



General Assembly

Amendment

February Session, 2008

LCO No. 4634

SB0032404634SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. GAFFEY, 13th Dist.

SEN. HANDLEY, 4th Dist.
SEN. MCDONALD, 27th Dist.
SEN. STILLMAN, 20th Dist.

To: Senate Bill No. 324

File No. 362

Cal. No. 224

"AN ACT CONCERNING THE COLLECTION OF CHILD ACTIVITY FEES PURSUANT TO A SUPPORT ORDER."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 46b-231 of the 2008 supplement to the general
4 statutes is repealed and the following is substituted in lieu thereof
5 (*Effective July 1, 2008*):

6 (a) This section shall be known and may be cited as the "Family
7 Support [Magistrate's] Magistrate Judge's Act".

8 (b) For the purposes of this section:

9 (1) "Chief Family Support Magistrate Judge" means the family
10 support magistrate judge designated by the Chief Court Administrator
11 as provided in subsection (g) of this section;

12 (2) "Child support enforcement services" means the services
13 provided by the IV-D agency or an agency under cooperative or
14 purchase of service agreement therewith pursuant to Title IV-D of the
15 Social Security Act, including, but not limited to, location;
16 establishment of paternity; establishment, modification and
17 enforcement of child and medical support orders and the collection
18 and distribution of support payments;

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

21 (4) "Bureau of Child Support Enforcement" means a division within
22 the Department of Social Services established pursuant to section 17b-
23 179 of the 2008 supplement to the general statutes;

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

26 (6) "Family Support Magistrate Judge Division" means a division of
27 the Superior Court created by this section for the purpose of
28 establishing and enforcing child and spousal support in IV-D cases and
29 in cases brought pursuant to sections 46b-212 to 46b-213v, inclusive,
30 utilizing quasi-judicial proceedings;

31 (7) "Family support magistrate judge" means a person, appointed as
32 provided in subsection (f) of this section to establish and enforce child
33 and spousal support orders;

34 (8) "Foster care cases" are cases in which children are receiving
35 foster care under part I of chapter 319a or part I of chapter 815t, but
36 does not include cases in which children reside in detention facilities,
37 forestry camps, training schools or other facilities operated primarily
38 for the detention of children adjudicated as delinquent;

39 (9) "Law" includes both common and statute law;

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

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

43 (12) "IV-D agency" means the Bureau of Child Support Enforcement
44 within the Department of Social Services, created by section 17b-179 of
45 the 2008 supplement to the general statutes and authorized to
46 administer the child support program mandated by Title IV-D of the
47 Social Security Act;

48 (13) "IV-D support cases" are those in which the IV-D agency is
49 providing child support enforcement services under Title IV-D of the
50 Social Security Act, including all foster care cases referred to the
51 Bureau of Child Support Enforcement under section 46b-130; and

52 (14) "Support order" means a judgment, decree or order, whether
53 temporary, final or subject to modification, issued by a court of
54 competent jurisdiction, for the support and maintenance of a child,
55 including a child who has attained the age of majority under the law of
56 the issuing state, or a child and parent with whom the child is living,
57 which provides for monetary support, health care, arrearages or
58 reimbursement, and which may include related costs and fees, interest
59 and penalties, income withholding, attorneys' fees and other relief.

60 (c) The remedies herein provided are in addition to and not in
61 substitution for any other remedy.

62 (d) There is created the Family Support Magistrate Judge Division
63 of the Superior Court for the purpose of the impartial administration
64 of child and spousal support.

65 (e) Repealed by P.A. 91-190, S. 8, 9.

66 (f) [The] (1) On and before June 30, 2008, the Family Support
67 Magistrate Division shall include nine family support magistrates who
68 shall be appointed by the Governor to serve in that capacity for a term
69 of three years. A family support magistrate may be reappointed upon
70 completion of his term of office by the Governor. To be eligible for
71 appointment, a family support magistrate must have engaged in the

72 practice of law for five years prior to his appointment and shall be
73 experienced in the field of family law. He shall devote full time to his
74 duties as a family support magistrate and shall not engage in the
75 private practice of law. A family support magistrate may be removed
76 from office by the Governor for cause.

77 (2) (A) On and after July 1, 2008, the Family Support Magistrate
78 Judge Division shall include nine family support magistrate judges
79 who shall be nominated by the Governor and appointed by the
80 General Assembly to serve in that capacity for a term of four years.

81 (B) Each family support magistrate serving on June 30, 2008, shall
82 serve as a family support magistrate judge on and after July 1, 2008,
83 until a successor is appointed, and shall be nominated by the Governor
84 for appointment as a family support magistrate judge for an initial
85 term beginning on July 1, 2008, unless the Governor finds cause to
86 refuse to make such nomination, in which case the Governor shall
87 nominate a different person as a family support magistrate judge. A
88 family support magistrate judge may be nominated by the Governor
89 for reappointment upon completion of such family support magistrate
90 judge's term of office.

91 (C) To be eligible for nomination as a family support magistrate
92 judge, a person must have engaged in the practice of law for five years
93 prior to the person's nomination and be experienced in the field of
94 family law. A family support magistrate judge shall devote full time to
95 the duties of a family support magistrate judge and shall not engage in
96 the private practice of law.

97 (3) Each nomination made by the Governor to the General
98 Assembly for a family support magistrate judge shall be referred,
99 without debate, to the committee on the judiciary, which shall report
100 thereon within thirty legislative days from the time of reference, but no
101 later than seven legislative days before the adjourning of the General
102 Assembly.

103 (4) Each appointment of a family support magistrate judge shall be

104 by concurrent resolution. The action on the passage of each such
105 resolution in the House of Representatives and in the Senate shall be
106 by vote taken on the electrical roll-call device. No resolution shall
107 contain the name of more than one nominee. The Governor shall,
108 within five days after the Governor has notice that any family support
109 magistrate judge nomination has failed to be approved by the
110 affirmative concurrent action of both houses of the General Assembly,
111 make another nomination to such office.

