this act, 46b-172 of the 2008 supplement to the
1464 general statutes, as amended by this act, and 46b-215 of the 2008
1465 supplement to the general statutes, as amended by this act, a subpoena
1466 issued pursuant to section 52-143, or a citation for failure to obey an

1467 order of a family support magistrate or a judge of the Superior Court.
1468 If a person is served with any such summons, subpoena or citation
1469 issued by a family support magistrate or the assistant clerk of the
1470 Family Support Magistrate Division and fails to appear, a family
1471 support magistrate may issue a capias mittimus directed to a judicial
1472 marshal pursuant to section 48 of this act or any other proper officer to
1473 arrest the obligor or the witness and bring him before a family support
1474 magistrate. Whenever such a capias mittimus is ordered, the family
1475 support magistrate shall establish a recognizance to the state of
1476 Connecticut in the form of a bond of such character and amount as to
1477 assure the appearance of the obligor at the next regular session of the
1478 Family Support Magistrate Division in the judicial district in which the
1479 matter is pending. If the obligor posts such a bond, and thereafter fails
1480 to appear before the family support magistrate at the time and place he
1481 is ordered to appear, the family support magistrate may order the
1482 bond forfeited, and the proceeds thereof distributed as required by
1483 Title IV-D of the Social Security Act.

1484 (2) Family support magistrates shall hear and determine matters
1485 involving child and spousal support in IV-D support cases including
1486 petitions for support brought pursuant to sections 17b-81, 17b-179 of
1487 the 2008 supplement to the general statutes, as amended by this act,
1488 17b-745 of the 2008 supplement to the general statutes, as amended by
1489 this act, and 46b-215 of the 2008 supplement to the general statutes, as
1490 amended by this act; applications for show cause orders in IV-D
1491 support cases brought pursuant to subsection (b) of section 46b-172 of
1492 the 2008 supplement to the general statutes, as amended by this act; [
1493 and] actions for interstate enforcement of child and spousal support
1494 and paternity under sections 46b-212 to [46b-213v] 46b-213w,
1495 inclusive, of the 2008 supplement to the general statutes; and
1496 objections to redirection of support payments brought pursuant to
1497 sections 17b-179 of the 2008 supplement to the general statutes, as
1498 amended by this act, 17b-745 of the 2008 supplement to the general
1499 statutes, as amended by this act, 46b-171 of the 2008 supplement to the
1500 general statutes, as amended by this act, 46b-172 of the 2008

1501 supplement to the general statutes, as amended by this act, and 46b-
1502 215 of the 2008 supplement to the general statutes, as amended by this
1503 act; and shall hear and determine all motions for modifications of child
1504 and spousal support in such cases. In all IV-D support cases, family
1505 support magistrates shall have the authority to order any obligor who
1506 is subject to a plan for reimbursement of past-due support and is not
1507 incapacitated, to participate in work activities which may include, but
1508 shall not be limited to, job search, training, work experience and
1509 participation in the job training and retraining program established by
1510 the Labor Commissioner pursuant to section 31-3t. A family support
1511 magistrate shall not modify an order for periodic payment on an
1512 arrearage due the state for state assistance which has been
1513 discontinued to increase such payments, unless the family support
1514 magistrate first determines that the state has made a reasonable effort
1515 to notify the current recipient of child support, at the most current
1516 address available to the IV-D agency, of the pendency of the motion to
1517 increase such periodic arrearage payments and of the time and place of
1518 the hearing on such motion. If such recipient appears, either personally
1519 or through a representative, at such hearing, the family support
1520 magistrate shall determine whether the order in effect for child
1521 support is reasonable in relation to the current financial circumstances
1522 of the parties, prior to modifying an order increasing such periodic
1523 arrearage payments.

1524 (3) Family support magistrates shall review and approve or [modify
1525 all] disapprove: (A) All agreements for support in IV-D support cases
1526 filed with the Family Support Magistrate Division in accordance with
1527 sections 17b-179 of the 2008 supplement to the general statutes, as
1528 amended by this act, 17b-745 of the 2008 supplement to the general
1529 statutes, as amended by this act, 46b-172 of the 2008 supplement to the
1530 general statutes, as amended by this act, 46b-215 of the 2008
1531 supplement to the general statutes, as amended by this act, subdivision
1532 (6) of this subsection and subsection (c) of section 53-304; and (B)
1533 agreements to modify an existing child support order filed in
1534 accordance with subdivision (5) of subsection (s) of this section.

