



House of Representatives

General Assembly

File No. 484

January Session, 2009

Substitute House Bill No. 6543

House of Representatives, April 6, 2009

The Committee on Human Services reported through REP. WALKER of the 93rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING PATERNITY AND SUPPORT
ESTABLISHMENT AND ENFORCEMENT OF ORDERS IN TITLE IV-D
CHILD SUPPORT CASES.***

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2 general statutes are repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2009*):

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, which may be referred to as ["TANF"] TFA for the
10 purposes of this section or (ii) the Medicaid program pursuant to
11 section 17b-261, (B) any child seeking IV-D child support enforcement
12 services pursuant to subdivision (1) of subsection (h) of this section,
13 and (C) any child committed to the care of the Commissioner of

14 Children and Families who is receiving payments in the foster care
15 program and for whom a referral to the Bureau of Child Support
16 Enforcement is made under section 46b-130, as amended by this act,
17 and shall determine the financial liability of such parent or parents for
18 [the] such child.

19 (2) The Bureau of Child Support Enforcement may, upon notice to
20 the obligor and obligee, redirect payments for the support of all such
21 children to either the state of Connecticut or the present custodial
22 party, as their interests may appear, provided neither the obligor nor
23 the obligee objects in writing within ten business days from the
24 mailing date of such notice. Any such notice shall be sent by first class
25 mail to the most recent address of such obligor and obligee, as
26 recorded in the state case registry pursuant to section 46b-218, and a
27 copy of such notice shall be filed with the court or family support
28 magistrate if both the obligor and obligee fail to object to the redirected
29 payments within ten business days from the mailing date of such
30 notice. All payments shall be distributed as required by Title IV-D of
31 the Social Security Act.

32 (3) Notwithstanding subdivision (2) of this subsection or
33 subparagraph (F) of subdivision (1) of subsection (u) of section 46b-
34 231, the Bureau of Child Support Enforcement or a support
35 enforcement agency under cooperative agreement with the Bureau of
36 Child Support Enforcement shall redirect payments for the support of
37 children described in subparagraphs (A)(i) and (C) of subdivision (1)
38 of this subsection to the state of Connecticut effective on the date of the
39 assistance grant. Upon such redirection, the Bureau of Child Support
40 Enforcement or support enforcement agency shall notify the obligor
41 and obligee as described in subdivision (2) of this subsection if
42 assistance is being received by a new custodial party on behalf of such
43 children and, if an objection to redirection is received in accordance
44 with said subdivision (2), shall refund to the obligee of the support
45 order any money retained by the state during the period of redirection
46 that is due such obligee.

47 (c) The [Connecticut] Bureau of Child Support Enforcement
48 [Bureau] shall enter into cooperative agreements with appropriate
49 officials of the Judicial [Department] Branch and law enforcement
50 officials to assist in administering the child support enforcement plan
51 and with respect to other matters of common concern in the area of
52 child support enforcement. Officers of the Judicial [Department]
53 Branch and law enforcement officials authorized and required to enter
54 into cooperative agreements with the [Connecticut] Bureau of Child
55 Support Enforcement [Bureau] include, but are not limited to, [the]
56 officials of the Superior Court and the office of the Attorney General.
57 Such cooperative agreements shall contain performance standards to
58 address the mandatory provisions of both state and federal laws and
59 federal regulations concerning child support.

60 (d) The [Connecticut] Bureau of Child Support Enforcement
61 [Bureau] shall have authority to determine on a periodic basis whether
62 any individuals who owe child support obligations are receiving
63 unemployment compensation. In IV-D cases, the bureau may
64 authorize the collection of any such obligations owed by an individual
65 receiving unemployment compensation through an agreement with
66 the individual or a court order pursuant to section 52-362, as amended
67 by this act, under which a portion of the individual's unemployment
68 compensation is withheld and forwarded to the state [agency] acting
69 by and through the IV-D agency. As used in this section, the term
70 "unemployment compensation" means any compensation payable
71 under chapter 567, including amounts payable by the administrator of
72 the unemployment compensation law pursuant to an agreement under
73 any federal law providing for compensation, assistance or allowances
74 with respect to unemployment.

75 (e) The Bureau of Child Support Enforcement [Bureau] shall enter
76 into purchase of service agreements with other state officials,
77 departments and agencies which do not have judicial or law
78 enforcement authority, including but not limited to, the Commissioner
79 of Administrative Services, to assist in administering the child support
80 enforcement plan. The Bureau of Child Support Enforcement [Bureau]

81 shall have authority to enter into such agreements with the Labor
82 Commissioner and to withhold unemployment compensation
83 pursuant to subsection (d) of this section and section 31-227.

84 (f) The [Connecticut] Bureau of Child Support Enforcement
85 [Bureau] shall have the sole responsibility to make referrals to the
86 federal Parent Locator Service established pursuant to 88 Stat. 2353
87 (1975), 42 USC 653, as amended, for the purpose of locating deserting
88 parents.

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

94 Sec. 2. Subsection (h) of section 17b-179 of the general statutes is
95 repealed and the following is substituted in lieu thereof (*Effective*
96 *October 1, 2009*):

97 (h) (1) The [Connecticut] Bureau of Child Support Enforcement
98 [Bureau] shall provide, or arrange to provide through one or more of
99 the state offices, departments and agencies the same services for
100 obtaining and enforcing child support orders in cases in which
101 children are not beneficiaries of [TANF] TFA, Medicaid or foster care
102 as in cases where children are the beneficiaries of such aid. Such
103 services shall also be made available to residents of other states on the
104 same terms as to residents of this state. Support services in [non-TANF
105 support] cases other than TFA, Medicaid or foster care will be
106 provided upon application to the [Connecticut] Bureau of Child
107 Support Enforcement by the person seeking to enforce a child support
108 obligation and the payment of an application fee, pursuant to the
109 provisions of subsection (i) of this section.

110 (2) In addition to the application fee, the [Connecticut] Bureau of
111 Child Support Enforcement [Bureau] may assess costs incurred for the
112 establishment, enforcement or modification of a support order in [non-

113 TANF] cases other than TFA, Medicaid or foster care. Such assessment
114 shall be based on a fee schedule adopted by the Department of Social
115 Services pursuant to chapter 54. The fee schedule to be charged in
116 [non-TANF support] such cases shall be made available to any
117 individual upon request. The Bureau of Child Support Enforcement
118 [Bureau] shall adopt procedures for the notification of Superior Court
119 judges and family support magistrates when a fee has been assessed
120 an obligee for support services and a Superior Court judge or a family
121 support magistrate shall order the obligor to pay any such assessment
122 to the Bureau of Child Support Enforcement. [Bureau.] In cases where
123 such order is not entered, the obligee shall pay an amount based on a
124 sliding scale not to exceed the obligee's ability to pay. The Department
125 of Social Services shall adopt such sliding scale pursuant to chapter 54.

126 (3) The [Connecticut] Bureau of Child Support Enforcement
127 [Bureau] shall also, in the case of an individual who never received
128 temporary assistance for needy families and for whom the state has
129 collected at least five hundred dollars of support in a one-year period,
130 impose an annual fee of twenty-five dollars for each case in which
131 services are furnished. The annual fee shall be (A) retained by the state
132 from the support collected on behalf of the individual, but not from the
133 first five hundred dollars collected, (B) paid by the individual applying
134 for the services, (C) recovered from the noncustodial parent, or (D)
135 paid by the state.

136 Sec. 3. Subsection (i) of section 17b-179 of the general statutes is
137 repealed and the following is substituted in lieu thereof (*Effective*
138 *October 1, 2009*):

139 (i) In [non-TANF] child support cases other than TFA, Medicaid or
140 foster care, the state shall impose an application fee in an amount
141 necessary to comply with federal law and regulations under Title IV-D
142 of the Social Security Act, which fee shall be paid by the state. The
143 amount of such fee shall be established by regulations adopted, in
144 accordance with the provisions of chapter 54, by the Commissioner of
145 Social Services and shall not exceed twenty-five dollars or such higher

146 or lower amount as the Secretary of the Department of Health and
147 Human Services may determine to be appropriate for any fiscal year to
148 reflect increases or decreases in administrative costs. The court in
149 which a child support obligation is sought to be enforced may order
150 the obligor to reimburse the state for such application fee. Recipients of
151 [TANF] TFA, foster care or Medicaid assistance whose eligibility for
152 aid is terminated shall be entitled to continuation of child support
153 enforcement services without requiring an application or the payment
154 of an application fee.

155 Sec. 4. Subsection (l) of section 17b-179 of the general statutes is
156 repealed and the following is substituted in lieu thereof (*Effective*
157 *October 1, 2009*):

158 (l) The [Connecticut] Bureau of Child Support Enforcement [Bureau]
159 shall arrange to provide a single centralized automated system for the
160 reporting of collections on all accounts established for the collection of
161 all IV-D support orders. Such reporting shall be made available to the
162 Family Support Magistrate Division and to all state agencies which
163 have a cooperative agreement with the IV-D agency. [On or before
164 October 1, 1998, such] Such automated system shall include a state case
165 registry which complies with federal law and regulations. The state
166 case registry shall contain information on each support order
167 established or modified in this state.

168 Sec. 5. Subparagraphs (A) and (B) of subdivision (5) of subsection (a)
169 of section 17b-745 of the general statutes are repealed and the
170 following is substituted in lieu thereof (*Effective October 1, 2009*):

171 (5) (A) The court or family support magistrate may also make and
172 enforce orders for the payment by any person named herein of past-
173 due support for which any such person is liable in accordance with the
174 provisions of [subsection (b) of section 17b-179, or] section 17a-90,
175 17b-81, subsection (b) of section 17b-179, section 17b-223, 46b-129 or
176 46b-130, [or] as amended by this act, and, in IV-D cases, [and] order
177 such person, provided such person is not incapacitated, to participate
178 in work activities that may include, but shall not be limited to, job

179 search, training, work experience and participation in the job training
180 and retraining program established by the Labor Commissioner
181 pursuant to section 31-3t. [The father's] A parent's liability for past-due
182 support of a child [born out of wedlock] shall be limited to the three
183 years next preceding the filing of a petition pursuant to this section.

184 (B) In the determination of child support due based on neglect or
185 refusal to furnish support prior to the action, the support due for
186 periods of time prior to the action shall be based upon the obligor's
187 ability to pay during such prior periods, as determined in accordance
188 with the child support guidelines established pursuant to section 46b-
189 215a, as amended by this act. The state shall disclose to the court any
190 information in its possession concerning current and past ability to
191 pay. If no information is available to the court concerning past ability
192 to pay, the court may determine the support due for periods of time
193 prior to the action as if past ability to pay is equal to current ability to
194 pay, if current ability is known. If current ability to pay is not known,
195 the court shall determine the past ability to pay based on the obligor's
196 work history if known, or if not known, on the state minimum wage
197 that was in effect during such periods, provided only actual earnings
198 shall be used to determine ability to pay for past periods during which
199 the obligor was a full-time high school student or was incarcerated,
200 institutionalized or incapacitated.