112 (5) Notwithstanding the provisions of section 4-19, no vacancy in
113 the position of a family support magistrate judge shall be filled by the
114 Governor when the General Assembly is not in session unless, prior to
115 such filling, the Governor submits the name of the proposed vacancy
116 appointee to the committee on the judiciary. Within forty-five days, the
117 committee on the judiciary may, upon the call of either chairperson,
118 hold a special meeting for the purpose of approving or disapproving
119 such proposed vacancy appointee by majority vote. The Governor
120 shall not administer the oath of office to such proposed vacancy
121 appointee until the committee has approved such proposed vacancy
122 appointee. If the committee determines that it cannot complete its
123 investigation and act on such proposed vacancy appointee within such
124 forty-five-day period, the committee may extend such period by an
125 additional fifteen days. The committee shall notify the Governor in
126 writing of any such extension. Failure of the committee to act on such
127 proposed vacancy appointee within such forty-five-day period or any
128 fifteen-day extension period shall be deemed to be an approval.

129 (6) Prior to a public hearing on a family support magistrate judge,
130 the committee on the judiciary may employ a person to investigate, at
131 the request of the chairpersons of the committee, any family support
132 magistrate judge nominee with respect to the suitability of such
133 nominee for judicial office. Such investigator shall report the
134 investigator's findings to the committee and any such report shall be
135 confidential and shall not be subject to public disclosure. Such
136 investigator shall receive such compensation as may be fixed by the
137 Joint Committee on Legislative Management for each day such

138 investigator is engaged in his or her duties as an investigator.

139 (7) A family support magistrate judge may be removed from office
140 by the Governor for cause and is subject to admonishment, censure,
141 suspension and removal from office in the manner provided in chapter
142 872a.

143 (g) A Chief Family Support Magistrate Judge shall be designated by
144 the Chief Court Administrator of the Superior Court from among the
145 nine family support [magistrates appointed] magistrate judges
146 nominated by the Governor pursuant to subsection (f) of this section.
147 Under the direction of the Chief Court Administrator, the Chief Family
148 Support Magistrate Judge shall supervise the Family Support
149 Magistrate Judge Division and submit an annual report to the Chief
150 Court Administrator and perform such other duties as provided in this
151 section.

152 (h) (1) On and after April 1, 2002, the Chief Family Support
153 Magistrate shall receive a salary of one hundred eight thousand eight
154 hundred twenty-one dollars, and other family support magistrates
155 shall receive an annual salary of one hundred three thousand five
156 hundred sixty-nine dollars.

157 (2) On and after January 1, 2005, the Chief Family Support
158 Magistrate shall receive a salary of one hundred fourteen thousand
159 eight hundred six dollars, and other family support magistrates shall
160 receive an annual salary of one hundred nine thousand two hundred
161 sixty-five dollars.

162 (3) On and after January 1, 2006, the Chief Family Support
163 Magistrate shall receive a salary of one hundred twenty-one thousand
164 one hundred twenty dollars, and other family support magistrates
165 shall receive an annual salary of one hundred fifteen thousand two
166 hundred seventy-five dollars.

167 (4) On and after January 1, 2007, the Chief Family Support
168 Magistrate shall receive a salary of one hundred twenty-seven

169 thousand seven hundred eighty-two dollars, and other family support
170 magistrates shall receive an annual salary of one hundred twenty-one
171 thousand six hundred fifteen dollars.

172 (5) On and after July 1, 2008, the Chief Family Support Magistrate
173 Judge shall receive a salary of one hundred twenty-seven thousand
174 seven hundred eighty-two dollars, and other family support
175 magistrate judges shall receive an annual salary of one hundred
176 twenty-one thousand six hundred fifteen dollars.

177 (i) (1) Family support [magistrates] magistrate judges shall be
178 included under the provisions of chapters 65 and 66 regarding
179 retirement and disability of state employees. Each such individual
180 shall receive full retirement credit for each year or portion thereof for
181 which retirement benefits are paid while serving as a family support
182 magistrate judge.

183 (2) Any family support magistrate judge may elect to be included
184 within the provisions of sections 51-49, 51-49a, 51-49b, 51-49c, 51-49d,
185 51-49h, 51-50a, as amended by this act, and 51-50b, or to continue to be
186 subject to the provisions of subdivision (1) of this subsection. Any
187 family support magistrate judge who has so elected may revoke such
188 election and elect to be included in the provisions of chapters 65 and 66
189 regarding retirement and disability of state employees. Thereupon any
190 payments transferred from the State Employees Retirement Fund to
191 the Judges, Family Support [Magistrates] Magistrate Judges and
192 Compensation Commissioners Retirement Fund shall be transferred
193 from the Judges, Family Support [Magistrates] Magistrate Judges and
194 Compensation Commissioners Retirement Fund to the State
195 Employees Retirement Fund.

196 (j) The Chief Court Administrator shall designate assistant clerks for
197 the Family Support Magistrate Judge Division to serve in judicial
198 districts created pursuant to section 51-344 and such other assistant
199 clerks and other employees as may be necessary for the operation of
200 the Family Support Magistrate Judge Division. The administrative

201 judge for each judicial district may also assign clerks or administrative
202 clerks for the judicial district to serve as assistant clerks or
203 administrative clerks in his judicial district for the Family Support
204 Magistrate Judge Division.

205 (k) The Chief Court Administrator shall arrange for the recording of
206 all hearings before the family support magistrate judge by contract or
207 otherwise.

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

214 (m) The Chief Family Support Magistrate Judge and the family
215 support [magistrates] magistrate judges shall have the powers and
216 duties enumerated in this subsection.