1535 Sec. 39. Subdivision (6) of subsection (m) of section 46b-231 of the
1536 2008 supplement to the general statutes is repealed and the following
1537 is substituted in lieu thereof (*Effective October 1, 2008*):

1538 (6) Agreements for support obtained in IV-D support cases shall be
1539 filed with the assistant clerk of the family support magistrate division
1540 for the judicial district where the mother or the father of the child
1541 resides, pursuant to subsection (b) of section 46b-172 of the 2008
1542 supplement to the general statutes, as amended by this act, and shall
1543 become effective as an order upon filing with the clerk. Such support
1544 agreements shall be reviewed by a family support magistrate who
1545 shall approve or disapprove the agreement. If the support agreement
1546 filed with the clerk is disapproved by a family support magistrate, the
1547 reason shall be stated in the record and such disapproval shall have a
1548 retroactive effect. Upon such disapproval, the clerk shall schedule a
1549 hearing to determine appropriate support amounts and notify all
1550 parties of the hearing date.

1551 Sec. 40. Subsections (n) to (r), inclusive, of section 46b-231 of the
1552 2008 supplement to the general statutes are repealed and the following
1553 is substituted in lieu thereof (*Effective October 1, 2008*):

1554 (n) (1) A person who is aggrieved by a final decision [of a family
1555 support magistrate] entered in a proceeding in the Family Support
1556 Magistrate Division is entitled to judicial review by way of appeal
1557 under this section.

1558 (2) Proceedings for such appeal shall be instituted by filing a
1559 petition in superior court for the judicial district in which the decision
1560 [of the family support magistrate] was rendered not later than fourteen
1561 days after filing of the final decision with an assistant clerk assigned to
1562 the Family Support Magistrate Division or, if a rehearing is requested,
1563 not later than fourteen days after filing of the notice of the decision
1564 thereon. In a IV-D support case, such petitions shall be accompanied
1565 by a certification that copies of the petition have been served upon the
1566 IV-D agency as defined in subsection (b) of this section and all parties

1567 of record. Service upon the IV-D agency may be made by the appellant
1568 mailing a copy of the petition by certified mail to the office of the
1569 Attorney General in Hartford.

1570 (3) Within fourteen days after the filing of the petition, or within
1571 such further time as may be allowed by the court, the Family Support
1572 Magistrate Division shall transmit to the reviewing court the original
1573 or a certified copy of the entire record of the proceeding appealed
1574 from, which shall include the decision [of the family support
1575 magistrate] entered in the Family Support Magistrate Division. The
1576 court may require or permit subsequent corrections or additions to the
1577 record.

1578 (4) The aggrieved party shall file with his appeal a statement that no
1579 transcript is required for the purpose of determining the issues raised
1580 on appeal or a statement that he has ordered a transcript. A transcript
1581 may be filed by any party to an appeal and shall be filed within thirty
1582 days from the filing of said appeal unless the time for filing such
1583 transcript is extended by order of the Superior Court or the [family
1584 support magistrate] Family Support Magistrate Division. Costs of
1585 preparing the transcript shall be paid by the party ordering the
1586 preparation of the transcript.

1587 (5) If, before the date set for hearing, application is made to the
1588 Superior Court for leave to present additional evidence, and it is
1589 shown to the satisfaction of the court that the additional evidence is
1590 material and that there were good reasons for failure to present it in
1591 the proceeding [before the family support magistrate] in the Family
1592 Support Magistrate Division, the Superior Court may permit
1593 additional evidence be taken before it upon conditions determined by
1594 the court.

1595 (6) The appeal shall be conducted by the Superior Court without a
1596 jury and shall be confined to the record and such additional evidence
1597 as the Superior Court has permitted to be introduced. The Superior
1598 Court, upon request, shall hear oral argument and receive written

1599 briefs.

1600 (7) The Superior Court may affirm the decision [of the family
1601 support magistrate] entered in the Family Support Magistrate Division
1602 or remand the case for further proceedings. The Superior Court may
1603 reverse or modify the decision if substantial rights of the appellant
1604 have been prejudiced because [the] such decision [of the family
1605 support magistrate] is: (A) In violation of constitutional or statutory
1606 provisions; (B) in excess of the statutory authority of the family
1607 support magistrate or outside the functions of the Family Support
1608 Magistrate Division, as described in this section; (C) made upon
1609 unlawful procedure; (D) affected by other error of law; (E) clearly
1610 erroneous in view of the reliable, probative, and substantial evidence
1611 on the whole record; or (F) arbitrary or capricious or characterized by
1612 abuse of discretion or clearly unwarranted exercise of discretion.