201 Sec. 6. Subdivision (8) of subsection (a) of section 17b-745 of the
202 general statutes is repealed and the following is substituted in lieu
203 thereof (*Effective October 1, 2009*):

204 (8) Failure of any defendant to obey an order of the court or Family
205 Support Magistrate Division made under this section may be punished
206 as contempt of court. If the summons and order is signed by a
207 commissioner of the Superior Court, upon proof of service of the
208 summons to appear in court or before a family support magistrate and
209 upon the failure of the defendant to appear at the time and place
210 named for hearing upon the petition, request may be made by the
211 petitioner to the court or family support magistrate for an order that a

212 capias mittimus be issued. Except as otherwise provided, upon proof
213 of the service of the summons to appear in court or before a family
214 support magistrate at the time and place named for a hearing upon the
215 failure of the defendant to obey the court order as contempt of court,
216 the court or the family support magistrate may order a capias mittimus
217 to be issued and directed to [some] a judicial marshal pursuant to
218 section 46 of this act, or any other proper officer to arrest such
219 defendant and bring such defendant before the Superior Court for the
220 contempt hearing. The costs of commitment of any person imprisoned
221 therefor shall be paid by the state as in criminal cases. When any such
222 defendant is so found in contempt, the court or family support
223 magistrate may award to the petitioner a reasonable attorney's fee and
224 the fees of the officer serving the contempt citation, such sums to be
225 paid by the person found in contempt.

226 Sec. 7. Subsection (b) of section 17b-745 of the general statutes is
227 repealed and the following is substituted in lieu thereof (*Effective*
228 *October 1, 2009*):

229 (b) Except as provided in sections 46b-212 to [46b-213v] 46b-213w,
230 inclusive, as amended by this act, any court or family support
231 magistrate, called upon to enforce a support order, shall insure that
232 such order is reasonable in light of the obligor's ability to pay. Except
233 as provided in sections 46b-212 to [46b-213v] 46b-213w, inclusive, as
234 amended by this act, any support order entered pursuant to this
235 section, or any support order from another jurisdiction subject to
236 enforcement by the state of Connecticut, may be modified by motion of
237 the party seeking such modification, including Support Enforcement
238 Services in [TANF] IV-D support cases as defined in subdivision [(14)]
239 (13) of subsection (b) of section 46b-231, as amended by this act, or as
240 provided in subdivision (5) of subsection (s) of section 46b-231, as
241 amended by this act, upon a showing of a substantial change in the
242 circumstances of either party or upon a showing that the final order for
243 child support substantially deviates from the child support guidelines
244 established pursuant to section 46b-215a, as amended by this act,
245 unless there was a specific finding on the record that the application of

246 the guidelines would be inequitable or inappropriate, provided, in the
247 case of a motion for modification, the court or family support
248 magistrate finds that the obligor or the obligee and any other
249 interested party have received actual notice of the pendency of such
250 motion and of the time and place of the hearing on such motion. There
251 shall be a rebuttable presumption that any deviation of less than fifteen
252 per cent from the child support guidelines is not substantial and any
253 deviation of fifteen per cent or more from the guidelines is substantial.
254 Modification may be made of such support order without regard to
255 whether the order was issued before, on or after May 9, 1991. In any
256 hearing to modify any support order from another jurisdiction the
257 court or the family support magistrate shall conduct the proceedings in
258 accordance with [the procedure set forth in] sections 46b-213o to [46b-
259 213q] 46b-213r, inclusive. No such support orders may be subject to
260 retroactive modification except that the court or family support
261 magistrate may order modification with respect to any period during
262 which there is a pending motion for a modification of an existing
263 support order from the date of service of notice of such pending
264 motion upon the opposing party pursuant to section 52-50.

265 Sec. 8. Subsection (d) of section 19a-42 of the general statutes is
266 repealed and the following is substituted in lieu thereof (*Effective*
267 *October 1, 2009*):

268 (d) (1) Upon receipt of (A) an acknowledgment of paternity
269 executed in accordance with the provisions of subsection (a) of section
270 46b-172 by both parents of a child born out of wedlock, or (B) a
271 certified copy of an order of a court of competent jurisdiction
272 establishing the paternity of a child born out of wedlock, the
273 commissioner shall include on or amend, as appropriate, such child's
274 birth certificate to show such paternity if paternity is not already
275 shown on such birth certificate and to change the name of the child if
276 so indicated on the acknowledgment of paternity form or within the
277 certified court order as part of the paternity action.

278 (2) If another father is listed on the birth certificate, the

279 commissioner shall not remove or replace the father's information
280 unless presented with a certified court order that meets the
281 requirements specified in section 7-50, or upon the proper filing of a
282 rescission, in accordance with the provisions of section 46b-172, as
283 amended by this act. The commissioner shall thereafter amend such
284 child's birth certificate to remove or change the father's name and to
285 change the name of the child, as requested at the time of the filing of a
286 rescission, in accordance with the provisions of section 46b-172, as
287 amended by this act. Birth certificates amended under this subsection
288 shall not be marked "Amended".

289 [(3) A fee of twenty-five dollars shall be charged by the department
290 for each amendment to a birth certificate requested pursuant to this
291 subsection which request is not received from a hospital, a state agency
292 or a court of competent jurisdiction.]

293 Sec. 9. Section 19a-42a of the general statutes is repealed and the
294 following is substituted in lieu thereof (*Effective October 1, 2009*):

295 (a) All (1) voluntary acknowledgments of paternity and rescissions
296 of such acknowledgments executed in accordance with subsection (a)
297 of section 46b-172, and (2) adjudications of paternity issued by a court
298 or family support magistrate under section 46b-171, as amended by
299 this act, section 46b-172a or any other provision of the general statutes
300 shall be filed in the paternity registry maintained by the Department of
301 Public Health. All information in such registry shall be made available
302 to the IV-D agency, as defined in subdivision (12) of subsection (b) of
303 section 46b-231, as amended by this act, for comparison with
304 information in the state case registry established under subsection (l) of
305 section 17b-179, as amended by this act. The IV-D agency may disclose
306 information in the paternity registry to an agency under cooperative
307 agreement with the IV-D agency for child support enforcement
308 purposes.

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

312 Parents named on the acknowledgment of paternity; (2) the person
313 whose birth is acknowledged, if such person is over eighteen years of
314 age; (3) an authorized representative of the Department of Social
315 Services; (4) an attorney representing such person or a parent named
316 on the acknowledgment; or (5) agents of a state or federal agency, as
317 approved by the department.

318 Sec. 10. Section 29-1g of the general statutes is repealed and the
319 following is substituted in lieu thereof (*Effective October 1, 2009*):

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

328 Sec. 11. Subdivision (4) of subsection (b) of section 46b-56c of the
329 general statutes is repealed and the following is substituted in lieu
330 thereof (*Effective October 1, 2009*):

331 (4) On motion or petition of a parent, the court may enter an
332 educational support order at the time of entering an order pursuant to
333 any other provision of the general statutes authorizing the court to
334 make an order of support for a child, subject to the provisions of
335 sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this
336 act.

337 Sec. 12. Section 46b-62 of the general statutes is repealed and the
338 following is substituted in lieu thereof (*Effective October 1, 2009*):

339 In any proceeding seeking relief under the provisions of this chapter
340 and sections 17b-743, 17b-744, 45a-257, 46b-1, 46b-6, 46b-212 to [46b-
341 213v] 46b-213w, inclusive, as amended by this act, 47-14g, 51-348a and
342 52-362, as amended by this act, the court may order either spouse or, if

343 such proceeding concerns the custody, care, education, visitation or
344 support of a minor child, either parent to pay the reasonable attorney's
345 fees of the other in accordance with their respective financial abilities
346 and the criteria set forth in section 46b-82. If, in any proceeding under
347 this chapter and said sections, the court appoints an attorney for a
348 minor child, the court may order the father, mother or an intervening
349 party, individually or in any combination, to pay the reasonable fees of
350 the attorney or may order the payment of the attorney's fees in whole
351 or in part from the estate of the child. If the child is receiving or has
352 received state aid or care, the compensation of the attorney shall be
353 established and paid by the Commission on Child Protection.

354 Sec. 13. Subsection (c) of section 46b-86 of the general statutes is
355 repealed and the following is substituted in lieu thereof (*Effective*
356 *October 1, 2009*):

357 (c) When one of the parties, or a child of the parties, is receiving or
358 has received aid or care from the state under its aid to families with
359 dependent children [program] or temporary family assistance [for
360 needy families] program, HUSKY Plan, Part A, or [under its] foster
361 care program as provided in Title IV-E of the Social Security Act, or
362 [where] when one of the parties has applied for child support
363 enforcement services under Title IV-D of the Social Security Act as
364 provided in section 17b-179, as amended by this act, such motion to
365 modify shall be filed with the Family Support Magistrate Division for
366 determination in accordance with subsection (m) of section 46b-231, as
367 amended by this act.

368 Sec. 14. Section 46b-130 of the general statutes is repealed and the
369 following is substituted in lieu thereof (*Effective October 1, 2009*):

370 The parents of a minor child for whom care or support of any kind
371 has been provided under the provisions of this chapter shall be liable
372 to reimburse the state for such care or support to the same extent, and
373 under the same terms and conditions, as are the parents of recipients of
374 public assistance. Upon receipt of foster care maintenance payments
375 under Title IV-E of the Social Security Act by a minor child, the right of

376 support, present, past, and future, from a parent of such child shall, by
377 this section, be assigned to the Commissioner of Children and
378 Families. Referral by the commissioner shall promptly be made to the
379 Bureau of Child Support Enforcement [Unit] of the Department of
380 Social Services for pursuit of support for such minor child in
381 accordance with the provisions of section 17b-179, as amended by this
382 act. Any child who reimburses the state under the provisions of
383 subsection (l) of section 46b-129 for any care or support such child
384 received shall have a right of action to recover such payments from
385 such child's parents.

386 Sec. 15. Subsection (a) of section 46b-168a of the general statutes is
387 repealed and the following is substituted in lieu thereof (*Effective*
388 *October 1, 2009*):

389 (a) In any IV-D support case, as defined in subdivision (13) of
390 subsection (b) of section 46b-231, as amended by this act, in which the
391 paternity of a child is at issue, or in any case in which a support
392 enforcement agency is providing services to a petitioner in a
393 proceeding under sections 46b-212 to [46b-213v] 46b-213w, inclusive,
394 as amended by this act, in which the paternity of a child is at issue, the
395 IV-D agency or the support enforcement agency shall require the child
396 and all other parties other than individuals who have good cause for
397 refusing to cooperate or who are subject to other exceptions to submit
398 to genetic tests which shall mean deoxyribonucleic acid tests, to be
399 performed by a hospital, accredited laboratory, qualified physician or
400 other qualified person designated by such agency, to determine
401 whether or not the putative father or husband is the father of the child,
402 upon the request of any such party, provided such request is
403 supported by a sworn statement by the party which either (1) alleges
404 paternity and sets forth facts establishing a reasonable possibility of
405 the requisite sexual contact between the parties, or (2) denies paternity
406 and sets forth facts establishing a reasonable possibility of the
407 nonexistence of sexual contact between the parties.