217 (1) A family support magistrate judge in IV-D support cases may
218 compel the attendance of witnesses or the obligor under a summons
219 issued pursuant to sections 17b-745 of the 2008 supplement to the
220 general statutes, 46b-172 of the 2008 supplement to the general statutes
221 and 46b-215 of the 2008 supplement to the general statutes, a subpoena
222 issued pursuant to section 52-143, or a citation for failure to obey an
223 order of a family support magistrate judge or a judge of the Superior
224 Court. If a person is served with any such summons, subpoena or
225 citation issued by a family support magistrate judge or the assistant
226 clerk of the Family Support Magistrate Judge Division and fails to
227 appear, a family support magistrate judge may issue a *capias mittimus*
228 directed to a proper officer to arrest the obligor or the witness and
229 bring him before a family support magistrate judge. Whenever such a
230 *capias mittimus* is ordered, the family support magistrate judge shall
231 establish a recognizance to the state of Connecticut in the form of a
232 bond of such character and amount as to assure the appearance of the

233 obligor at the next regular session of the Family Support Magistrate
234 Judge Division in the judicial district in which the matter is pending. If
235 the obligor posts such a bond, and thereafter fails to appear before the
236 family support magistrate judge at the time and place he is ordered to
237 appear, the family support magistrate judge may order the bond
238 forfeited, and the proceeds thereof distributed as required by Title IV-
239 D of the Social Security Act.

240 (2) Family support [magistrates] magistrate judges shall hear and
241 determine matters involving child and spousal support in IV-D
242 support cases including petitions for support brought pursuant to
243 sections 17b-81, 17b-179 of the 2008 supplement to the general statutes,
244 17b-745 of the 2008 supplement to the general statutes and 46b-215 of
245 the 2008 supplement to the general statutes; applications for show
246 cause orders in IV-D support cases brought pursuant to subsection (b)
247 of section 46b-172 of the 2008 supplement to the general statutes, and
248 actions for interstate enforcement of child and spousal support and
249 paternity under sections 46b-212 to 46b-213v, inclusive, and shall hear
250 and determine all motions for modifications of child and spousal
251 support in such cases. In all IV-D support cases, family support
252 [magistrates] magistrate judges shall have the authority to order any
253 obligor who is subject to a plan for reimbursement of past-due support
254 and is not incapacitated, to participate in work activities which may
255 include, but shall not be limited to, job search, training, work
256 experience and participation in the job training and retraining program
257 established by the Labor Commissioner pursuant to section 31-3t. A
258 family support magistrate judge shall not modify an order for periodic
259 payment on an arrearage due the state for state assistance which has
260 been discontinued to increase such payments, unless the family
261 support magistrate judge first determines that the state has made a
262 reasonable effort to notify the current recipient of child support, at the
263 most current address available to the IV-D agency, of the pendency of
264 the motion to increase such periodic arrearage payments and of the
265 time and place of the hearing on such motion. If such recipient
266 appears, either personally or through a representative, at such hearing,

267 the family support magistrate judge shall determine whether the order
268 in effect for child support is reasonable in relation to the current
269 financial circumstances of the parties, prior to modifying an order
270 increasing such periodic arrearage payments.

271 (3) Family support [magistrates] magistrate judges shall review and
272 approve or modify all agreements for support in IV-D support cases
273 filed with the Family Support Magistrate Judge Division in accordance
274 with sections 17b-179 of the 2008 supplement to the general statutes,
275 17b-745 of the 2008 supplement to the general statutes, 46b-172 of the
276 2008 supplement to the general statutes, 46b-215 of the 2008
277 supplement to the general statutes and subsection (c) of section 53-304.

278 (4) Motions for modification of existing child and spousal support
279 orders entered by the Superior Court in IV-D support cases, including
280 motions to modify existing child and spousal support orders entered
281 in actions brought pursuant to chapter 815j, shall be brought in the
282 Family Support Magistrate Judge Division and decided by a family
283 support magistrate judge. Family support [magistrates] magistrate
284 judges, in deciding if a spousal or child support order should be
285 modified, shall make such determination based upon the criteria set
286 forth in sections 46b-84 of the 2008 supplement to the general statutes
287 and 46b-215b. A person who is aggrieved by a decision of a family
288 support magistrate judge modifying a Superior Court order is entitled
289 to appeal such decision in accordance with the provisions of
290 subsection (n) of this section.

291 (5) Proceedings to establish paternity in IV-D support cases shall be
292 filed in the family support magistrate judge division for the judicial
293 district where the mother or putative father resides. The matter shall
294 be heard and determined by a family support magistrate judge in
295 accordance with the provisions of chapter 815y.

296 (6) Agreements for support obtained in IV-D support cases shall be
297 filed with the assistant clerk of the family support magistrate judge
298 division for the judicial district where the mother or the father of the

299 child resides, pursuant to subsection (b) of section 46b-172 of the 2008
300 supplement to the general statutes, and shall become effective as an
301 order upon filing with the clerk. Such support agreements shall be
302 reviewed by a family support magistrate judge who shall approve or
303 disapprove the agreement. If the support agreement filed with the
304 clerk is disapproved by a family support magistrate judge, such
305 disapproval shall have a retroactive effect.

306 (7) Family support [magistrates] magistrate judges shall enforce
307 orders for child and spousal support entered by such family support
308 magistrate judge and by the Superior Court in IV-D support cases by
309 citing an obligor for contempt. Family support [magistrates] magistrate
310 judges, in IV-D support cases, may order any obligor who is subject to
311 a plan for reimbursement of past-due support and is not incapacitated,
312 to participate in work activities which may include, but shall not be
313 limited to, job search, training, work experience and participation in
314 the job training and retraining program established by the Labor
315 Commissioner pursuant to section 31-3t. Family support [magistrates]
316 magistrate judges shall also enforce income withholding orders
317 entered pursuant to section 52-362 of the 2008 supplement to the
318 general statutes, including any additional amounts to be applied
319 toward liquidation of any arrearage, as required under subsection (e)
320 of said section. Family support [magistrates] magistrate judges may
321 require the obligor to furnish recognizance to the state of Connecticut
322 in the form of a cash deposit or bond of such character and in such
323 amount as the Family Support Magistrate Judge Division deems
324 proper to assure appearance at the next regular session of the Family
325 Support Magistrate Judge Division in the judicial district in which the
326 matter is pending. Upon failure of the obligor to post such bond, the
327 family support magistrate judge may refer the obligor to a community
328 correctional center until [he] the obligor has complied with such order,
329 provided the obligor shall be heard at the next regular session of the
330 Family Support Magistrate Judge Division in the court to which [he]
331 the obligor was summoned. If no regular session is held within seven
332 days of such referral, the family support magistrate judge shall either