1613 (8) Any order entered by the court pursuant to an appeal under this
1614 subsection may be retroactive to the date of the original order entered
1615 [by the family support magistrate] in the Family Support Magistrate
1616 Division.

1617 (9) Upon all such appeals which are denied, costs may be taxed in
1618 favor of the prevailing party at the discretion of the Superior Court,
1619 but no costs shall be taxed against the state.

1620 (10) In any case in which any party claims that he cannot pay the
1621 costs of an appeal or defending an appeal under this section, he shall,
1622 within the time permitted for filing the appeal, or the time permitted
1623 for filing of a transcript of testimony if preparation of such transcript is
1624 required, file with the clerk of the superior court to which the appeal is
1625 to be taken an application for waiver of payment of such fees, costs
1626 and necessary expenses. The application shall conform to rules
1627 adopted pursuant to section 51-14 of the 2008 supplement to the
1628 general statutes. After such hearing as the Superior Court determines
1629 is necessary, the Superior Court shall enter its judgment on the
1630 application, which judgment shall contain a statement of the facts the

1631 Superior Court has found, with its conclusions thereon. The filing of
1632 the application for the waiver shall toll the time limits for the filing of
1633 an appeal until such time as a judgment on such application is entered.

1634 (o) Upon final determination by the Superior Court of any appeal
1635 from a decision [of a family support magistrate by the Superior Court]
1636 entered in a proceeding in the Family Support Magistrate Division,
1637 there shall be no right to further review except to the Appellate Court.
1638 The procedure on such appeal to the Appellate Court shall, except as
1639 otherwise provided herein, be in accordance with the procedures
1640 provided by rule or law for the appeal of judgments rendered by the
1641 Superior Court unless modified by rule of the judges of the Appellate
1642 Court. There shall be no right to further review except to the Supreme
1643 Court pursuant to the provisions of section 51-197f.

1644 (p) The filing of an appeal from a decision [of a family support
1645 magistrate] entered in a proceeding in the Family Support Magistrate
1646 Division does not affect the order of support [of a family support
1647 magistrate] entered in the Family Support Magistrate Division, but [it]
1648 such order shall continue in effect until the appeal is decided, and
1649 thereafter, unless denied, until changed by further order [of a family
1650 support magistrate] entered in the Family Support Magistrate Division
1651 or the Superior Court.

1652 (q) When an order for child or spousal support has been entered
1653 against an obligor by the Superior Court in an action originating in the
1654 Superior Court, such order shall supersede any previous order for
1655 child or spousal support against such obligor entered [by a family
1656 support magistrate] in the Family Support Magistrate Division and
1657 shall also supersede any previous agreement for support executed by
1658 such obligor and filed with the Family Support Magistrate Division.

1659 (r) Orders for support entered [by a family support magistrate] in
1660 the Family Support Magistrate Division shall have the same force and
1661 effect as orders of the Superior Court, except where otherwise
1662 provided in sections 17b-81, 17b-93 of the 2008 supplement to the

1663 general statutes, 17b-179 of the 2008 supplement to the general
1664 statutes, as amended by this act, 17b-743, 17b-744, 17b-745 of the 2008
1665 supplement to the general statutes, as amended by this act, and 17b-
1666 746, subsection (a) of section 46b-55, sections 46b-59a, 46b-86, as
1667 amended by this act, and 46b-172 of the 2008 supplement to the
1668 general statutes, as amended by this act, this chapter, subsection (b) of
1669 section 51-348, section 52-362 of the 2008 supplement to the general
1670 statutes, as amended by this act, subsection (a) of section 52-362d,
1671 subsection (a) of section 52-362e of the 2008 supplement to the general
1672 statutes and subsection (c) of section 53-304, and shall be considered
1673 orders of the Superior Court for the purpose of establishing and
1674 enforcing support orders of the [family support magistrate] Family
1675 Support Magistrate Division, as provided in sections 17b-81, 17b-93 of
1676 the 2008 supplement to the general statutes, 17b-179 of the 2008
1677 supplement to the general statutes, as amended by this act, 17b-745 of
1678 the 2008 supplement to the general statutes, as amended by this act,
1679 52-362 of the 2008 supplement to the general statutes, as amended by
1680 this act, 52-362d, 52-362e of the 2008 supplement to the general statutes
1681 and 53-304, except as otherwise provided in this section. All orders for
1682 support issued [by family support magistrates in any matter before a
1683 magistrate] in a proceeding of the Family Support Magistrate Division
1684 shall contain an order for withholding to enforce such orders as set
1685 forth in section 52-362 of the 2008 supplement to the general statutes,
1686 as amended by this act.