408 Sec. 16. Section 46b-170 of the general statutes is repealed and the

409 following is substituted in lieu thereof (*Effective October 1, 2009*):

410 No [such] petition under section 46b-160 shall be withdrawn except
411 upon approval of a judge or in IV-D support cases as defined in
412 subsection (b) of section 46b-231, as amended by this act, and petitions
413 brought under sections 46b-212 to [46b-213v] 46b-213w, inclusive, as
414 amended by this act, the family support magistrate assigned to the
415 judicial district in which the petition was brought. Any agreement of
416 settlement, before or after a petition has been brought, other than an
417 agreement made under the provisions of section 46b-172, as amended
418 by this act, between the mother and putative father shall take effect
419 only upon approval of the terms thereof by a judge of the Superior
420 Court, or family support magistrate assigned to the judicial district in
421 which the mother or the putative father resides and, in the case of
422 children supported by the state or the town, on the approval of the
423 Commissioner of Social Services or the Attorney General. When so
424 approved, such agreements shall be binding upon all persons
425 executing them, whether such person is a minor or an adult.

426 Sec. 17. Subdivision (3) of subsection (a) of section 46b-171 of the
427 general statutes is repealed and the following is substituted in lieu
428 thereof (*Effective October 1, 2009*):

429 (3) The court or family support magistrate may also make and
430 enforce orders for the payment by any person named herein of past-
431 due support for which the defendant is liable in accordance with the
432 provisions of section 17b-81, 17b-223, subsection (b) of section 17b-179,
433 as amended by this act, section 17a-90, 46b-129 or 46b-130, as amended
434 by this act, and, in IV-D cases, [and] order such person, provided such
435 person is not incapacitated, to participate in work activities which may
436 include, but shall not be limited to, job search, training, work
437 experience and participation in the job training and retraining program
438 established by the Labor Commissioner pursuant to section 31-3t. The
439 defendant's liability for past-due support under this subdivision shall
440 be limited to the three years next preceding the filing of the petition.

441 Sec. 18. Subdivision (1) of subsection (b) of section 46b-172 of the

442 general statutes is repealed and the following is substituted in lieu
443 thereof (*Effective October 1, 2009*):

444 (b) (1) An agreement to support the child by payment of a periodic
445 sum until the child attains the age of eighteen years or as otherwise
446 provided in this subsection, together with provisions for
447 reimbursement for past-due support based upon ability to pay in
448 accordance with the provisions of subsection (b) of section 17b-179, as
449 amended by this act, or section 17a-90, 17b-81, 17b-223, 46b-129 or 46b-
450 130, as amended by this act, and reasonable expense of prosecution of
451 the petition, when filed with and approved by a judge of the Superior
452 Court, or in IV-D support cases and matters brought under sections
453 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this act, a
454 family support magistrate at any time, shall have the same force and
455 effect, retroactively or prospectively in accordance with the terms of
456 said agreement, as an order of support entered by the court, and shall
457 be enforceable and subject to modification in the same manner as is
458 provided by law for orders of the court in such cases. If such child is
459 unmarried and a full-time high school student, such support shall
460 continue according to the parents' respective abilities, if such child is in
461 need of support, until such child completes the twelfth grade or attains
462 the age of nineteen, whichever occurs first.

463 Sec. 19. Subdivision (1) of subsection (c) of section 46b-172 of the
464 general statutes is repealed and the following is substituted in lieu
465 thereof (*Effective October 1, 2009*):

466 (c) (1) At any time after the signing of any acknowledgment of
467 paternity, upon the application of any interested party, the court or
468 any judge thereof or any family support magistrate in IV-D support
469 cases and in matters brought under sections 46b-212 to [46b-213v] 46b-
470 213w, inclusive, as amended by this act, shall cause a summons, signed
471 by such judge or family support magistrate, by the clerk of the court or
472 by a commissioner of the Superior Court, to be issued, requiring the
473 acknowledged father to appear in court at a time and place as
474 determined by the clerk but not more than ninety days after the

475 issuance of the summons, to show cause why the court or the family
476 support magistrate assigned to the judicial district in IV-D support
477 cases should not enter judgment for support of the child by payment of
478 a periodic sum until the child attains the age of eighteen years or as
479 otherwise provided in this subsection, together with provision for
480 reimbursement for past-due support based upon ability to pay in
481 accordance with the provisions of subsection (b) of section 17b-179, as
482 amended by this act, or section 17a-90, 17b-81, 17b-223, 46b-129 or 46b-
483 130, as amended by this act, a provision for health coverage of the
484 child as required by section 46b-215, as amended by this act, and
485 reasonable expense of the action under this subsection. If such child is
486 unmarried and a full-time high school student such support shall
487 continue according to the parents' respective abilities, if such child is in
488 need of support, until such child completes the twelfth grade or attains
489 the age of nineteen, whichever occurs first.

490 Sec. 20. Section 46b-207 of the general statutes is repealed and the
491 following is substituted in lieu thereof (*Effective October 1, 2009*):

492 The court is authorized to establish and maintain Support
493 Enforcement Services and such offices thereof as it determines are
494 necessary for the proper handling of the administrative details incident
495 to proceedings under sections 46b-212 to [46b-213v] 46b-213w,
496 inclusive, as amended by this act, and may appoint such personnel as
497 necessary for the proper administration of the nonjudicial functions of
498 proceedings under sections 46b-212 to [46b-213v] 46b-213w, inclusive,
499 as amended by this act.

500 Sec. 21. Section 46b-208 of the general statutes is repealed and the
501 following is substituted in lieu thereof (*Effective October 1, 2009*):

502 The support service investigators of Support Enforcement Services
503 of the Superior Court shall, while acting within the scope of their
504 duties as such, pursuant to matters under sections 46b-212 to [46b-
505 213v] 46b-213w, inclusive, as amended by this act, have the powers of
506 service and of execution of summons and orders for withholding, and
507 the conduct of investigations.

508 Sec. 22. Subsection (a) of section 46b-213d of the general statutes is
509 repealed and the following is substituted in lieu thereof (*Effective*
510 *October 1, 2009*):

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

518 Sec. 23. Section 46b-213w of the general statutes is repealed and the
519 following is substituted in lieu thereof (*Effective October 1, 2009*):

520 (a) An income withholding order issued in another state may be
521 sent by or on behalf of the obligee, or by the support enforcement
522 agency, to the person defined as the obligor's employer under section
523 52-362, as amended by this act, without first filing a petition or
524 comparable pleading or registering the order in the registry of support
525 orders of the Family Support Magistrate Division.

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

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

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

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

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

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

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

550 (6) A claim form which shall include (A) a list of the most common
551 defenses and exemptions to such income withholding order in a
552 manner which allows the obligor to check any of the defenses and
553 exemptions which apply; (B) a space where the obligor may briefly
554 explain the obligor's claim or defense; (C) a space where the obligor
555 may initiate a request for services to modify the support order and the
556 address of the Bureau of Child Support Enforcement of the
557 Department of Social Services to which such request may be sent; (D) a
558 space for the obligor to provide the obligor's address and the name of
559 the town in which the obligor principally conducts the obligor's work
560 for the employer; (E) a space for the obligor to sign the obligor's name;
561 (F) the address of [the Bureau of Child Support Enforcement of the
562 Department of Social Services] Support Enforcement Services to which
563 the claim form is to be sent; [in order to contest the validity or
564 enforcement of the income withholding order or to initiate a request
565 for modification;] and (G) space for the employer to state the date
566 upon which the form was actually delivered to the obligor.

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

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

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

591 (g) If an employer receives two or more income withholding orders
592 with respect to the earnings of the same obligor, the employer satisfies
593 the terms of such orders if the employer complies with the law of this
594 state to establish the priorities for withholding and allocating income
595 withheld for two or more child support obligees.

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

600 (i) An employer who wilfully fails to comply with an income
601 withholding order issued by another state and received for
602 enforcement is subject to the same penalties that may be imposed for

603 noncompliance with an order issued by a tribunal of this state.

604 (j) An obligor may contest the validity or enforcement of an income
605 withholding order issued in another state and received directly by an
606 employer in this state by: (1) Registering the order in accordance with
607 section 46b-213h and filing a contest to that order as provided in
608 section 46b-213l notwithstanding the obligor is the registering party;
609 (2) otherwise contesting the order in the same manner as if the order
610 had been issued by a tribunal of this state; or (3) mailing to [the Bureau
611 of Child Support Enforcement of the Department of Social Services]
612 Support Enforcement Services the claim form delivered to the obligor
613 pursuant to subsection (b) of this section, signed by the obligor and
614 containing his address and a copy of the income withholding order.
615 The obligor shall also deliver a copy of such claim form to the
616 employer.

617 (k) Upon receipt of a claim form contesting the validity or
618 enforcement of an income withholding order, [the Bureau of Child
619 Support Enforcement shall within seven days notify the employer of
620 the receipt of the claim form. The bureau] Support Enforcement
621 Services shall: [also give] (1) Give notice of the contest to [(1)] (A) the
622 support enforcement agency providing services to the obligee; [(2)] (B)
623 each employer that has directly received an income withholding order
624 relating to the obligor; [(3)] (C) the person designated to receive
625 payments in the income withholding order; and [(4)] (D) if the
626 obligee's address is known, the obligee; [. In addition, the bureau shall
627 immediately cause the income withholding order to be registered in
628 this state in accordance with section 46b-213h. The bureau shall also
629 immediately] (2) file the claim form and a copy of the income
630 withholding order on behalf of the obligor with [Support Enforcement
631 Services acting on behalf of] the Family Support Magistrate Division;
632 and (3) notify the person or agency that sent the income withholding
633 order to file not less than ten days before the scheduled hearing: (A)
634 Two copies, including one certified copy of the underlying support
635 order, including any modification of such order; and (B) a sworn
636 statement showing the amount of any arrearage together with the last

637 court determination of an arrearage and an accounting of the arrearage
638 since such determination.

639 (l) [The] Upon receipt of a claim form filed by Support Enforcement
640 Services on behalf of the obligor in accordance with subsection (k) of
641 this section, the clerk shall promptly enter the appearance of the
642 obligor, schedule a hearing, and give notice of the hearing to the
643 obligor, [the Bureau of Child Support Enforcement] Support
644 Enforcement Services, the party initiating the income withholding
645 order, and, if the obligee's address is known, the obligee. [The clerk
646 shall proceed in accordance with subsection (d) of section 52-362.] The
647 family support magistrate shall promptly hear and determine the
648 claim and enter its determination within forty-five days from the date
649 of the filing of the claim form. The family support magistrate shall use
650 the procedures in sections 46b-213a to 46b-213c, inclusive, to obtain
651 additional evidence and information as needed for a prompt
652 determination on the claim. If the person or agency that sent the
653 income withholding order fails to file the documents described in
654 subdivision (3) of subsection (k) of this section or fails to comply with a
655 reasonable request for information or documents made under section
656 46b-123b or 46b-213c, the family support magistrate may: (1) Continue
657 the hearing for a period of not more than an additional forty-five days
658 and direct the clerk or Support Enforcement Services to provide such
659 notice as may be appropriate; (2) order a temporary or partial stay of
660 income withholding for a period not to exceed forty-five days; or (3)
661 sustain the obligor's objection to the validity or enforcement of the
662 income withholding order and enjoin the employer from complying
663 with such order. In addition to any notice given by the clerk, upon
664 entry of the decision of the family support magistrate on the claim, [the
665 bureau] Support Enforcement Services shall give notice of the decision
666 to each employer that has directly received an income withholding
667 order related to the obligor, the party initiating the income
668 withholding order, the obligor and, if the obligee's address is known,
669 the obligee.