333 cause a special session of the Family Support Magistrate Judge
334 Division to be convened, or the obligor shall be heard by a Superior
335 Court judge in the judicial district in which the matter is pending. If
336 the obligor fails to appear before the family support magistrate judge
337 at the time and place [he] the obligor is ordered to appear, the family
338 support magistrate judge may order the bond, if any, forfeited, and the
339 proceeds thereof distributed as required by Title IV-D of the Social
340 Security Act, and the family support magistrate judge may issue a
341 capias mittimus for the arrest of the obligor, ordering [him] the obligor
342 to appear before the family support magistrate judge. A family
343 support magistrate judge may determine whether or not an obligor is
344 in contempt of the order of the Superior Court or of a family support
345 magistrate judge and may make such orders as are provided by law to
346 enforce a support obligation, except that if the family support
347 magistrate judge determines that incarceration of an obligor for failure
348 to obey a support order may be indicated, the family support
349 magistrate judge shall inform the obligor of [his] the obligor's right to
350 be represented by an attorney and [his] the obligor's right to a court-
351 appointed attorney to represent [him if he] the obligor if the obligor is
352 indigent. If the obligor claims he is indigent and desires an attorney to
353 represent him, the family support magistrate judge shall conduct a
354 hearing to determine if the obligor is indigent. If, after such hearing,
355 the family support magistrate judge finds that the obligor is indigent,
356 the family support magistrate judge shall appoint an attorney to
357 represent the obligor.

358 (8) Agreements between parties as to custody and visitation of
359 minor children in IV-D support cases may be filed with the assistant
360 clerk of the Family Support Magistrate Judge Division. Such
361 agreements shall be reviewed by a family support magistrate judge,
362 who shall approve the agreement unless [he] the family support
363 magistrate judge finds such agreement is not in the best interests of the
364 child. Agreements between parties as to custody and visitation in IV-D
365 support cases shall be enforced in the same manner as agreements for
366 support are enforced, pursuant to subdivision (7) of this subsection.

367 (9) Whenever an obligor is before a family support magistrate judge
368 in proceedings to establish, modify or enforce a support order in a IV-
369 D support case and such order is not secured by an income
370 withholding order, the family support magistrate judge may require
371 the obligor to execute a bond or post other security sufficient to
372 perform such order for support, provided the family support
373 magistrate judge finds that such a bond is available for purchase
374 within the financial means of the obligor. Upon failure of such obligor
375 to comply with such support order, the family support magistrate
376 judge may order the bond or the security forfeited and the proceeds
377 thereof distributed as required by Title IV-D of the Social Security Act.

378 (10) In any proceeding in the Family Support Magistrate Judge
379 Division, if the family support magistrate judge finds that a party is
380 indigent and unable to pay a fee or fees payable to the court or to pay
381 the cost of service of process, the family support magistrate judge shall
382 waive such fee or fees and the cost of service of process shall be paid
383 by the state.

384 (11) A family support magistrate judge may dismiss any action or
385 proceeding which the family support magistrate judge may hear and
386 determine.

387 (12) A family support magistrate judge may order parties to
388 participate in the parenting education program in accordance with the
389 provisions of section 46b-69b.

390 (13) Family support [magistrates] magistrate judges may issue writs
391 of habeas corpus ad testificandum in IV-D support cases for persons in
392 the custody of the Commissioner of Correction.

393 (n) (1) A person who is aggrieved by a final decision of a family
394 support magistrate judge is entitled to judicial review by way of
395 appeal under this section.

396 (2) Proceedings for such appeal shall be instituted by filing a
397 petition in superior court for the judicial district in which the decision

398 of the family support magistrate judge was rendered not later than
399 fourteen days after filing of the final decision with an assistant clerk
400 assigned to the Family Support Magistrate Judge Division or, if a
401 rehearing is requested, not later than fourteen days after filing of the
402 notice of the decision thereon. In a IV-D support case, such petitions
403 shall be accompanied by a certification that copies of the petition have
404 been served upon the IV-D agency as defined in subsection (b) of this
405 section and all parties of record. Service upon the IV-D agency may be
406 made by the appellant mailing a copy of the petition by certified mail
407 to the office of the Attorney General in Hartford.

408 (3) Within fourteen days after the filing of the petition, or within
409 such further time as may be allowed by the court, the Family Support
410 Magistrate Judge Division shall transmit to the reviewing court the
411 original or a certified copy of the entire record of the proceeding
412 appealed from, which shall include the decision of the family support
413 magistrate judge. The court may require or permit subsequent
414 corrections or additions to the record.

415 (4) The aggrieved party shall file with his appeal a statement that no
416 transcript is required for the purpose of determining the issues raised
417 on appeal or a statement that he has ordered a transcript. A transcript
418 may be filed by any party to an appeal and shall be filed within thirty
419 days from the filing of said appeal unless the time for filing such
420 transcript is extended by order of the Superior Court or the family
421 support magistrate judge. Costs of preparing the transcript shall be
422 paid by the party ordering the preparation of the transcript.

423 (5) If, before the date set for hearing, application is made to the
424 Superior Court for leave to present additional evidence, and it is
425 shown to the satisfaction of the court that the additional evidence is
426 material and that there were good reasons for failure to present it in
427 the proceeding before the family support magistrate judge, the
428 Superior Court may permit additional evidence be taken before it
429 upon conditions determined by the court.