1687 Sec. 41. Subsection (s) of section 46b-231 of the 2008 supplement to
1688 the general statutes is repealed and the following is substituted in lieu
1689 thereof (*Effective October 1, 2008*):

1690 (s) Support enforcement officers of Support Enforcement Services of
1691 the Superior Court shall:

1692 (1) Supervise the payment of any child or spousal support order
1693 [made by a family support magistrate] entered in the Family Support
1694 Magistrate Division. Supervision of such orders is defined as the

1695 utilization of all procedures available by law to collect child or spousal
1696 support, or enforce medical support including (A) issuance and
1697 implementation of income withholdings ordered by the Superior
1698 Court or a family support magistrate pursuant to section 52-362 of the
1699 2008 supplement to the general statutes, as amended by this act, (B)
1700 issuance of an order requiring any party to appear before a family
1701 support magistrate on an action to modify a support order pursuant to
1702 subdivision (4) of this subsection, (C) issuance of a *capias mittimus*
1703 directed to a proper officer to arrest an obligor or witness and bring
1704 such obligor or witness before a family support magistrate if such
1705 obligor or witness is served with a summons, subpoena, citation or
1706 order to appear issued by a family support magistrate, the assistant
1707 clerk of the Family Support Magistrate Division or a support
1708 enforcement officer and fails to appear, (D) if necessary, bringing an
1709 application for contempt to a family support magistrate and, in
1710 connection with such application, issuing an order requiring the
1711 obligor to appear before a family support magistrate to show cause
1712 why such obligor should not be held in contempt for failure to pay an
1713 order for child or spousal support entered by the Superior Court or a
1714 family support magistrate, and (E) issuance of a National Medical
1715 Support Notice in accordance with section 46b-88 of the 2008
1716 supplement to the general statutes;

1717 (2) In [non-TANF] non-TFA cases, have the authority to bring
1718 petitions for support orders pursuant to section 46b-215 of the 2008
1719 supplement to the general statutes, as amended by this act, file
1720 agreements for support with the assistant clerk of the Family Support
1721 Magistrate Division, and bring applications for show cause orders
1722 pursuant to section 46b-172 of the 2008 supplement to the general
1723 statutes, as amended by this act, and in IV-D support cases and cases
1724 under sections 46b-212 to 46b-213w, inclusive, of the 2008 supplement
1725 to the general statutes enforce foreign support orders registered with
1726 the Family Support Magistrate Division pursuant to sections 46b-213f
1727 to 46b-213i, inclusive, of the 2008 supplement to the general statutes
1728 and file agreements for support with the assistant clerk of the Family

1729 Support Magistrate Division;

1730 (3) In connection with any order or agreement entered by, or filed
1731 with, the Family Support Magistrate Division, or any order entered by
1732 the Superior Court in a IV-D support case, upon order, investigate the
1733 financial situation of the parties and report findings to the family
1734 support magistrate regarding: (A) Any pending motion to modify such
1735 order or agreement; or (B) any request or application for modification
1736 of such order or agreement made by an obligee;

1737 (4) Review child support orders (A) in [non-TANF] non-TFA IV-D
1738 support cases (i) at the request of either parent or custodial party
1739 subject to a support order, or (ii) upon receipt of information
1740 indicating a substantial change in circumstances of any party to the
1741 support order, (B) in [TANF] TFA cases, at the request of the Bureau of
1742 Child Support Enforcement, or (C) as necessary to comply with federal
1743 requirements for the child support enforcement program mandated by
1744 Title IV-D of the Social Security Act, and initiate an action before a
1745 family support magistrate to modify such support order if it is
1746 determined upon such review that the order substantially deviates
1747 from the child support guidelines established pursuant to section 46b-
1748 215a, [or 46b-215b] as amended by this act. A requesting party under
1749 subparagraph (A)(i) or (B) of this subdivision shall have a right to such
1750 review every three years without proving a substantial change in
1751 circumstances, but more frequent reviews shall be made only if such
1752 requesting party demonstrates a substantial change in circumstances.
1753 There shall be a rebuttable presumption that any deviation of less than
1754 fifteen per cent from the child support guidelines is not substantial and
1755 any deviation of fifteen per cent or more from the guidelines is
1756 substantial. Modification may be made of such support order without
1757 regard to whether the order was issued before, on or after May 9, 1991.
1758 In determining whether to modify a child support order based on a
1759 substantial deviation from such child support guidelines,
1760 consideration shall be given to the division of real and personal
1761 property between the parties set forth in any final decree entered