670 [(l)] (m) If the claim form requests services to modify the support

671 order, the Bureau of Child Support Enforcement shall assist the obligor
672 to file a motion for modification with the appropriate tribunal of the
673 state of continuing exclusive jurisdiction in accordance with the law of
674 that jurisdiction. The receipt of the request for modification shall
675 constitute a request for Title IV-D services, but the bureau may require
676 the making of a formal application. Such assistance shall include, but is
677 not limited to, providing the obligor with information about how such
678 a motion is filed, contacting the state of continuing exclusive
679 jurisdiction on behalf of the obligor to obtain appropriate forms, and
680 transmitting such forms and applicable information to the appropriate
681 tribunal in such state.

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

690 Sec. 24. Subdivision (1) of subsection (a) of section 46b-215 of the
691 general statutes is repealed and the following is substituted in lieu
692 thereof (*Effective October 1, 2009*):

693 (a) (1) (A) The Superior Court or a family support magistrate may
694 make and enforce orders for payment of support against any person
695 who neglects or refuses to furnish necessary support to such person's
696 spouse or a child under the age of eighteen or as otherwise provided in
697 this subsection, according to such person's ability to furnish such
698 support, notwithstanding the provisions of section 46b-37. If such child
699 is unmarried and a full-time high school student, such support shall
700 continue according to the parents' respective abilities, if such child is in
701 need of support, until such child completes the twelfth grade or attains
702 the age of nineteen, whichever occurs first.

703 (B) Notwithstanding subparagraph (A) of this subdivision, the IV-D

704 agency, as defined in subdivision (12) of subsection (b) of section 46b-
705 231, as amended by this act, shall not be required to allege or prove the
706 defendant's neglect or refusal to support when petitioning for the
707 support of a child in a IV-D support case, as defined in subdivision
708 (13) of subsection (b) of section 46b-231, as amended by this act, except
709 with respect to arrearages that are determined pursuant to
710 subparagraph (A) of subdivision (7) of subsection (a) of section 46b-
711 215, as amended by this act, or subparagraph (A) of subdivision (5) of
712 subsection (a) of section 17b-745, as amended by this act.

713 Sec. 25. Subparagraph (A) of subdivision (7) of subsection (a) of
714 section 46b-215 of the general statutes is repealed and the following is
715 substituted in lieu thereof (*Effective October 1, 2009*):

716 (7) (A) The court or family support magistrate may also determine,
717 order and enforce payment of any support due because of neglect or
718 refusal to furnish support for periods prior to the action. [In the case of
719 a child born out of wedlock whose parents have not intermarried, the
720 father's] A parent's liability for such support shall be limited to the
721 three years next preceding the filing of a petition or written agreement
722 to support pursuant to this section.

723 Sec. 26. Subparagraph (C) of subdivision (8) of subsection (a) of
724 section 46b-215 of the general statutes is repealed and the following is
725 substituted in lieu thereof (*Effective October 1, 2009*):

726 (C) The court [,] or any judge thereof, when said court or judge is
727 not sitting, or a family support magistrate, when said [court or] family
728 support magistrate is not sitting, may require the defendant or
729 defendants to become bound, with sufficient surety, to the state, town
730 or person bringing the complaint, to abide such judgment as may be
731 rendered on such complaint. Failure of the defendant or defendants to
732 obey any order made under this section, may be punished as contempt
733 of court and the costs of commitment of any person imprisoned
734 therefor shall be paid by the state as in criminal cases. Except as
735 otherwise provided, upon proof of the service of the summons to
736 appear in court or before a family support magistrate at the time and

737 place named for a hearing upon the failure of the defendant or
738 defendants to obey such court order or order of the family support
739 magistrate, the court or family support magistrate may order a *capias*
740 *mittimus* be issued, and directed to [some] a judicial marshal pursuant
741 to section 46 of this act or any other proper officer to arrest such
742 defendant or defendants and bring such defendant or defendants
743 before the Superior Court for the contempt hearing. When any person
744 is found in contempt under this section, the court or family support
745 magistrate may award to the petitioner a reasonable attorney's fee and
746 the fees of the officer serving the contempt citation, such sums to be
747 paid by the person found in contempt.

748 Sec. 27. Subsection (b) of section 46b-215 of the general statutes is
749 repealed and the following is substituted in lieu thereof (*Effective*
750 *October 1, 2009*):

751 (b) The Attorney General of the state of Connecticut and the
752 attorney representing a town, shall become a party for the interest of
753 the state of Connecticut and such town, in any proceedings for support
754 which concerns any person who is receiving or has received public
755 assistance or care from the state or any town. The Attorney General
756 shall represent the IV-D agency in [non-TANF] non-TFA IV-D support
757 cases if the IV-D agency determines that such representation is
758 required pursuant to guidelines issued by the Commissioner of Social
759 Services.

760 Sec. 28. Subsection (e) of section 46b-215 of the general statutes is
761 repealed and the following is substituted in lieu thereof (*Effective*
762 *October 1, 2009*):

763 (e) [Any] Except as provided in sections 46b-212 to 46b-213w,
764 inclusive, as amended by this act, any court or family support
765 magistrate, called upon to enforce a support order, shall insure that
766 such order is reasonable in light of the obligor's ability to pay. [Any]
767 Except as provided in sections 46b-212 to 46b-213w, inclusive, as
768 amended by this act, any support order entered pursuant to this
769 section, or any support order from another jurisdiction subject to

770 enforcement by the state of Connecticut, may be modified by motion of
771 the party seeking such modification upon a showing of a substantial
772 change in the circumstances of either party or upon a showing that
773 such support order substantially deviates from the child support
774 guidelines established pursuant to section 46b-215a, as amended by
775 this act, unless there was a specific finding on the record that the
776 application of the guidelines would be inequitable or inappropriate,
777 provided the court or family support magistrate finds that the obligor
778 or the obligee and any other interested party have received actual
779 notice of the pendency of such motion and of the time and place of the
780 hearing on such motion. There shall be a rebuttable presumption that
781 any deviation of less than fifteen per cent from the child support
782 guidelines is not substantial and any deviation of fifteen per cent or
783 more from the guidelines is substantial. Modification may be made of
784 such support order without regard to whether the order was issued
785 before, on or after May 9, 1991. No such support orders may be subject
786 to retroactive modification, except that the court or family support
787 magistrate may order modification with respect to any period during
788 which there is a pending motion for a modification of an existing
789 support order from the date of service of the notice of such pending
790 motion upon the opposing party pursuant to section 52-50. In any
791 hearing to modify any support order from another jurisdiction the
792 court or the family support magistrate shall conduct the proceedings in
793 accordance with [the procedure set forth in] sections 46b-213o to [46b-
794 213q] 46b-213r, inclusive.

795 Sec. 29. Section 46b-215a of the general statutes is repealed and the
796 following is substituted in lieu thereof (*Effective October 1, 2009*):

797 (a) The Commission for Child Support Guidelines is established to
798 [review the] issue child support and arrearage guidelines
799 [promulgated pursuant to section 8 of public act 85-548*, to establish
800 criteria for the establishment of guidelines] to ensure the
801 appropriateness of criteria for the establishment of child support
802 awards and to issue updated guidelines [not later than October 1, 1993,
803 and] every four years. [thereafter. Not later than January 1, 1992, the

804 commission shall also establish criteria and promulgate guidelines to
805 ensure that such] Such guidelines shall ensure, subject to section 46b-
806 215c, as amended by this act, that the child support award consisting
807 of current support, health care coverage, child care contribution and
808 orders of payment on any arrearage and past due support shall be
809 based on the income of both parents and the obligor's ability to pay.
810 Such guidelines shall also ensure the appropriateness of periodic
811 [payments of] payment orders on arrearages when the obligor (1) is the
812 child's legal guardian and resides with the child, or (2) is not the child's
813 legal guardian but has resided with the child either for at least six
814 months immediately preceding the order of payment [of] on the
815 arrearage or for at least six months of the twelve months immediately
816 preceding such order. In such cases, [the commission shall consider
817 exemptions similar to those in the uniform contribution scale adopted
818 pursuant to section 4a-12. Updated arrearage guidelines shall be issued
819 at the same time as the child support guidelines] the guidelines shall
820 require the payment order to be no more than one dollar per week if
821 the obligor's gross income is less than or equal to two hundred fifty per
822 cent of the federal poverty guidelines for the obligor's household size
823 or, if the obligor's income is above that amount, no more than twenty
824 per cent of the imputed current support obligation.

825 (b) The commission shall consist of eleven members as follows: The
826 Chief Court Administrator or his designee, the Commissioner of Social
827 Services or his designee, the Attorney General or his designee, the
828 chairpersons and ranking members of the joint standing committee on
829 judiciary or their designees and a representative of the Connecticut Bar
830 Association [, a representative of legal services, a person who]
831 designated by the association, and three members appointed by the
832 Governor, one of whom represents legal services, one of whom
833 represents the financial concerns of child support obligors and [a
834 representative of] one of whom represents the Permanent Commission
835 on the Status of Women. [, all of whom shall be appointed by the
836 Governor.] The Commissioner of Social Services shall convene the
837 commission whenever a review is required to issue updated guidelines
838 pursuant to subsection (a) of this section. The chairperson of the

839 commission shall be elected by the members of the commission. A
840 vacancy on the commission at any time shall not invalidate any actions
841 taken by the commission during such vacancy, provided at least nine
842 members are serving at such time.

843 Sec. 30. Section 46b-215b of the general statutes is repealed and the
844 following is substituted in lieu thereof (*Effective October 1, 2009*):

845 (a) The child support and arrearage guidelines [established] issued
846 pursuant to section 46b-215a, as amended by this act, adopted as
847 regulations pursuant to section 46b-215c, as amended by this act, and
848 in effect on the date of the support determination shall be considered
849 in all determinations of child support award amounts, including any
850 current support, health care coverage, child care contribution and past-
851 due support amounts, and payment on arrearages and past-due
852 support within the state. In all such determinations, there shall be a
853 rebuttable presumption that the amount of such awards which
854 resulted from the application of such guidelines is the amount [of
855 support, including any past-due support, or payment on any arrearage
856 or past-due support] to be ordered. A specific finding on the record
857 that the application of the guidelines would be inequitable or
858 inappropriate in a particular case, as determined under the deviation
859 criteria established by the Commission for Child Support Guidelines
860 under section 46b-215a, as amended by this act, shall be required in
861 order to rebut the presumption in such case.

862 (b) In any determination pursuant to subsection (a) of this section,
863 when a party has been determined by the Social Security
864 Administration, or a state agency authorized to award disability
865 benefits, to qualify for disability benefits under the federal
866 Supplemental Security Income Program, the Social Security disability
867 program, the state supplement to the federal Supplemental Security
868 Income Program, or the state-administered general assistance
869 program, parental earning capacity shall not be a basis for deviating
870 from the presumptive support amount that results from the
871 application of the child support guidelines to such party's income.

