



General Assembly

Substitute Bill No. 1086

January Session, 2009

* SB01086FIN 042809 *

**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 Section 46b-215b of the general statutes is repealed and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.

JUD *Joint Favorable*

FIN *Joint Favorable*