1762 pursuant to chapter 815j and the benefits accruing to the child as the
1763 result of such division. No order for periodic payment of support may
1764 be subject to retroactive modification, except that the family support
1765 magistrate may order modification with respect to any period during
1766 which there is a pending motion for modification of a support order
1767 from the date of service of notice of such pending motion to the
1768 opposing party pursuant to section 52-50.

1769 (5) (A) File with the assistant clerk of the Family Support Magistrate
1770 Division agreements between the parties as to modification of a child
1771 support order in accordance with a review conducted pursuant to
1772 subdivision (4) of this subsection. Such agreements may be filed in lieu
1773 of an action to modify initiated under said subdivision. For the
1774 purpose of this subdivision, the parties shall include the noncustodial
1775 parent, the present custodial party subject to the support order, and, in
1776 temporary family assistance cases, the Attorney General.

1777 (B) An agreement to modify an existing child support order filed in
1778 accordance with subparagraph (A) of this subdivision shall be
1779 reviewed by a family support magistrate. The family support
1780 magistrate shall approve such agreement if it complies with the child
1781 support guidelines established pursuant to section 46b-215a, as
1782 amended by this act, and other applicable law. A modification of the
1783 support order in accordance with such agreement shall be effective
1784 upon approval of the agreement. If the family support magistrate does
1785 not approve the agreement to modify, the reason shall be stated in
1786 writing, and such agreement shall be void.

1787 Sec. 42. Subsections (t) and (u) of section 46b-231 of the 2008
1788 supplement to the general statutes are repealed and the following is
1789 substituted in lieu thereof (*Effective October 1, 2008*):

1790 (t) The Attorney General shall:

1791 (1) Represent the interest of the state in all actions for child or
1792 spousal support in all cases in which the state is furnishing or has

1793 furnished aid or care to one of the parties to the action or a child of one
1794 of the parties;

1795 (2) In interstate support enforcement under sections 46b-212 to [46b-
1796 213v] 46b-213w, inclusive, of the 2008 supplement to the general
1797 statutes provide necessary legal services on behalf of the support
1798 enforcement agency in providing services to a petitioner;

1799 (3) Represent the IV-D agency in providing support enforcement
1800 services in [non-TANF] IV-D support cases pursuant to sections 17b-
1801 179 of the 2008 supplement to the general statutes, as amended by this
1802 act, 17b-745 of the 2008 supplement to the general statutes, as amended
1803 by this act, and 46b-215 of the 2008 supplement to the general statutes,
1804 as amended by this act.

1805 (u) (1) The Department of Social Services may in IV-D cases (A)
1806 bring petitions for support orders pursuant to section 46b-215 of the
1807 2008 supplement to the general statutes, as amended by this act, (B)
1808 obtain acknowledgments of paternity, (C) bring applications for show
1809 cause orders pursuant to section 46b-172 of the 2008 supplement to the
1810 general statutes, as amended by this act, (D) file agreements for
1811 support with the assistant clerk of the Family Support Magistrate
1812 Division, (E) issue withholding orders entered by the Superior Court
1813 or a family support magistrate in accordance with subsection (b) of
1814 section 52-362 of the 2008 supplement to the general statutes, as
1815 amended by this act, and (F) [upon notice to the obligor and obligee,]
1816 redirect payments for the support of any child receiving child support
1817 enforcement services [either to the state of Connecticut or to the
1818 present custodial party, as their interests may appear, for distribution
1819 in accordance with Title IV-D of the Social Security Act, provided
1820 neither the obligor nor the obligee objects in writing within ten
1821 business days from the mailing date of such notice, and provided
1822 further that any such notice shall be sent by first class mail to the most
1823 recent address of such obligor and obligee, as recorded in the state case
1824 registry pursuant to section 46b-218, and a copy of such notice shall be