872 (c) In any proceeding for the establishment or modification of a
873 child support award, the child support and arrearage guidelines shall
874 be considered in addition to and not in lieu of the criteria for such
875 awards established in sections 46b-84, 46b-86, as amended by this act,
876 46b-130, as amended by this act, 46b-171, as amended by this act, 46b-
877 172, as amended by this act, 46b-215, as amended by this act, 17b-179,
878 as amended by this act, and 17b-745, as amended by this act.

879 Sec. 31. Section 46b-215c of the general statutes is repealed and the
880 following is substituted in lieu thereof (*Effective October 1, 2009*):

881 (a) Notwithstanding the provisions of sections [46b-215] 46b-215a,
882 as amended by this act, and 46b-215b, as amended by this act, updated
883 child support and arrearage guidelines issued by the Commission for
884 Child Support Guidelines pursuant to section 46b-215a, as amended by
885 this act, shall be submitted by the commission to the standing
886 legislative regulation review committee and adopted as regulations in
887 accordance with the provisions of chapter 54.

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

892 Sec. 32. Subsection (b) of section 46b-231 of the general statutes is
893 repealed and the following is substituted in lieu thereof (*Effective*
894 *October 1, 2009*):

895 (b) For the purposes of this section:

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

899 (2) "Child support enforcement services" means the services
900 provided by the IV-D agency or an agency under cooperative or
901 purchase of service agreement therewith pursuant to Title IV-D of the
902 Social Security Act, including, but not limited to, location;

903 establishment of paternity; establishment, modification and
904 enforcement of child and medical support orders and the collection
905 and distribution of support payments;

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

908 (4) "Bureau of Child Support Enforcement" means a division within
909 the Department of Social Services established pursuant to section
910 17b-179, as amended by this act;

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

913 (6) "Family Support Magistrate Division" means a division of the
914 Superior Court created by this section for the purpose of establishing
915 and enforcing child and spousal support in IV-D cases and in cases
916 brought pursuant to sections 46b-212 to [46b-213v] 46b-213w,
917 inclusive, as amended by this act, utilizing quasi-judicial proceedings;

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

921 (8) "Foster care cases" [are] means cases in which children are
922 receiving foster care under part I of chapter 319a or part I of chapter
923 815t, but does not include cases in which children reside in detention
924 facilities, forestry camps, training schools or other facilities operated
925 primarily for the detention of children adjudicated as delinquent;

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

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

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

931 (12) "IV-D agency" means the Bureau of Child Support Enforcement

932 within the Department of Social Services, created by section 17b-179, as
933 amended by this act, and authorized to administer the child support
934 program mandated by Title IV-D of the Social Security Act;

935 (13) "IV-D support cases" [are those] means cases in which the IV-D
936 agency is providing child support enforcement services under Title IV-
937 D of the Social Security Act [, including all] pursuant to (A) an
938 application under subsection (h) of section 17b-179, as amended by this
939 act, or (B) referral of a (i) temporary family assistance case under
940 section 17b-112, which for the purposes of this section may be referred
941 to as "TFA", (ii) a Medicaid case under section 17b-261, or (iii) a foster
942 care [cases referred to the Bureau of Child Support Enforcement] case
943 under section 46b-130, as amended by this act; and

944 (14) "Support order" means a judgment, decree or order, whether
945 temporary, final or subject to modification, issued by a court or
946 another state's administrative agency of competent jurisdiction, for the
947 support and maintenance of a child, including a child who has attained
948 the age of majority under the law of the issuing state, or [a child and]
949 of the parent with whom the child is living, which provides for
950 monetary support, health care, arrearages or reimbursement, and
951 which may include related costs and fees, interest and penalties,
952 income withholding, attorneys' fees and other relief.

953 Sec. 33. Subsection (f) of section 46b-231 of the general statutes is
954 repealed and the following is substituted in lieu thereof (*Effective*
955 *October 1, 2009*):

956 (f) The Family Support Magistrate Division shall include nine family
957 support magistrates who shall be appointed by the Governor to serve
958 in that capacity for a term of three years. A family support magistrate
959 may be reappointed upon completion of [his] each term of office by the
960 Governor. To be eligible for appointment, a family support magistrate
961 must have engaged in the practice of law for five years prior to [his]
962 appointment and shall be experienced in the field of family law. [He]
963 The family support magistrate shall devote full time to [his] the duties
964 [as] of a family support magistrate and shall not engage in the private

965 practice of law. A family support magistrate may be removed from
966 office by the Governor for cause.

967 Sec. 34. Subsection (l) of section 46b-231 of the general statutes is
968 repealed and the following is substituted in lieu thereof (*Effective*
969 *October 1, 2009*):

970 (l) The judges of the Superior Court shall adopt rules of procedure
971 in accordance with the provisions of section 51-14 for the handling by
972 magistrates of IV-D support cases and in cases brought pursuant to
973 sections 46b-212 to [46b-213v] 46b-213w, inclusive, as amended by this
974 act. Such rules of procedure shall conform when applicable to rules
975 adopted for the Superior Court.

976 Sec. 35. Subdivisions (1) to (3), inclusive, of subsection (m) of section
977 46b-231 of the general statutes are repealed and the following is
978 substituted in lieu thereof (*Effective October 1, 2009*):

979 (1) A family support magistrate in IV-D support cases may compel
980 the attendance of witnesses or the obligor under a summons issued
981 pursuant to sections 17b-745, as amended by this act, 46b-172, as
982 amended by this act, and 46b-215, as amended by this act, a subpoena
983 issued pursuant to section 52-143, or a citation for failure to obey an
984 order of a family support magistrate or a judge of the Superior Court.
985 If a person is served with any such summons, subpoena or citation
986 issued by a family support magistrate or the assistant clerk of the
987 Family Support Magistrate Division and fails to appear, a family
988 support magistrate may issue a capias mittimus directed to a judicial
989 marshal pursuant to section 46 of this act or any other proper officer to
990 arrest the obligor or the witness and bring him before a family support
991 magistrate. Whenever such a capias mittimus is ordered, the family
992 support magistrate shall establish a recognizance to the state of
993 Connecticut in the form of a bond of such character and amount as to
994 assure the appearance of the obligor at the next regular session of the
995 Family Support Magistrate Division in the judicial district in which the
996 matter is pending. If the obligor posts such a bond, and thereafter fails
997 to appear before the family support magistrate at the time and place he

998 is ordered to appear, the family support magistrate may order the
999 bond forfeited, and the proceeds thereof distributed as required by
1000 Title IV-D of the Social Security Act.

1001 (2) (A) Family support magistrates shall hear and determine matters
1002 involving child and spousal support in IV-D support cases including
1003 petitions for support brought pursuant to sections 17b-81, 17b-179, as
1004 amended by this act, 17b-745, as amended by this act, and 46b-215, as
1005 amended by this act; applications for show cause orders in IV-D
1006 support cases brought pursuant to subsection (b) of section 46b-172, as
1007 amended by this act, and actions for interstate enforcement of child
1008 and spousal support and paternity under sections 46b-212 to [46b-
1009 213v] 46b-213w, inclusive, as amended by this act, and shall hear and
1010 determine all motions for modifications of child and spousal support
1011 in such cases.

1012 (B) In all IV-D support cases, family support magistrates shall have
1013 the authority to enter an order for the obligor's participation in an
1014 educational, training, skill-building, work, rehabilitation or similar
1015 program provided the family support magistrate finds that such order
1016 will significantly increase the obligor's ability to fulfill the duty of
1017 support within a reasonable period of time. When such an order is
1018 entered, the family support magistrate shall periodically review the
1019 obligor's progress in the program.

1020 (C) In all IV-D support cases, family support magistrates shall have
1021 the authority to order any obligor who is subject to a plan for
1022 reimbursement of past-due support and is not incapacitated, to
1023 participate in work activities which may include, but shall not be
1024 limited to, job search, training, work experience and participation in
1025 the job training and retraining program established by the Labor
1026 Commissioner pursuant to section 31-3t.

1027 (D) A family support magistrate shall not modify an order for
1028 periodic payment on an arrearage due the state for state assistance
1029 which has been discontinued to increase such payments, unless the
1030 family support magistrate first determines that the state has made a

1031 reasonable effort to notify the current recipient of child support, at the
1032 most current address available to the IV-D agency, of the pendency of
1033 the motion to increase such periodic arrearage payments and of the
1034 time and place of the hearing on such motion. If such recipient
1035 appears, either personally or through a representative, at such hearing,
1036 the family support magistrate shall determine whether the order in
1037 effect for child support is reasonable in relation to the current financial
1038 circumstances of the parties, prior to modifying an order increasing
1039 such periodic arrearage payments.

1040 (3) Family support magistrates shall review and approve or [modify
1041 all] disapprove all agreements for support in IV-D support cases filed
1042 with the Family Support Magistrate Division in accordance with
1043 sections 17b-179, as amended by this act, 17b-745, as amended by this
1044 act, 46b-172, as amended by this act, 46b-215, as amended by this act,
1045 and subsection (c) of section 53-304.

1046 Sec. 36. Subdivision (6) of subsection (m) of section 46b-231 of the
1047 general statutes is repealed and the following is substituted in lieu
1048 thereof (*Effective October 1, 2009*):

1049 (6) Agreements for support obtained in IV-D support cases shall be
1050 filed with the assistant clerk of the family support magistrate division
1051 for the judicial district where the mother or the father of the child
1052 resides, pursuant to subsection (b) of section 46b-172, as amended by
1053 this act, and shall become effective as an order upon filing with the
1054 clerk. Such support agreements shall be reviewed by a family support
1055 magistrate who shall approve or disapprove the agreement. If the
1056 support agreement filed with the clerk is disapproved by a family
1057 support magistrate, the reason shall be stated in the record and such
1058 disapproval shall have a retroactive effect. Upon such disapproval, the
1059 clerk shall schedule a hearing to determine appropriate support
1060 amounts and notify all parties of the hearing date.