430 (6) The appeal shall be conducted by the Superior Court without a
431 jury and shall be confined to the record and such additional evidence
432 as the Superior Court has permitted to be introduced. The Superior
433 Court, upon request, shall hear oral argument and receive written
434 briefs.

435 (7) The Superior Court may affirm the decision of the family
436 support magistrate judge or remand the case for further proceedings.
437 The Superior Court may reverse or modify the decision if substantial
438 rights of the appellant have been prejudiced because the decision of
439 the family support magistrate judge is: (A) In violation of
440 constitutional or statutory provisions; (B) in excess of the statutory
441 authority of the family support magistrate judge; (C) made upon
442 unlawful procedure; (D) affected by other error of law; (E) clearly
443 erroneous in view of the reliable, probative, and substantial evidence
444 on the whole record; or (F) arbitrary or capricious or characterized by
445 abuse of discretion or clearly unwarranted exercise of discretion.

446 (8) Any order entered by the court pursuant to an appeal under this
447 subsection may be retroactive to the date of the original order entered
448 by the family support magistrate judge.

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

452 (10) In any case in which any party claims that he cannot pay the
453 costs of an appeal or defending an appeal under this section, he shall,
454 within the time permitted for filing the appeal, or the time permitted
455 for filing of a transcript of testimony if preparation of such transcript is
456 required, file with the clerk of the superior court to which the appeal is
457 to be taken an application for waiver of payment of such fees, costs
458 and necessary expenses. The application shall conform to rules
459 adopted pursuant to section 51-14 of the 2008 supplement to the
460 general statutes. After such hearing as the Superior Court determines
461 is necessary, the Superior Court shall enter its judgment on the

462 application, which judgment shall contain a statement of the facts the
463 Superior Court has found, with its conclusions thereon. The filing of
464 the application for the waiver shall toll the time limits for the filing of
465 an appeal until such time as a judgment on such application is entered.

466 (o) Upon final determination of any appeal from a decision of a
467 family support magistrate judge by the Superior Court, there shall be
468 no right to further review except to the Appellate Court. The
469 procedure on such appeal to the Appellate Court shall, except as
470 otherwise provided herein, be in accordance with the procedures
471 provided by rule or law for the appeal of judgments rendered by the
472 Superior Court unless modified by rule of the judges of the Appellate
473 Court. There shall be no right to further review except to the Supreme
474 Court pursuant to the provisions of section 51-197f.

475 (p) The filing of an appeal from a decision of a family support
476 magistrate judge does not affect the order of support of a family
477 support magistrate judge, but it shall continue in effect until the appeal
478 is decided, and thereafter, unless denied, until changed by further
479 order of a family support magistrate judge or the Superior Court.

480 (q) When an order for child or spousal support has been entered
481 against an obligor by the Superior Court in an action originating in the
482 Superior Court, such order shall supersede any previous order for
483 child or spousal support against such obligor entered by a family
484 support magistrate judge and shall also supersede any previous
485 agreement for support executed by such obligor and filed with the
486 Family Support Magistrate Judge Division.

487 (r) Orders for support entered by a family support magistrate judge
488 shall have the same force and effect as orders of the Superior Court,
489 except where otherwise provided in sections 17b-81, 17b-93 of the 2008
490 supplement to the general statutes, 17b-179 of the 2008 supplement to
491 the general statutes, 17b-743, 17b-744, 17b-745 of the 2008 supplement
492 to the general statutes and 17b-746, subsection (a) of section 46b-55,
493 sections 46b-59a, 46b-86 and 46b-172 of the 2008 supplement to the

494 general statutes, this chapter, subsection (b) of section 51-348, section
495 52-362 of the 2008 supplement to the general statutes, subsection (a) of
496 section 52-362d, subsection (a) of section 52-362e of the 2008
497 supplement to the general statutes and subsection (c) of section 53-304,
498 and shall be considered orders of the Superior Court for the purpose of
499 establishing and enforcing support orders of the family support
500 magistrate judge, as provided in sections 17b-81, 17b-93 of the 2008
501 supplement to the general statutes, 17b-179 of the 2008 supplement to
502 the general statutes, 17b-745 of the 2008 supplement to the general
503 statutes, 52-362 of the 2008 supplement to the general statutes, 52-362d,
504 52-362e of the 2008 supplement to the general statutes and 53-304,
505 except as otherwise provided in this section. All orders for support
506 issued by family support [magistrates] magistrate judges in any matter
507 before a magistrate judge shall contain an order for withholding to
508 enforce such orders as set forth in section 52-362 of the 2008
509 supplement to the general statutes.

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

512 (1) Supervise the payment of any child or spousal support order
513 made by a family support magistrate judge. Supervision of such orders
514 is defined as the utilization of all procedures available by law to collect
515 child or spousal support, or enforce medical support including (A)
516 issuance and implementation of income withholdings ordered by the
517 Superior Court or a family support magistrate judge pursuant to
518 section 52-362 of the 2008 supplement to the general statutes, (B)
519 issuance of an order requiring any party to appear before a family
520 support magistrate judge on an action to modify a support order
521 pursuant to subdivision (4) of this subsection, (C) issuance of a *capias*
522 *mittimus* directed to a proper officer to arrest an obligor or witness
523 and bring such obligor or witness before a family support magistrate
524 judge if such obligor or witness is served with a summons, subpoena,
525 citation or order to appear issued by a family support magistrate
526 judge, the assistant clerk of the Family Support Magistrate Judge
527 Division or a support enforcement officer and fails to appear, (D) if

528 necessary, bringing an application for contempt to a family support
529 magistrate judge and, in connection with such application, issuing an
530 order requiring the obligor to appear before a family support
531 magistrate judge to show cause why such obligor should not be held in
532 contempt for failure to pay an order for child or spousal support
533 entered by the Superior Court or a family support magistrate judge,
534 and (E) issuance of a National Medical Support Notice in accordance
535 with section 46b-88 of the 2008 supplement to the general statutes;