1825 filed with the court or family support magistrate if both the obligor
1826 and obligee fail to object to the redirected payments within ten
1827 business days from the mailing date of such notice] pursuant to
1828 subdivisions (2) and (3) of subsection (b) of section 17b-179 of the 2008
1829 supplement to the general statutes, as amended by this act,
1830 subparagraph (B) of subdivision (6) of subsection (a) of section 17b-745
1831 of the 2008 supplement to the general statutes, as amended by this act,
1832 subparagraph (C) of subdivision (1) of subsection (a) of section 46b-171
1833 of the 2008 supplement to the general statutes, as amended by this act,
1834 subparagraph (B) of subdivision (3) of subsection (b) of section 46b-172
1835 of the 2008 supplement to the general statutes, as amended by this act,
1836 subparagraph (B) of subdivision (5) of subsection (c) of section 46b-172
1837 of the 2008 supplement to the general statutes, as amended by this act,
1838 and subdivision (2) of subsection (c) of section 46b-215 of the 2008
1839 supplement to the general statutes, as amended by this act.

1840 (2) The Department of Social Services shall provide notice not less
1841 than once every three years to the parents subject to a support order in
1842 a IV-D case informing the parents of their right to request a review
1843 under subdivision (4) of subsection (s) of this section.

1844 Sec. 43. Subsection (f) of section 52-57 of the general statutes is
1845 repealed and the following is substituted in lieu thereof (*Effective*
1846 *October 1, 2008*):

1847 (f) When the other methods of service of process provided under
1848 this section or otherwise provided by law cannot be effected, in actions
1849 concerning the establishment, enforcement or modification of child
1850 support orders other than actions for dissolution of marriage,
1851 including, but not limited to, such actions under sections 17b-122, 17b-
1852 124 to 17b-132, inclusive, 17b-136 to 17b-138, inclusive, 17b-194 to 17b-
1853 197, inclusive, 17b-222 to 17b-250, inclusive, of the 2008 supplement to
1854 the general statutes, 17b-256, 17b-263, 17b-340 to 17b-350, inclusive, of
1855 the 2008 supplement to the general statutes, 17b-689b, 17b-743 to 17b-
1856 747, inclusive, and 46b-212 to [46b-213v] 46b-213w, inclusive, of the

1857 2008 supplement to the general statutes and chapters 815, 815p, 815t,
1858 815y and 816, and actions to implement garnishments for support
1859 under section 52-362 of the 2008 supplement to the general statutes, as
1860 amended by this act, service of process may be made upon a party to
1861 the action by one of the following methods, provided proof of receipt
1862 of such process by such party is presented to the court in accordance
1863 with rules promulgated by the judges of the Superior Court:

1864 (1) By certified mail to a party to the action addressed to the
1865 employer of such party. Any service of process so sent shall include on
1866 the outside envelope the words "To be delivered to the employee in
1867 accordance with subsection (f) of section 52-57". The employer shall
1868 accept any such service of process sent by certified mail and promptly
1869 deliver such certified mail to the employee; or

1870 (2) When a party to an action under this subsection is employed by
1871 an employer with fifteen or more employees, by personal service upon
1872 an official of the employer designated as an agent to accept service of
1873 process in actions brought under this subsection. Every employer with
1874 fifteen or more employees doing business in this state shall designate
1875 an official to accept service of process for employees who are parties to
1876 such actions. The person so served shall promptly deliver such process
1877 to the employee.

1878 Sec. 44. Subsection (a) of section 52-251d of the general statutes is
1879 repealed and the following is substituted in lieu thereof (*Effective*
1880 *October 1, 2008*):

1881 (a) In any civil action to establish paternity or to establish, modify or
1882 enforce child support orders in [TANF] temporary family assistance
1883 cases pursuant to sections 17b-745 of the 2008 supplement to the
1884 general statutes, as amended by this act, 46b-86, as amended by this
1885 act, 46b-160 of the 2008 supplement to the general statutes, as amended
1886 by this act, 46b-171 of the 2008 supplement to the general statutes, as
1887 amended by this act, 46b-172 of the 2008 supplement to the general
1888 statutes, as amended by this act, 46b-215 of the 2008 supplement to the

1889 general statutes, as amended by this act and 46b-231 of the 2008
1890 supplement to the general statutes, as amended by this act, the court
1891 may allow the state, when it is the prevailing party, a reasonable
1892 attorney's fee.