1061 Sec. 37. Subsection (s) of section 46b-231 of the general statutes is
1062 repealed and the following is substituted in lieu thereof (*Effective*
1063 *October 1, 2009*):

1064 (s) Support enforcement officers of Support Enforcement Services of
1065 the Superior Court shall:

1066 (1) Supervise the payment of any child or spousal support order
1067 [made by a family support magistrate] entered in the Family Support
1068 Magistrate Division. Supervision of such orders is defined as the
1069 utilization of all procedures available by law to collect child or spousal
1070 support, or enforce medical support including (A) issuance and
1071 implementation of income withholdings ordered by the Superior
1072 Court or a family support magistrate pursuant to section 52-362, as
1073 amended by this act, (B) issuance of an order requiring any party to
1074 appear before a family support magistrate on an action to modify a
1075 support order pursuant to subdivision (4) of this subsection, (C)
1076 issuance of a *capias mittimus* directed to a proper officer to arrest an
1077 obligor or witness and bring such obligor or witness before a family
1078 support magistrate if such obligor or witness is served with a
1079 summons, subpoena, citation or order to appear issued by a family
1080 support magistrate, the assistant clerk of the Family Support
1081 Magistrate Division or a support enforcement officer and fails to
1082 appear, (D) if necessary, bringing an application for contempt to a
1083 family support magistrate and, in connection with such application,
1084 issuing an order requiring the obligor to appear before a family
1085 support magistrate to show cause why such obligor should not be held
1086 in contempt for failure to pay an order for child or spousal support
1087 entered by the Superior Court or a family support magistrate, and (E)
1088 issuance of a National Medical Support Notice in accordance with
1089 section 46b-88;

1090 (2) In [non-TANF] non-TFA cases, have the authority to bring
1091 petitions for support orders pursuant to section 46b-215, as amended
1092 by this act, file agreements for support with the assistant clerk of the
1093 Family Support Magistrate Division, and bring applications for show
1094 cause orders pursuant to section 46b-172, as amended by this act, and
1095 in IV-D support cases and cases under sections 46b-212 to 46b-213w,
1096 inclusive, as amended by this act, enforce foreign support orders
1097 registered with the Family Support Magistrate Division pursuant to

1098 sections 46b-213f to 46b-213i, inclusive, and file agreements for support
1099 with the assistant clerk of the Family Support Magistrate Division;

1100 (3) In connection with any order or agreement entered by, or filed
1101 with, the Family Support Magistrate Division, or any order entered by
1102 the Superior Court in a IV-D support case, upon order, investigate the
1103 financial situation of the parties and report findings to the family
1104 support magistrate regarding: (A) Any pending motion to modify such
1105 order or agreement; or (B) any request or application for modification
1106 of such order or agreement made by an obligee;

1107 (4) Review child support orders (A) in [non-TANF] non-TFA IV-D
1108 support cases (i) at the request of either parent or custodial party
1109 subject to a support order, or (ii) upon receipt of information
1110 indicating a substantial change in circumstances of any party to the
1111 support order, (B) in [TANF] TFA cases, at the request of the Bureau of
1112 Child Support Enforcement, or (C) as necessary to comply with federal
1113 requirements for the child support enforcement program mandated by
1114 Title IV-D of the Social Security Act, and initiate an action before a
1115 family support magistrate to modify such support order if it is
1116 determined upon such review that the order substantially deviates
1117 from the child support guidelines established pursuant to section 46b-
1118 215a, [or 46b-215b] as amended by this act. A requesting party under
1119 subparagraph (A)(i) or (B) of this subdivision shall have a right to such
1120 review every three years without proving a substantial change in
1121 circumstances, but more frequent reviews shall be made only if such
1122 requesting party demonstrates a substantial change in circumstances.
1123 There shall be a rebuttable presumption that any deviation of less than
1124 fifteen per cent from the child support guidelines is not substantial and
1125 any deviation of fifteen per cent or more from the guidelines is
1126 substantial. Modification may be made of such support order without
1127 regard to whether the order was issued before, on or after May 9, 1991.
1128 In determining whether to modify a child support order based on a
1129 substantial deviation from such child support guidelines,
1130 consideration shall be given to the division of real and personal
1131 property between the parties set forth in any final decree entered

1132 pursuant to chapter 815j and the benefits accruing to the child as the
1133 result of such division. No order for periodic payment of support may
1134 be subject to retroactive modification, except that the family support
1135 magistrate may order modification with respect to any period during
1136 which there is a pending motion for modification of a support order
1137 from the date of service of notice of such pending motion to the
1138 opposing party pursuant to section 52-50.

1139 Sec. 38. Subsection (t) of section 46b-231 of the general statutes is
1140 repealed and the following is substituted in lieu thereof (*Effective*
1141 *October 1, 2009*):

1142 (t) The Attorney General shall:

1143 (1) Represent the interest of the state in all actions for child or
1144 spousal support in all cases in which the state is furnishing or has
1145 furnished aid or care to one of the parties to the action or a child of one
1146 of the parties;

1147 (2) In interstate support enforcement under sections 46b-212 to [46b-
1148 213v] 46b-213w, inclusive, as amended by this act, provide necessary
1149 legal services on behalf of the support enforcement agency in
1150 providing services to a petitioner;

1151 (3) Represent the IV-D agency in providing support enforcement
1152 services in non-TANF IV-D support cases pursuant to sections 17b-179,
1153 as amended by this act, 17b-745, as amended by this act, and 46b-215,
1154 as amended by this act.

1155 Sec. 39. Subsection (f) of section 52-57 of the general statutes is
1156 repealed and the following is substituted in lieu thereof (*Effective*
1157 *October 1, 2009*):

1158 (f) When the other methods of service of process provided under
1159 this section or otherwise provided by law cannot be effected, in actions
1160 concerning the establishment, enforcement or modification of child
1161 support orders other than actions for dissolution of marriage,
1162 including, but not limited to, such actions under sections 17b-122, 17b-

1163 124 to 17b-132, inclusive, 17b-136 to 17b-138, inclusive, 17b-194 to 17b-
1164 197, inclusive, 17b-222 to 17b-250, inclusive, 17b-256, 17b-263, 17b-340
1165 to 17b-350, inclusive, 17b-689b, 17b-743 to 17b-747, inclusive, and 46b-
1166 212 to [46b-213v] 46b-213w, inclusive, as amended by this act, and
1167 chapters 815, 815p, 815t, 815y and 816, and actions to implement
1168 garnishments for support under section 52-362, as amended by this act,
1169 service of process may be made upon a party to the action by one of
1170 the following methods, provided proof of receipt of such process by
1171 such party is presented to the court in accordance with rules
1172 promulgated by the judges of the Superior Court:

1173 (1) By certified mail to a party to the action addressed to the
1174 employer of such party. Any service of process so sent shall include on
1175 the outside envelope the words "To be delivered to the employee in
1176 accordance with subsection (f) of section 52-57". The employer shall
1177 accept any such service of process sent by certified mail and promptly
1178 deliver such certified mail to the employee; or

1179 (2) When a party to an action under this subsection is employed by
1180 an employer with fifteen or more employees, by personal service upon
1181 an official of the employer designated as an agent to accept service of
1182 process in actions brought under this subsection. Every employer with
1183 fifteen or more employees doing business in this state shall designate
1184 an official to accept service of process for employees who are parties to
1185 such actions. The person so served shall promptly deliver such process
1186 to the employee.

1187 Sec. 40. Subsection (a) of section 52-251d of the general statutes is
1188 repealed and the following is substituted in lieu thereof (*Effective*
1189 *October 1, 2009*):

1190 (a) In any civil action to establish paternity or to establish, modify or
1191 enforce child support orders in [TANF] temporary family assistance
1192 cases pursuant to sections 17b-745, as amended by this act, 46b-86, as
1193 amended by this act, 46b-160, 46b-171, as amended by this act, 46b-172,
1194 as amended by this act, 46b-215, as amended by this act and 46b-231,
1195 as amended by this act, the court may allow the state, when it is the

1196 prevailing party, a reasonable attorney's fee.

1197 Sec. 41. Subsections (a) and (b) of section 52-362 of the general
1198 statutes are repealed and the following is substituted in lieu thereof
1199 (*Effective October 1, 2009*):

1200 (a) For purposes of this section:

1201 (1) "Dependent" means a spouse, former spouse or child entitled to
1202 payments under a support order, provided Support Enforcement
1203 Services of the Superior Court or the state acting under an assignment
1204 of a dependent's support rights or under an application for child
1205 support enforcement services shall, through an officer of Support
1206 Enforcement Services or the Bureau of Child Support Enforcement
1207 within the Department of Social Services or an investigator of the
1208 Department of Administrative Services or the Attorney General, take
1209 any action which the dependent could take to enforce a support order;

1210 (2) "Disposable earnings" means that part of the earnings of an
1211 individual remaining after deduction from those earnings of amounts
1212 required to be withheld for the payment of federal, state and local
1213 income taxes, employment taxes, normal retirement contributions,
1214 union dues and initiation fees, and group life and health insurance
1215 premiums;

1216 (3) "Earnings" means any debt accruing to an obligor by reason of
1217 such obligor's personal services, including any compensation payable
1218 by an employer to an employee for such personal services whether
1219 denominated as wages, salary, commission, bonus or otherwise,
1220 including unemployment compensation if a purchase of service
1221 agreement between the Commissioner of Social Services and the Labor
1222 Commissioner is in effect pursuant to subsection (e) of section 17b-179;

1223 (4) "Employer" means any person, including the Labor
1224 Commissioner, who owes earnings to an obligor;

1225 (5) "Income" means any periodic form of payment due to an
1226 individual, regardless of source, including, but not limited to,

1227 disposable earnings, workers' compensation and disability benefits,
1228 payments pursuant to a pension or retirement program and interest;

1229 (6) "Issue" means: (A) Complete the withholding order form
1230 prescribed under subsection (q) of this section and serve such form on
1231 the employer or other payer of income, or (B) in the case of an income
1232 withholding order served electronically in accordance with subsection
1233 (h) of this section, transmit electronic data sufficient to implement the
1234 withholding to an employer that has agreed to receive electronic
1235 transmission of income withholding orders and notices;

1236 ~~[(6)]~~ (7) "Obligor" means a person required to make payments under
1237 a support order;

1238 ~~[(7)]~~ (8) "Support order" means a court order, or order of a family
1239 support magistrate including an agreement approved by a court or a
1240 family support magistrate, that requires the payment to a dependent of
1241 current support, cash medical support, a specific dollar amount of
1242 child care costs or arrearage payments;

1243 ~~[(8)]~~ (9) "Unemployment compensation" means any compensation
1244 payable under chapter 567, including amounts payable by the
1245 administrator of the unemployment compensation law pursuant to an
1246 agreement under any federal law providing for compensation,
1247 assistance or allowances with respect to unemployment.

1248 (b) The Superior Court and any family support magistrate shall
1249 ~~[issue]~~ enter an order for withholding pursuant to this section against
1250 the income of an obligor to enforce a support order when the support
1251 order is entered or modified or when the obligor is before the court in
1252 an enforcement proceeding. The court shall order the withholding to
1253 be effective immediately or may, for cause or pursuant to an
1254 agreement by the parties, order a contingent withholding to be
1255 effective only on accrual of a delinquency in an amount greater than or
1256 equal to thirty days' obligation. Any finding that there is cause not to
1257 order withholding to be effective immediately shall be based on at
1258 least (1) a written determination that, and explanation by the court or

1259 family support magistrate of why, implementing immediate income
1260 withholding would not be in the best interests of the child, and (2)
1261 proof of timely payment of previously ordered support in cases
1262 involving the modification of such support. Before the court or family
1263 support magistrate [issues] enters an order for withholding which is
1264 effective immediately against an obligor who is before the court or a
1265 family support magistrate, it shall inform the obligor of the minimum
1266 amount of income which is exempt from withholding under state and
1267 federal law, of such obligor's right to claim any applicable state or
1268 federal exemptions with respect thereto and of such obligor's right to
1269 offer any evidence as to why a withholding order effective
1270 immediately should not [issue] enter. If the court or family support
1271 magistrate [issues] enters an order for withholding to be effective
1272 immediately against a nonappearing obligor, notice shall be served
1273 subsequently upon the obligor in accordance with section 52-57, as
1274 amended by this act, or sent by certified mail, return receipt requested,
1275 to the obligor's last known address, informing such obligor: (A) That a
1276 support order has been [issued] entered to be enforced by an income
1277 withholding order, (B) that an income withholding order has been
1278 [issued] entered effective immediately as part of the support order, (C)
1279 of the minimum amount of income exempt from withholding under
1280 state and federal law and of such obligor's right at the hearing on the
1281 support order to claim any other applicable state or federal exemptions
1282 with respect thereto, (D) of such obligor's right to a hearing, upon
1283 motion to the court, to offer any evidence as to why the withholding
1284 order effective immediately should not continue in effect, (E) of the
1285 amount of income received by such obligor which formed the basis for
1286 the support order against such obligor, and (F) of such obligor's right
1287 to move to modify the support order if such obligor's income has
1288 changed substantially or if the support order substantially deviates
1289 from the child support guidelines established pursuant to section
1290 46b-215a, as amended by this act.