536 (2) In non-TANF cases, have the authority to bring petitions for
537 support orders pursuant to section 46b-215 of the 2008 supplement to
538 the general statutes, file agreements for support with the assistant clerk
539 of the Family Support Magistrate Judge Division, and bring
540 applications for show cause orders pursuant to section 46b-172 of the
541 2008 supplement to the general statutes, and in IV-D support cases and
542 cases under sections 46b-212 to 46b-213w, inclusive, enforce foreign
543 support orders registered with the Family Support Magistrate Judge
544 Division pursuant to sections 46b-213f to 46b-213i, inclusive, and file
545 agreements for support with the assistant clerk of the Family Support
546 Magistrate Judge Division;

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

555 (4) Review child support orders (A) in non-TANF IV-D support
556 cases (i) at the request of either parent or custodial party subject to a
557 support order, or (ii) upon receipt of information indicating a
558 substantial change in circumstances of any party to the support order,
559 (B) in TANF cases, at the request of the Bureau of Child Support
560 Enforcement, or (C) as necessary to comply with federal requirements

561 for the child support enforcement program mandated by Title IV-D of
562 the Social Security Act, and initiate an action before a family support
563 magistrate judge to modify such support order if it is determined upon
564 such review that the order substantially deviates from the child
565 support guidelines established pursuant to section 46b-215a or 46b-
566 215b. A requesting party under subparagraph (A)(i) or (B) of this
567 subdivision shall have a right to such review every three years without
568 proving a substantial change in circumstances, but more frequent
569 reviews shall be made only if such requesting party demonstrates a
570 substantial change in circumstances. There shall be a rebuttable
571 presumption that any deviation of less than fifteen per cent from the
572 child support guidelines is not substantial and any deviation of fifteen
573 per cent or more from the guidelines is substantial. Modification may
574 be made of such support order without regard to whether the order
575 was issued before, on or after May 9, 1991. In determining whether to
576 modify a child support order based on a substantial deviation from
577 such child support guidelines, consideration shall be given to the
578 division of real and personal property between the parties set forth in
579 any final decree entered pursuant to chapter 815j and the benefits
580 accruing to the child as the result of such division. No order for
581 periodic payment of support may be subject to retroactive
582 modification, except that the family support magistrate judge may
583 order modification with respect to any period during which there is a
584 pending motion for modification of a support order from the date of
585 service of notice of such pending motion to the opposing party
586 pursuant to section 52-50.

587 (t) The Attorney General shall:

588 (1) Represent the interest of the state in all actions for child or
589 spousal support in all cases in which the state is furnishing or has
590 furnished aid or care to one of the parties to the action or a child of one
591 of the parties;

592 (2) In interstate support enforcement under sections 46b-212 to 46b-
593 213v, inclusive, provide necessary legal services on behalf of the

594 support enforcement agency in providing services to a petitioner;

595 (3) Represent the IV-D agency in providing support enforcement
596 services in non-TANF IV-D support cases pursuant to sections 17b-179
597 of the 2008 supplement to the general statutes, 17b-745 of the 2008
598 supplement to the general statutes and 46b-215 of the 2008 supplement
599 to the general statutes.

600 (u) (1) The Department of Social Services may in IV-D cases (A)
601 bring petitions for support orders pursuant to section 46b-215 of the
602 2008 supplement to the general statutes, (B) obtain acknowledgments
603 of paternity, (C) bring applications for show cause orders pursuant to
604 section 46b-172 of the 2008 supplement to the general statutes, (D) file
605 agreements for support with the assistant clerk of the Family Support
606 Magistrate Judge Division, (E) issue withholding orders entered by the
607 Superior Court or a family support magistrate judge in accordance
608 with subsection (b) of section 52-362 of the 2008 supplement to the
609 general statutes, and (F) upon notice to the obligor and obligee,
610 redirect payments for the support of any child receiving child support
611 enforcement services either to the state of Connecticut or to the present
612 custodial party, as their interests may appear, for distribution in
613 accordance with Title IV-D of the Social Security Act, provided neither
614 the obligor nor the obligee objects in writing within ten business days
615 from the mailing date of such notice, and provided further that any
616 such notice shall be sent by first class mail to the most recent address
617 of such obligor and obligee, as recorded in the state case registry
618 pursuant to section 46b-218, and a copy of such notice shall be filed
619 with the court or a family support magistrate judge if both the obligor
620 and obligee fail to object to the redirected payments within ten
621 business days from the mailing date of such notice.

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

626 Sec. 502. Section 51-51q of the general statutes is repealed and the
627 following is substituted in lieu thereof (*Effective July 1, 2008*):

628 (a) (1) The Judicial Review Council shall submit its
629 recommendations concerning the nomination for appointment to a
630 different court of any judge or nomination for reappointment of any
631 judge whose term of office is about to expire, including a report of any
632 complaint filed against any such judge and the disposition of any such
633 complaint, and including any investigation of any such judge by the
634 council, to the Governor, to the Judicial Selection Commission and to
635 the joint standing committee of the General Assembly having
636 cognizance of matters relating to the judiciary, provided the Judicial
637 Selection Commission shall not consider any investigation of the
638 Judicial Review Council which resulted in the exoneration of a judge.