1893 Sec. 45. Subsection (n) of section 52-362 of the 2008 supplement to
1894 the general statutes is repealed and the following is substituted in lieu
1895 thereof (*Effective October 1, 2008*):

1896 (n) When a support order is issued in another state and the obligor
1897 has income subject to withholding derived in this state, such income
1898 shall be subject to withholding in accordance with the provisions of
1899 this section, upon the registration of the support order in accordance
1900 with sections [46b-213g] 46b-213f to [46b-213j] 46b-213i, inclusive, of
1901 the 2008 supplement to the general statutes. Notice of rights to the
1902 obligor and the obligor's right to contest such order are governed by
1903 sections 46b-213k to [46b-213m] 46b-213n, inclusive, of the 2008
1904 supplement to the general statutes.

1905 Sec. 46. Subsections (d) and (e) of section 52-362f of the general
1906 statutes are repealed and the following is substituted in lieu thereof
1907 (*Effective October 1, 2008*):

1908 (d) When a support order is issued in another jurisdiction and the
1909 obligor has income subject to withholding in accordance with the
1910 provisions of section 52-362 of the 2008 supplement to the general
1911 statutes, as amended by this act, Support Enforcement Services shall,
1912 upon receiving a support order of another jurisdiction with the
1913 documentation specified in this subsection from an agency of another
1914 jurisdiction, or from an obligee, an obligor or an attorney for either the
1915 obligee or obligor, file such support order and documents in the
1916 registry maintained by Support Enforcement Services. Documentation
1917 required for the entry of a support order for another jurisdiction for the
1918 purpose of withholding of income shall comply with the requirements
1919 of section [46b-213i] 46b-213h of the 2008 supplement to the general
1920 statutes. If the documentation received by Support Enforcement

1921 Services does not conform to those requirements, Support Enforcement
1922 Services shall remedy any defect which it can without the assistance of
1923 the obligee or requesting agency or person. If Support Enforcement
1924 Services is unable to make such corrections, the requesting agency or
1925 person shall immediately be notified of the necessary additions or
1926 corrections. Support Enforcement Services shall accept the
1927 documentation required by this subsection as long as the substantive
1928 requirements of this subsection are met.

1929 (e) A support order registered under subsection (d) of this section
1930 shall be enforceable by withholding in the manner and with the effect
1931 as set forth for registered support orders of another jurisdiction
1932 pursuant to section 52-362 of the 2008 supplement to the general
1933 statutes, as amended by this act. A support order from another
1934 jurisdiction filed under this section shall not be subject to modification
1935 by a court or other agency of this state except as provided in sections
1936 46b-213o to [46b-213q] 46b-213r, inclusive, of the 2008 supplement to
1937 the general statutes. Entry of the order shall not confer jurisdiction on
1938 any court of this state for any purpose other than withholding of
1939 income.

1940 Sec. 47. Section 52-362i of the general statutes is repealed and the
1941 following is substituted in lieu thereof (*Effective October 1, 2008*):

1942 If the court or family support magistrate finds that (1) an obligor is
1943 delinquent on payment of child support, and (2) future support
1944 payments are in jeopardy, or (3) the obligor has exhibited or expressed
1945 an intention not to pay any such support, the court or family support
1946 magistrate may order the obligor to provide a cash deposit not to
1947 exceed the amount of four times the current monthly support and
1948 arrearage obligation, to be held in escrow by the [Connecticut] Bureau
1949 of Child Support Enforcement [Bureau] or Support Enforcement
1950 Services. Any funds from such cash deposit may be disbursed by the
1951 [Connecticut] Bureau of Child Support Enforcement [Bureau] or
1952 Support Enforcement Services to the custodial parent upon a

1953 determination by said [support enforcement] bureau or Support
 1954 Enforcement Services that the obligor has failed to pay the full amount
 1955 of the monthly support obligation. Payment shall be in an amount that,
 1956 when combined with the obligor's payment, would not exceed the
 1957 monthly support obligation. Payment from such cash deposit shall not
 1958 preclude a finding of delinquency during the period of time in which
 1959 the obligor failed to pay current support.