1291 Sec. 42. Subsection (h) of section 52-362 of the general statutes is
1292 repealed and the following is substituted in lieu thereof (*Effective*
1293 *October 1, 2009*):

1294 (h) Service of any process under this section, including any notice,
1295 may be made in accordance with section 52-57, as amended by this act,
1296 or by certified mail, return receipt requested. If service is made on
1297 behalf of the state, it may be made by an authorized employee of
1298 Support Enforcement Services, [or] by an investigator or other officer
1299 of the Bureau of Child Support Enforcement within the Department of
1300 Social Services, [or] by an investigator of the Department of
1301 Administrative Services or by the Attorney General. Service of income
1302 withholding orders by Support Enforcement Services or by an
1303 investigator or other officer of said bureau upon an employer under
1304 this section may be made in accordance with section 52-57, as
1305 amended by this act, by certified mail, return receipt requested, [or] by
1306 first class mail or electronically, provided the employer agrees to
1307 accept service made electronically.

1308 Sec. 43. Subsection (n) of section 52-362 of the general statutes is
1309 repealed and the following is substituted in lieu thereof (*Effective*
1310 *October 1, 2009*):

1311 (n) When a support order is issued in another state and the obligor
1312 has income subject to withholding derived in this state, such income
1313 shall be subject to withholding in accordance with the provisions of
1314 this section, upon the registration of the support order in accordance
1315 with sections 46b-213g to 46b-213j, inclusive. Notice of rights to the
1316 obligor and the obligor's right to contest such order are governed by
1317 sections 46b-213k to [46b-213m] 46b-213n, inclusive.

1318 Sec. 44. Subsections (d) and (e) of section 52-362f of the general
1319 statutes are repealed and the following is substituted in lieu thereof
1320 (*Effective October 1, 2009*):

1321 (d) When a support order is issued in another jurisdiction and the
1322 obligor has income subject to withholding in accordance with the
1323 provisions of section 52-362, as amended by this act, Support
1324 Enforcement Services shall, upon receiving a support order of another
1325 jurisdiction with the documentation specified in this subsection from
1326 an agency of another jurisdiction, or from an obligee, an obligor or an

1327 attorney for either the obligee or obligor, file such support order and
1328 documents in the registry maintained by Support Enforcement
1329 Services. Documentation required for the entry of a support order for
1330 another jurisdiction for the purpose of withholding of income shall
1331 comply with the requirements of section [46b-213i] 46b-213h. If the
1332 documentation received by Support Enforcement Services does not
1333 conform to those requirements, Support Enforcement Services shall
1334 remedy any defect which it can without the assistance of the obligee or
1335 requesting agency or person. If Support Enforcement Services is
1336 unable to make such corrections, the requesting agency or person shall
1337 immediately be notified of the necessary additions or corrections.
1338 Support Enforcement Services shall accept the documentation required
1339 by this subsection as long as the substantive requirements of this
1340 subsection are met.

1341 (e) A support order registered under subsection (d) of this section
1342 shall be enforceable by withholding in the manner and with the effect
1343 as set forth for registered support orders of another jurisdiction
1344 pursuant to section 52-362, as amended by this act. A support order
1345 from another jurisdiction filed under this section shall not be subject to
1346 modification by a court or other agency of this state except as provided
1347 in sections 46b-213o to [46b-213q] 46b-213r, inclusive. Entry of the
1348 order shall not confer jurisdiction on any court of this state for any
1349 purpose other than withholding of income.

1350 Sec. 45. Section 52-362i of the general statutes is repealed and the
1351 following is substituted in lieu thereof (*Effective October 1, 2009*):

1352 If the court or family support magistrate finds that (1) an obligor is
1353 delinquent on payment of child support, and (2) future support
1354 payments are in jeopardy, or (3) the obligor has exhibited or expressed
1355 an intention not to pay any such support, the court or family support
1356 magistrate may order the obligor to provide a cash deposit not to
1357 exceed the amount of four times the current monthly support and
1358 arrearage obligation, to be held in escrow by the [Connecticut] Bureau
1359 of Child Support Enforcement [Bureau] or Support Enforcement

1360 Services. Any funds from such cash deposit may be disbursed by the
 1361 [Connecticut] Bureau of Child Support Enforcement [Bureau] or
 1362 Support Enforcement Services to the custodial parent upon a
 1363 determination by said [support enforcement] bureau or Support
 1364 Enforcement Services that the obligor has failed to pay the full amount
 1365 of the monthly support obligation. Payment shall be in an amount that,
 1366 when combined with the obligor's payment, would not exceed the
 1367 monthly support obligation. Payment from such cash deposit shall not
 1368 preclude a finding of delinquency during the period of time in which
 1369 the obligor failed to pay current support.

1370 Sec. 46. (NEW) (*Effective October 1, 2009*) Any judicial marshal may
 1371 serve a *caus mittimus* on any person who is in the custody of the
 1372 marshal or is in a courthouse where the marshal provides courthouse
 1373 security if such *caus mittimus* was issued in a child support matter
 1374 by (1) a court or a family support magistrate pursuant to subdivision
 1375 (8) of subsection (a) of section 17b-745 of the general statutes, as
 1376 amended by this act, or subparagraph (C) of subdivision (8) of
 1377 subsection (a) of section 46b-215 of the general statutes, as amended by
 1378 this act; or (2) a family support magistrate pursuant to subdivision (1)
 1379 of subsection (m) of section 46b-231 of the general statutes, as amended
 1380 by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	17b-179(b) to (g)
Sec. 2	<i>October 1, 2009</i>	17b-179(h)
Sec. 3	<i>October 1, 2009</i>	17b-179(i)
Sec. 4	<i>October 1, 2009</i>	17b-179(l)
Sec. 5	<i>October 1, 2009</i>	17b-745(a)(5)(A) and (B)
Sec. 6	<i>October 1, 2009</i>	17b-745(a)(8)
Sec. 7	<i>October 1, 2009</i>	17b-745(b)
Sec. 8	<i>October 1, 2009</i>	19a-42(d)
Sec. 9	<i>October 1, 2009</i>	19a-42a
Sec. 10	<i>October 1, 2009</i>	29-1g
Sec. 11	<i>October 1, 2009</i>	46b-56c(b)(4)
Sec. 12	<i>October 1, 2009</i>	46b-62

Sec. 13	<i>October 1, 2009</i>	46b-86(c)
Sec. 14	<i>October 1, 2009</i>	46b-130
Sec. 15	<i>October 1, 2009</i>	46b-168a(a)
Sec. 16	<i>October 1, 2009</i>	46b-170
Sec. 17	<i>October 1, 2009</i>	46b-171(a)(3)
Sec. 18	<i>October 1, 2009</i>	46b-172(b)(1)
Sec. 19	<i>October 1, 2009</i>	46b-172(c)(1)
Sec. 20	<i>October 1, 2009</i>	46b-207
Sec. 21	<i>October 1, 2009</i>	46b-208
Sec. 22	<i>October 1, 2009</i>	46b-213d(a)
Sec. 23	<i>October 1, 2009</i>	46b-213w
Sec. 24	<i>October 1, 2009</i>	46b-215(a)(1)
Sec. 25	<i>October 1, 2009</i>	46b-215(a)(7)(A)
Sec. 26	<i>October 1, 2009</i>	46b-215(a)(8)(C)
Sec. 27	<i>October 1, 2009</i>	46b-215(b)
Sec. 28	<i>October 1, 2009</i>	46b-215(e)
Sec. 29	<i>October 1, 2009</i>	46b-215a
Sec. 30	<i>October 1, 2009</i>	46b-215b
Sec. 31	<i>October 1, 2009</i>	46b-215c
Sec. 32	<i>October 1, 2009</i>	46b-231(b)
Sec. 33	<i>October 1, 2009</i>	46b-231(f)
Sec. 34	<i>October 1, 2009</i>	46b-231(l)
Sec. 35	<i>October 1, 2009</i>	46b-231(m)(1) to (3)
Sec. 36	<i>October 1, 2009</i>	46b-231(m)(6)
Sec. 37	<i>October 1, 2009</i>	46b-231(s)
Sec. 38	<i>October 1, 2009</i>	46b-231(t)
Sec. 39	<i>October 1, 2009</i>	52-57(f)
Sec. 40	<i>October 1, 2009</i>	52-251d(a)
Sec. 41	<i>October 1, 2009</i>	52-362(a) and (b)
Sec. 42	<i>October 1, 2009</i>	52-362(h)
Sec. 43	<i>October 1, 2009</i>	52-362(n)
Sec. 44	<i>October 1, 2009</i>	52-362f(d) and (e)
Sec. 45	<i>October 1, 2009</i>	52-362i
Sec. 46	<i>October 1, 2009</i>	New section

HS *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Social Services, Dept.	GF - Savings	Indeterminate	Indeterminate

Municipal Impact: None

Explanation

This bill makes various changes to improve the establishment, modification and enforcement of child support orders. These changes may lead to savings to the Medicaid and Temporary Family Assistance programs under the Department of Social Services (DSS), as these support orders may subsidize or supplant state funded benefits for children eligible for these programs.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 6543*****AN ACT CONCERNING PATERNITY AND SUPPORT
ESTABLISHMENT AND ENFORCEMENT OF ORDERS IN TITLE IV-
D CHILD SUPPORT CASES.*****SUMMARY:**

This bill makes numerous changes in the law related to the establishment, modification, and enforcement of Title IV-D and other child support orders. IV-D is a section in the federal Social Security Act that governs federal reimbursement for state child support enforcement programs. The Bureau of Child Support Enforcement (BCSE) within the Department of Social Services (DSS) is the state's IV-D agency. Specifically, the bill:

1. removes a requirement that a parent's liability for past-due child support is contingent on a child being born out-of-wedlock and makes either parent liable for the arrearage;
2. no longer requires BCSE to allege or prove neglect or refusal to support when petitioning for current child support;
3. authorizes judicial marshals to serve *caus mittimus* warrants on child support obligors who have failed to appear in court when ordered to do so and increases, from four to eight, the number of officers the public safety commissioner may appoint as special police officers in BCSE to serve warrants in child support matters;
4. waives the \$25 Department of Public Health (DPH) fee for changing birth certificates in certain paternity cases and permits the state's IV-D agency (BCSE) to disclose information in the state paternity registry to cooperating agencies;

5. allows a family support magistrate (FSM), in IV-D cases, to order an obligor to engage in work readiness activities if the FSM feels it will improve the obligor's ability to pay the support;
6. conforms law to the child support guidelines by (a) requiring the guidelines to ensure that the arrearages are counted in both parents' income and (b) establishing special rules for arrearages when the obligor is living with the child;
7. requires the DSS commissioner to convene the Commission for Child Support Guidelines when a review is required to issue updates to the guidelines;
8. requires (a) FSMs, when they disapprove IV-D support agreements, to state the reasons in the record and (b) the FSM clerk to schedule a hearing to determine the appropriate support amount; and
9. allows for electronic service of income withholding orders.