639 (2) In addition to the information required to be submitted under
640 subdivision (1) of this subsection, the Judicial Review Council shall
641 make all complaint files concerning any such judge available to the
642 joint standing committee of the General Assembly having cognizance
643 of matters relating to the judiciary. Notwithstanding any provision of
644 the general statutes, if the disposition of a complaint filed against any
645 such judge involved the issuance of an admonishment to or the public
646 censure or suspension of such judge, (A) no information pertaining to
647 the complaint and the investigation and disposition of such complaint
648 may be removed, redacted or otherwise withheld by the Judicial
649 Review Council prior to making such complaint files available to said
650 committee as required by this subdivision, and (B) the Judicial Review
651 Council shall provide to said committee any information, including,
652 but not limited to, any confidential information, in its possession
653 concerning such judge that may be requested in writing by the
654 cochairpersons of said committee. Such information shall be provided
655 to said committee not later than three business days following the date
656 the request is received by the Judicial Review Council. Any
657 confidential information provided to said committee as required by
658 this subdivision shall not be further disclosed to any person or
659 organization.

660 (3) If the Judicial Review Council has reason to believe any such
661 judge is guilty of conduct under section 51-51i, material neglect of duty
662 or incompetence in the conduct of his office, it may refuse to
663 recommend such judge for nomination for appointment to a different
664 court or for reappointment. The Judicial Review Council shall not
665 recommend a judge for nomination for appointment to a different
666 court or for reappointment if the council finds such judge has wilfully
667 violated section 51-39a or has been convicted of a felony or of a
668 misdemeanor involving moral turpitude.

669 (b) The Judicial Review Council shall submit its recommendations
670 concerning the nomination for appointment of any family support
671 magistrate judge for an initial term beginning on July 1, 2008, pursuant
672 to section 46b-231 of the 2008 supplement to the general statutes, as
673 amended by this act, or the nomination for reappointment of any
674 family support magistrate judge whose term of office is about to
675 expire, including a report of any investigation of any such family
676 support magistrate judge by the council, to the Governor and to the
677 joint standing committee of the General Assembly having cognizance
678 of matters relating to the judiciary. The Judicial Review Council shall
679 provide information to said committee concerning any complaint filed
680 against such family support magistrate judge and the investigation
681 and disposition of such complaint, including, but not limited to,
682 confidential information, in the same manner and subject to the same
683 requirements as information provided under subdivisions (1) and (2)
684 of subsection (a) of this section.

685 (c) The Judicial Review Council shall submit its recommendations
686 concerning the nomination for reappointment of any compensation
687 commissioner whose term of office is about to expire, including a
688 report of any investigation of such compensation commissioner by the
689 council, to the Governor and to the joint standing committee of the
690 General Assembly having cognizance of matters relating to the
691 judiciary. The Judicial Review Council shall provide information to
692 said committee concerning any complaint filed against such
693 compensation commissioner and the investigation and disposition of

694 such complaint, including, but not limited to, confidential information,
695 in the same manner and subject to the same requirements as
696 information provided under subdivisions (1) and (2) of subsection (a)
697 of this section.

698 (d) If a complaint against any such judge, compensation
699 commissioner or family support magistrate judge is received by the
700 Judicial Review Council and the Judicial Review Council is unable to
701 make its findings and complete its duties with respect to such judge,
702 compensation commissioner or family support magistrate judge prior
703 to the expiration of the term of office of such judge, compensation
704 commissioner or family support magistrate judge, the Judicial Review
705 Council shall not refuse to recommend such judge, compensation
706 commissioner or family support magistrate judge for reappointment
707 based on such complaint, but shall report the fact of such complaint to
708 the Governor and to the joint standing committee of the General
709 Assembly having cognizance of matters relating to the judiciary.

710 Sec. 503. Subdivision (1) of subsection (a) of section 1-217 of the
711 general statutes is repealed and the following is substituted in lieu
712 thereof (*Effective July 1, 2008*):

713 (1) A federal court judge, federal court magistrate, judge of the
714 Superior Court, Appellate Court or Supreme Court of the state, or
715 family support magistrate judge.

716 Sec. 504. Subdivision (1) of subsection (a) of section 51-50a of the
717 general statutes is repealed and the following is substituted in lieu
718 thereof (*Effective July 1, 2008*):

719 (a) (1) The right of any judge, family support magistrate judge or
720 compensation commissioner to a retirement salary in accordance with
721 the provisions of this section shall vest and be nonforfeitable when the
722 judge, family support magistrate judge or commissioner has attained
723 the age of sixty-five years, or has served twenty years as a judge,
724 family support magistrate judge or compensation commissioner or has
725 thirty years of state service credit under the provisions of chapter 66,

726 provided not less than ten years of such state service was served as a
727 judge, family support magistrate judge or compensation
728 commissioner, and provided such state service shall not be used for
729 retirement credit under chapter 66. Any contributions made under
730 chapter 66 shall be transferred to the Judges, Family Support
731 [Magistrates] Magistrate Judges and Compensation Commissioners
732 Retirement Fund.

733 Sec. 505. Section 52-148c of the general statutes is repealed and the
734 following is substituted in lieu thereof (*Effective July 1, 2008*):

735 (a) Within this state, depositions shall be taken before a judge or
736 family support magistrate judge or clerk of any court, justice of the
737 peace, notary public or commissioner of the Superior Court.

738 (b) In any other state or country, depositions for use in a civil action
739 or probate proceeding within this state shall be taken before a notary
740 public, a commissioner appointed by the Governor of this state, any
741 magistrate having power to administer oaths or a person
742 commissioned by the court before which such action or proceeding is
743 pending, or when such court is not in session, by any judge thereof.
744 Any person so commissioned shall have the power by virtue of his
745 commission to administer any necessary oath and to take testimony.
746 Additionally, if a deposition is to be taken out of the United States, it
747 may be taken before any foreign minister, secretary of a legation,
748 consul or vice-consul, appointed by the United States or any person by
749 him appointed for the purpose and having authority under the laws of
750 the country where the deposition is to be taken; and the official
751 character of any such person may be proved by a certificate from the
752 Secretary of State of the United States.

