



Senate

General Assembly

File No. 430

January Session, 2009

Substitute Senate Bill No. 1086

Senate, April 2, 2009

The Committee on Human Services reported through SEN. DOYLE of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE CREDITING OF SOCIAL SECURITY
DEPENDENT BENEFITS.***

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

1 Section 1. Section 46b-215b of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective July 1, 2009*):

3 (a) The child support guidelines established pursuant to section 46b-
4 215a and in effect on the date of the support determination shall be
5 considered in all determinations of child support amounts, including
6 any past-due support amounts, and payment on arrearages and past-
7 due support within the state. In all such determinations, there shall be
8 a rebuttable presumption that the amount of such awards which
9 resulted from the application of such guidelines is the amount of
10 support, including any past-due support, or payment on any arrearage
11 or past-due support to be ordered. A specific finding on the record that
12 the application of the guidelines would be inequitable or inappropriate
13 in a particular case, as determined under criteria established by the
14 Commission for Child Support Guidelines under section 46b-215a,

15 shall be required in order to rebut the presumption in such case.

16 (b) In any determination pursuant to subsection (a) of this section,
17 when a party has been determined by the Social Security
18 Administration, or a state agency authorized to award disability
19 benefits, to qualify for disability benefits under the federal
20 Supplemental Security Income Program, the Social Security disability
21 program, the state supplement to the federal Supplemental Security
22 Income Program, or the state-administered general assistance
23 program, parental earning capacity shall not be a basis for deviating
24 from the presumptive support amount that results from the
25 application of the child support guidelines to such party's income.

26 (c) In any proceeding for the establishment or modification of a
27 child support award, the child support guidelines shall be considered
28 in addition to and not in lieu of the criteria for such awards established
29 in sections 46b-84, 46b-86, 46b-130, 46b-171, 46b-172, 46b-215, 17b-179
30 and 17b-745.

31 (d) If the court has ordered a noncustodial parent to pay for the
32 support of a child, the amount of dependent benefit payments for such
33 child made pursuant to the Social Security Act because of the
34 retirement or disability of the noncustodial parent and transmitted to
35 the custodial parent or other child support obligee shall be credited
36 toward the amount ordered by the court to be paid for support of the
37 child, unless such dependent benefits were taken into consideration by
38 the court in determining the amount of support to be paid. If a lump
39 sum retroactive dependent benefit payment, representing payments
40 for more than one month, is transmitted to the custodial parent or
41 other child support obligee, credit shall be given for each month for
42 which the retroactive lump sum payment was made.

43 (e) If Support Enforcement Services receives information that a
44 noncustodial parent with a current support obligation has qualified for
45 retirement, disability or Supplemental Security Income benefits
46 pursuant to the Social Security Act, it shall initiate a review of the child
47 support order, in accordance with subdivision (4) of subsection (s) of

48 section 46b-231. If Support Enforcement Services determines upon
49 such review that the order substantially deviates from the child
50 support guidelines adopted pursuant to sections 46b-215a to 46b-215d,
51 inclusive, Support Enforcement Services shall initiate an action to
52 modify such order.

53 (f) If Support Enforcement Services receives information that a
54 noncustodial parent with a current support obligation receives
55 retirement or disability benefit payments pursuant to the Social
56 Security Act, it shall determine whether the child of the noncustodial
57 parent is receiving dependent benefit payments.

58 (g) If Support Enforcement Services determines that a child of a
59 noncustodial parent with a current support obligation is receiving such
60 dependent benefit payments and such payments were not taken into
61 account by the court in determining the amount of support to be paid,
62 Support Enforcement Services shall ensure that such payments are
63 credited against the support obligation in the child support
64 enforcement system not later than thirty business days after the date
65 Support Enforcement Services receives such information, and on an
66 ongoing basis thereafter. If Support Enforcement Services cannot
67 readily determine whether such child is receiving Social Security
68 dependent benefit payments, Support Enforcement Services shall
69 notify the custodial parent or other child support obligee that: (1) The
70 noncustodial parent has qualified for Social Security disability or
71 retirement benefits; (2) the child could qualify for dependent benefit
72 payments that would be credited against the support obligation; (3) the
73 custodial party should apply to the Social Security Administration for
74 such benefits on behalf of such child not later than fifteen business
75 days after receipt of the notice; and (4) the custodial party should
76 inform Support Enforcement Services of the decision of the Social
77 Security Administration, including the amount of the dependent
78 benefit payments, if any, not later than fifteen business days after
79 receipt of a decision by the Social Security Administration.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	46b-215b