The bill also revises the process for direct income withholding when an obligor works in Connecticut but is paying support for a child living outside the state.

The bill makes references to federal and state assistance programs uniform throughout the child support statutes and makes a number of technical changes in the Uniform Interstate Family Support Act (UIFSA). Finally, the bill makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2009

§§ 5, 25 — REMOVAL OF OUT-OF-WEDLOCK CONDITION FOR PAST-DUE SUPPORT AND MAKING EITHER PARENT LIABLE

The bill removes the requirement that a parent's liability for past-due support, which by law is limited to three years preceding the filing of a petition for support, applies only to children born out-of-wedlock. It clarifies that this provision also applies to written support agreements between the parties. And it specifies that either parent can

have this liability, not just the father.

§ 24 — NEGLIGENCE OR REFUSAL OF SUPPORT AS CONDITION FOR ISSUING AND ENFORCING ORDERS

The bill provides that BCSE is not required to allege or prove a defendant's neglect or refusal to support when petitioning for current support of a child in a IV-D case. When there is past due support (arrearage), this condition still applies.

The law, unchanged by the bill, allows the Superior Court or an FSM to make and enforce orders for support payment for children or spouses against an individual when that individual has neglected or refused to furnish necessary support.

§§ 6, 26, 35, 46— JUDICIAL MARSHAL ARRESTS IN CONTEMPT CASES

By law, "proper officers" can take people into custody pursuant to a *capias mittimus*, which is a type of civil arrest warrant that judges and magistrates can issue to force noncompliant child support obligors to appear in court.

The bill specifically permits judicial marshals to serve these warrants, and authorizes them to serve them on anyone who is (1) in the marshal's custody or (2) in a courthouse where the marshal provides security, if it is issued in a child support matter by a court or FSM in connection with a defendant's failure to obey a support order.

§§ 8, 9— PATERNITY

The bill eliminates a requirement that DPH charge \$25 every time someone other than a hospital, state agency, or court requests a change to a birth certificate.

The law requires DPH to maintain a paternity registry and all information in it is available to the IV-D agency for comparison with the child support case registry that BCSE maintains. The bill permits BCSE to disclose information in the paternity registry to an agency under cooperative agreement with it for child support purposes (e.g.,

Support Enforcement Services (SES) or the attorney general).

§ 35 — EDUCATION AND TRAINING FOR OBLIGORS

The bill provides that, in all IV-D support cases, FSMs can enter an order for the obligor's participation in an education, training, skill building, work, rehabilitation, or similar program. But the FSM can order this only if he or she finds that it will significantly increase the obligor's ability to fulfill his or her support duty within a reasonable amount of time. When these activities are ordered, the FSM must periodically review the obligor's progress in the program.

The law already authorizes the court or an FSM to order these types of activities when an obligor owes past due support,

§§ 29, 30 — CHILD SUPPORT AND ARREARAGE GUIDELINES

By law, the Commission on Child Support Guidelines issues regulations containing guidelines for the court or FSM to use when establishing child support awards. The bill requires the guidelines to ensure that the award consists of current support, health care coverage, and child care contributions, as well as arrearages. And the award must be based on both parents' ability to pay, not just the obligor's. The guidelines already contain these requirements.

Arrearages

By law, the commission must ensure that the guidelines appropriately adjust arrearage calculations when the obligor has been living with the child for at least six months before the arrearage payment is ordered.

Under current law, in such cases the commission must consider exemptions similar to those in the uniform contribution scale in the legally liable relative law. The bill instead requires the guidelines to require the payment order to be no more than (1) \$1 per week if the obligor's income is less than or equal to 250% of the federal poverty level (\$27,075 annually in 2009 or \$520 per week) or (2) 20% of the imputed current support obligation if income is higher than that. The current guidelines include the bill's formula.

Commission Meetings and Actions

The bill requires the DSS commissioner to convene the commission whenever a review is required to issue updated guidelines. Current law does not specify who has this authority. The bill provides that a vacancy on the commission at any time does not invalidate any actions it takes during the vacancy, as long as at least nine of its 11 members are serving at that time.

§§35, 36 — WHEN FSM DISAPPROVES SUPPORT AGREEMENT

By law, agreements for support in IV-D cases must be filed with the assistant clerk of the FSM division for the judicial district where the child's mother or father lives. They become effective upon filing, subject to retroactive disapproval by an FSM. If the FSM disapproves a support agreement, the bill requires the reason to be stated in the record. Once the agreement is disapproved, the bill requires the clerk to schedule a hearing to determine the appropriate support amount and notify the parties of the hearing date.

The bill also makes it clear that FSMs review and approve or disapprove, but do not modify, IV-D support agreements filed with the FSM division of the Superior Court.

§ 1 — IMMEDIATE REDIRECTION OF SUPPORT FOR CHILDREN RECEIVING PUBLIC ASSISTANCE

The bill requires BCSE or a support enforcement agency under cooperative agreement with it, to redirect to the state any payments supporting children who (1) have applied for or received Temporary Family Assistance (TFA) or (2) children committed to the Department of Children and Families (DCF) and receiving foster care payments effective on "the date of the assistance grant."

When redirecting these payments, the enforcement agency must notify the obligor and obligee of the redirection if the assistance is being received by a new custodial party on behalf of the children. The parties have 10 days to object in writing. If the court or FSM receives the objection, the agency must refund to the support order's obligee

any money due him or her that the state retained during the redirection period.

§§ 41, 42 — ELECTRONIC SERVICE OF INCOME WITHHOLDING ORDERS

By law, BCSE and SES can serve income withholding orders on employers as a means to collect child support. Currently, this can be done by certified mail, return receipt requested, or first class mail. The bill also allows service to occur electronically provided the employer agrees to accept it in this manner.

The bill also defines the term “issue” in the context of issuing withholding orders.

UNIFORM INTERSTATE FAMILY SUPPORT ACT

§ 23 — *Direct Income Withholding for Out-of-State Obligees When the Obligee Works in Connecticut*

Forms. By law, when another state issues an income withholding order coming directly from an obligee or his or her representative in the other state on an obligor’s Connecticut employer, that employer must immediately provide to the obligor a copy of the order, a standard notice, and a claim form.

The bill requires DSS to make available, instead of distribute, the notice and form. The notice includes such things as notice that money will be withheld from the employee obligor’s wages for child support and health insurance.

The bill also requires that the claim form include the address of the BCSE in the section that has a space where the obligor can request modification of the order, and SES’s address, which is where the claim form is sent. This form already contains a number of items, including a list of the most common defenses and exemptions that the obligor can check off if they apply to him or her.

Contesting Validity of Such Orders. By law, obligors can contest the validity of these orders. Currently, the obligor must send the claim

form to BCSE, which subsequently registers it with the SES division of the Judicial Department. The bill requires the obligor to mail the form directly to SES and requires the claim form to conform with this change. The bill removes a requirement that BCSE immediately register the order.

To conform with the above change, the bill requires SES, instead of BCSE, to take two steps when it receives a contesting claim form. These are:

1. giving notice to (a) the support enforcement agency providing services to the obligee; (b) each employer that has directly received these orders; (c) the person designated to receive payments specified in the order; and (d) the obligee, when person's address is known and
2. filing the claim form and a copy of the withholding order with the FSM division.

In addition, the bill requires the SES to notify the person or agency that sent the order, at least 10 days before the hearing, to (1) file two copies, including a certified one, of the underlying support order and any modifications to it and (2) a sworn statement showing the amount of any arrearage, together with the last court determination of an arrearage and an accounting of the arrearage since the determination.

FSM Duties. By law, once the FSM receives the claim form, the assistant clerk must promptly enter the obligor's appearance, schedule a hearing, and give notice of it to the obligor and others. Currently, the clerk must also notify BCSE. The bill instead requires notice to go to SES.

Currently, the FSM clerk must follow the process established in law for contested income withholding orders. The bill sets up a parallel process to be used for out-of-state contests of these orders. It requires the FSM to use UIFSA's procedures for obtaining evidence and information needed to make a prompt determination.

If the person or agency that sent the withholding order fails to file the required copies and statement referenced above or comply with a reasonable request for information or documents, the FSM can (1) continue the hearing for up to 45 days and direct the clerk or SES to provide appropriate notice; (2) order a temporary or partial stay of the income withholding for no more than 45 days; or (3) sustain the obligor's objection and enjoin the employer from complying with the order.

The bill requires SES, instead of BCSE, to provide notice of the decision to each employer that has directly received an order related to the obligor, the party initiating the order, the obligor, and if his or her address is known, the obligee.

BACKGROUND

IV-D Cases

A IV-D support case is one in which the child has received state assistance under TFA, foster care payments, or Medicaid or the custodial parent asks the state's designated IV-D agency (the BCSE) for help to collect child support.

In general, federal law requires states to have procedures for collecting child support (cash and medical) from noncustodial parents of children receiving cash assistance under the Temporary Assistance for Needy Families (TANF) program (TFA in Connecticut), foster care, and Medicaid (42 USC § 654(4)).

BCSE has cooperative arrangements with several agencies that assist the state in establishing and enforcing support orders. These include the Judicial Branch's Support Enforcement Services, Court Operations, and FSM divisions. It also has an agreement with the attorney general to deliver legal services in IV-D cases. And it maintains several smaller agreements with the departments of Labor, Motor Vehicles, Administrative Services, Public Health, and Children and Families.

Legally Liable Relative Law

By law, the parent of a minor or spouse of a person receiving state

care or support is liable for reimbursing the state for some portion of the costs of the care or support, but it does not include the parent whose financial liability for a child is determined by BCSE. These relatives are expected to pay based on their ability and a uniform contribution scale the Office of Policy and Management establishes. The fee can be waived if it creates a financial hardship. A portion of the relative's income (200% of the federal poverty level) is exempt (CGS § 4a-12).

UIFSA

UIFSA's general purpose is to create uniform rules and procedures, simplifying child support enforcement when the parties live in different states. In some cases, its provisions supplant state laws. In others, they specify which state's procedural and substantive laws are controlling.

All states had enacted some form of UIFSA by 1998, due in part to a provision in the 1996 federal welfare law that restricted states' eligibility for matching federal child support enforcement funds to those states that had enacted it.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/19/2009)