1960 Sec. 48. (NEW) (*Effective October 1, 2008*) Any judicial marshal may
 1961 serve a *caus mittimus* on any person who is in the custody of the
 1962 marshal or is in a courthouse where the marshal provides courthouse
 1963 security if such *caus mittimus* was issued in a child support matter
 1964 by (1) a court or a family support magistrate pursuant to subdivision
 1965 (8) of subsection (a) of section 17b-745 of the 2008 supplement to the
 1966 general statutes, as amended by this act, or subparagraph (C) of
 1967 subdivision (8) of subsection (a) of section 46b-215 of the 2008
 1968 supplement to the general statutes, as amended by this act; or (2) a
 1969 family support magistrate pursuant to subdivision (1) of subsection
 1970 (m) of section 46b-231 of the 2008 supplement to the general statutes,
 1971 as amended by this act.

1972 Sec. 49. Subdivision (4) of subsection (b) of section 46b-56c of the
 1973 general statutes is repealed and the following is substituted in lieu
 1974 thereof (*Effective October 1, 2008*):

1975 (4) On motion or petition of a parent, the court may enter an
 1976 educational support order at the time of entering an order pursuant to
 1977 any other provision of the general statutes authorizing the court to
 1978 make an order of support for a child, subject to the provisions of
 1979 sections 46b-212 to [46b-213v] 46b-213w, inclusive, of the 2008
 1980 supplement to the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	17b-179(b) to (g)

Sec. 2	October 1, 2008	17b-179(h)
Sec. 3	October 1, 2008	17b-179(i)
Sec. 4	October 1, 2008	17b-179(l)
Sec. 5	October 1, 2008	17b-745(a)(5)(A) and (B)
Sec. 6	October 1, 2008	17b-745(a)(6)
Sec. 7	October 1, 2008	17b-745(a)(8)
Sec. 8	October 1, 2008	17b-745(b)
Sec. 9	October 1, 2008	19a-42(d)
Sec. 10	October 1, 2008	19a-42a
Sec. 11	October 1, 2008	29-1g
Sec. 12	October 1, 2008	46b-62
Sec. 13	October 1, 2008	46b-86(c)
Sec. 14	October 1, 2008	46b-130
Sec. 15	October 1, 2008	46b-160(a)(1)
Sec. 16	October 1, 2008	46b-168a(a) and (b)
Sec. 17	October 1, 2008	46b-170
Sec. 18	October 1, 2008	46b-171(a)(1)
Sec. 19	October 1, 2008	46b-171(a)(3)
Sec. 20	October 1, 2008	46b-172(b)(1)
Sec. 21	October 1, 2008	46b-172(b)(3)
Sec. 22	October 1, 2008	46b-172(c)(1) and (2)
Sec. 23	October 1, 2008	46b-172(c)(5)
Sec. 24	October 1, 2008	46b-207
Sec. 25	October 1, 2008	46b-208
Sec. 26	October 1, 2008	46b-213d(a)
Sec. 27	October 1, 2008	46b-215(a)(1)
Sec. 28	October 1, 2008	46b-215(a)(7)(A) and (B)
Sec. 29	October 1, 2008	46b-215(a)(8)(C)
Sec. 30	October 1, 2008	46b-215(b) and (c)
Sec. 31	October 1, 2008	46b-215(e)
Sec. 32	October 1, 2008	46b-215a
Sec. 33	October 1, 2008	46b-215b
Sec. 34	October 1, 2008	46b-215c
Sec. 35	October 1, 2008	46b-231(b)
Sec. 36	October 1, 2008	46b-231(f)
Sec. 37	October 1, 2008	46b-231(l)
Sec. 38	October 1, 2008	46b-231(m)(1) to (3)
Sec. 39	October 1, 2008	46b-231(m)(6)
Sec. 40	October 1, 2008	46b-231(n) to (r)
Sec. 41	October 1, 2008	46b-231(s)

Sec. 42	<i>October 1, 2008</i>	46b-231(t) and (u)
Sec. 43	<i>October 1, 2008</i>	52-57(f)
Sec. 44	<i>October 1, 2008</i>	52-251d(a)
Sec. 45	<i>October 1, 2008</i>	52-362(n)
Sec. 46	<i>October 1, 2008</i>	52-362f(d) and (e)
Sec. 47	<i>October 1, 2008</i>	52-362i
Sec. 48	<i>October 1, 2008</i>	New section
Sec. 49	<i>October 1, 2008</i>	46b-56c(b)(4)

Statement of Purpose:

To improve procedures for the establishment, modification and enforcement of child support orders in Title IV-D child support enforcement cases, and make technical changes to update, clarify and improve the consistency of child support statutes.

[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.]