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 - Cost	Significant	None
Judicial Dept.	GF - Cost	Minimal	Potential Minimal
Social Services, Dept.	FF - Revenue Loss	Indeterminate	Indeterminate

Note: GF=General Fund; FF=Federal Funds

Municipal Impact: None

Explanation

The bill requires the Support Enforcement Services Division to credit an obligor's support account when it learns that Social Security dependency benefits are being paid to the child. The state's existing child support system, which the Department of Social Services administers, is designed such that it only records and processes payments (not credits) against support orders.

The information technology (IT) system modifications necessary to record credits in accordance with the bill are anticipated to have a significant (i.e., greater than \$100,000) one-time cost. Prior to these IT system modifications, the credits would need to be processed manually. This manual processing could generate personnel costs for overtime or temporary employees, which are anticipated to be minimal (i.e., less than \$50,000). The extent to which manual processing of these credits would need to continue after the IT system modifications have been made is uncertain.

The bill could reduce the amount of federal funds the state receives. The state receives federal incentive funds based on the percentage of child support paid during the month it is due. To the extent that

credits entered under the bill reduce obligor payments, there would be a decrease in Connecticut's collections performance. In FY 08, the state received \$3.5 million via this incentive.

Lastly, the bill requires the Support Enforcement Services Division of the Judicial Department to review any child support order when it receives information that an obligor is receiving disability benefits. Since this conforms to current practice, there is no fiscal impact.

The Out Years

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

Sources: Public Hearing Testimony

OLR Bill Analysis**sSB 1086*****AN ACT CONCERNING THE CREDITING OF SOCIAL SECURITY DEPENDENT BENEFITS.*****SUMMARY:**

This bill requires the Judicial Department's Support Enforcement Services (SES) Division to take certain steps to enable (1) children of noncustodial parents for whom child support orders are in place to benefit from these parents' Social Security benefits and (2) the noncustodial parent to have these benefits reduced from his or her child support obligation.

EFFECTIVE DATE: July 1, 2009

SOCIAL SECURITY PAYMENTS AND CHILD SUPPORT***Court Crediting of Payments***

The bill provides that if a court has ordered a noncustodial parent to pay support, the amount of any Social Security dependent benefits paid to the custodial parent or any other obligee for that child, either from the noncustodial parent's retirement or disability income, must be credited toward the support order, unless the court considered these payments when determining the support amount.

The bill further provides that if the custodial parent or other obligee receives a lump-sum retroactive Social Security dependent payment that represents more than a month's worth of ongoing dependent benefits, the credit must be given for each month for which the retroactive lump sum payment was made.

Support Enforcement to Initiate Reviews of Support

The bill requires SES, if it receives information that a noncustodial parent has qualified for Social Security retirement, disability, or

Supplemental Security Income benefits, to initiate a review of the support order, in the same way the law requires it to do other reviews.

If the review determines that the order substantially deviates from the child support guidelines, SES must initiate an action to modify the order. The child support guidelines generally require any Social Security dependent benefits to be subtracted from the parent's share of the support payment.

If SES receives information that a noncustodial parent with a current support obligation receives Social Security benefits, it must determine whether that parent's child is receiving these benefits. If so, and the court did not take them into consideration, SES must ensure that the payments are credited against the support obligation in the child support system within 30 days after SES receives the information, and on an ongoing basis after that.

If SES cannot readily determine whether the child is receiving the benefits, it must notify the custodial parent or other obligee that:

1. the noncustodial parent has qualified for these benefits;
2. the child could qualify for the dependent benefits, which would be credited against the support obligation;
3. the custodial parent should apply to the Social Security Administration (SSA) for benefits within 15 days of receiving the notice; and
4. he or she should inform SES of the SSA's decision to award benefits, including the dependent benefits, within 15 days of receiving the SSA decision notice.

BACKGROUND

SES Reviews of Support Orders

The law requires SES to review child support orders when it receives information indicating a substantial change in circumstances of any party to the support order. Further, it must initiate actions

before a family support magistrate to modify orders if the order substantially deviates from the child support guidelines established in regulation. The law creates a rebuttable presumption that any deviation of 15% or more from the guidelines is substantial (CGS § 46b-231(s)(4)).

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/19/2009)