753 Sec. 506. (*Effective July 1, 2008*) (a) (1) Wherever the words "family
754 support magistrate" or "magistrate" are used to denote a family
755 support magistrate in the following sections of the general statutes or
756 the 2008 supplement to the general statutes, the words "family support
757 magistrate judge" or "magistrate judge" shall be substituted in lieu

758 thereof, and wherever the words "Family Support Magistrate Division"
759 are used in the following sections of the general statutes or the 2008
760 supplement to the general statutes, the words "Family Support
761 Magistrate Judge Division" shall be substituted in lieu thereof, and
762 wherever the word "magisterial" is used with respect to a family
763 support magistrate in the following sections of the general statutes or
764 the 2008 supplement to the general statutes, the word "judicial" shall
765 be substituted in lieu thereof: 1-24, 1-29, 17b-27, 17b-81, 17b-93, 17b-
766 179, 17b-290, 17b-292, 17b-743, 17b-744, 17b-745, 17b-746, 18-90c, 19a-
767 42a, 38a-497a, 45a-132, 46b-22, 46b-38dd, 46b-69b, 46b-86, 46b-88, 46b-
768 160, 46b-168, 46b-168a, 46b-170, 46b-171, 46b-172, 46b-179a, 46b-179b,
769 46b-179c, 46b-179d, 46b-188, 46b-212a, 46b-212b, 46b-212d, 46b-212e,
770 46b-212f, 46b-212g, 46b-212h, 46b-212i, 46b-212j, 46b-212k, 46b-212l,
771 46b-212p, 46b-212q, 46b-212s, 46b-212t, 46b-212v, 46b-213a, 46b-213b,
772 46b-213c, 46b-213e, 46b-213f, 46b-213g, 46b-213h, 46b-213k, 46b-213l,
773 46b-213p, 46b-213q, 46b-213r, 46b-213w, 46b-215, 46b-215e, 46b-217,
774 46b-220, 46b-232, 46b-233, 46b-233a, 46b-236, 51-30, 51-33, 51-34, 51-35,
775 51-39, 51-39a, 51-45, 51-45a, 51-45b, 51-45c, 51-46a, 51-49, 51-49a, 51-
776 49b, 51-49c, 51-49d, 51-49h, 51-50, 51-50a, 51-50b, 51-51, 51-51h, 51-51i,
777 51-51j, 51-51k, 51-51l, 51-51m, 51-51n, 51-51o, 51-51p, 51-51r, 51-51s, 51-
778 62, 51-217, 52-56, 52-174, 52-350a, 52-362, 52-362d, 52-362e, 52-362f, 52-
779 362i and 53-304.

780 (2) Wherever the words "family support magistrate" or "magistrate"
781 are used to denote a family support magistrate in any public act of the
782 2008 session, the words "family support magistrate judge" or
783 "magistrate judge" shall be substituted in lieu thereof, and wherever
784 the words "Family Support Magistrate Division" are used in any public
785 act of the 2008 session, the words "Family Support Magistrate Judge
786 Division" shall be substituted in lieu thereof, and whenever the word
787 "magisterial" is used with respect to a family support magistrate or
788 family support magistrate judge in any public act of the 2008 session,
789 the word "judicial" shall be substituted in lieu thereof.

790 (b) The Legislative Commissioners' Office shall, in codifying said
791 sections of the general statutes or the 2008 supplement to the general

792 statutes pursuant to subdivision (1) of subsection (a) of this section or
793 any public act of the 2008 session pursuant to subdivision (2) of
794 subsection (a) of this section, make such technical, grammatical and
795 punctuation changes as are necessary to carry out the purposes of this
796 section.

797 Sec. 507. (*Effective July 1, 2008*) (a) The Judicial Department shall
798 study the functions, powers and duties of family support magistrate
799 judges, the Chief Family Support Magistrate Judge and the Family
800 Support Magistrate Judge Division pursuant to section 46b-231 of the
801 2008 supplement to the general statutes, as amended by this act, other
802 sections of the general statutes and Title IV-D of the Social Security
803 Act. Pursuant to such study, the Judicial Department shall (1) evaluate
804 the extent to which such functions, powers and duties are
805 administrative, magisterial, judicial or quasi-judicial in nature, and (2)
806 identify any amendments to the general statutes required: (A) (i) As a
807 result of the nomination and appointment of family support
808 magistrates as family support magistrate judges pursuant to section
809 46b-231 of the 2008 supplement to the general statutes, as amended by
810 this act, and (ii) pursuant to any relevant federal law, and (B) to
811 improve the effectiveness and efficiency of the operations of such
812 family support magistrate judges, the Chief Family Support Magistrate
813 Judge and the Family Support Magistrate Judge Division in order to
814 achieve the expressed purposes of such family support magistrate
815 judges, the Chief Family Support Magistrate Judge and the Family
816 Support Magistrate Judge Division.

817 (b) Not later than July 1, 2009, the Chief Court Administrator shall
818 submit a report concerning the study, in accordance with section 11-4a
819 of the general statutes, to the joint standing committee of the General
820 Assembly having cognizance of matters relating to the judiciary. At a
821 minimum, the report shall (1) identify the general functions, powers
822 and duties of family support magistrates, the Chief Family Support
823 Magistrate and the Family Support Magistrate Division, (2) indicate, to
824 the extent reasonably determinable, whether such functions are
825 administrative, magisterial, judicial or quasi-judicial in nature, and (3)

826 indicate any amendments to the general statutes recommended by the
827 Judicial Department as a result of such study, including, but not
828 limited to, amendments required: (A) (i) As a result of the nomination
829 and appointment of family support magistrates as family support
830 magistrate judges pursuant to section 46b-231 of the 2008 supplement
831 to the general statutes, as amended by this act, or (ii) pursuant to any
832 relevant federal law, or (B) to improve the effectiveness and efficiency
833 of the operations of such family support magistrate judges, the Chief
834 Family Support Magistrate Judge and the Family Support Magistrate
835 Judge Division in order to achieve the expressed purposes of such
836 family support magistrate judges, the Chief Family Support Magistrate
837 Judge and the Family Support Magistrate Judge Division."