



General Assembly

February Session, 2010

Raised Bill No. 446

LCO No. 2047

02047_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING CHILD SUPPORT ORDERS, ENFORCEMENT
AND REPORTS.**

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

1 Section 1. Subsection (b) of section 17b-90 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2010*):

4 (b) No person shall, except for purposes directly connected with the
5 administration of programs of the Department of Social Services and in
6 accordance with the regulations of the commissioner, solicit, disclose,
7 receive or make use of, or authorize, knowingly permit, participate in
8 or acquiesce in the use of, any list of the names of, or any information
9 concerning, persons applying for or receiving assistance from the
10 Department of Social Services or persons participating in a program
11 administered by said department, directly or indirectly derived from
12 the records, papers, files or communications of the state or its
13 subdivisions or agencies, or acquired in the course of the performance
14 of official duties. The Commissioner of Social Services shall disclose (1)
15 to any authorized representative of the Labor Commissioner such
16 information directly related to unemployment compensation,

17 administered pursuant to chapter 567 or information necessary for
18 implementation of sections 17b-688b, 17b-688c and 17b-688h and
19 section 122 of public act 97-2 of the June 18 special session*, (2) to any
20 authorized representative of the Commissioner of Mental Health and
21 Addiction Services any information necessary for the implementation
22 and operation of the basic needs supplement program or for the
23 management of and payment for behavioral health services for
24 applicants for and recipients of state-administered general assistance,
25 (3) to any authorized representative of the Commissioner of
26 Administrative Services, or the Commissioner of Public Safety such
27 information as the state Commissioner of Social Services determines is
28 directly related to and necessary for the Department of Administrative
29 Services or the Department of Public Safety for purposes of performing
30 their functions of collecting social services recoveries and
31 overpayments or amounts due as support in social services cases,
32 investigating social services fraud or locating absent parents of public
33 assistance recipients, (4) to any authorized representative of the
34 Commissioner of Children and Families necessary information
35 concerning a child or the immediate family of a child receiving services
36 from the Department of Social Services, including safety net services, if
37 the Commissioner of Children and Families or the Commissioner of
38 Social Services has determined that imminent danger to such child's
39 health, safety or welfare exists to target the services of the family
40 services programs administered by the Department of Children and
41 Families, (5) to a town official or other contractor or authorized
42 representative of the Labor Commissioner such information
43 concerning an applicant for or a recipient of financial or medical
44 assistance under state-administered general assistance deemed
45 necessary by said commissioners to carry out their respective
46 responsibilities to serve such persons under the programs
47 administered by the Labor Department that are designed to serve
48 applicants for or recipients of state-administered general assistance, (6)
49 to any authorized representative of the Commissioner of Mental
50 Health and Addiction Services for the purposes of the behavioral

51 health managed care program established by section 17a-453, (7) to any
52 authorized representative of the Commissioner of Public Health to
53 carry out his or her respective responsibilities under programs that
54 regulate child day care services or youth camps, [or] (8) to a health
55 insurance provider, in IV-D support cases, as defined in subdivision
56 (13) of subsection (b) of section 46b-231, information concerning a child
57 and the custodial parent of such child that is necessary to enroll such
58 child in a health insurance plan available through such provider when
59 the noncustodial parent of such child is under court order to provide
60 health insurance coverage but is unable to provide such information,
61 provided the Commissioner of Social Services determines, after
62 providing prior notice of the disclosure to such custodial parent and an
63 opportunity for such parent to object, that such disclosure is in the best
64 interests of the child, (9) to any authorized representative of the
65 Department of Correction, in IV-D support cases, as defined in
66 subdivision (13) of subsection (b) of section 46b-231, information
67 concerning noncustodial parents that is necessary to identify inmates
68 or parolees with IV-D support cases who may benefit from
69 Department of Correction educational, training, skill building, work,
70 rehabilitation or similar programming that will significantly increase
71 the inmate's or parolee's ability to fulfill the duty to support, or (10) to
72 any authorized representative of the Court Support Services Division
73 of the Judicial Branch, in IV-D support cases, as defined in subdivision
74 (13) of subsection (b) of section 46b-231, information concerning
75 noncustodial parents that is necessary to identify probationers with IV-
76 D support cases who may benefit from educational, training, skill
77 building, work, rehabilitation or similar programming managed by the
78 Judicial Branch that will significantly increase the probationer's ability
79 to fulfill the duty to support. No such representative shall disclose any
80 information obtained pursuant to this section, except as specified in
81 this section. Any applicant for assistance provided through said
82 department shall be notified that, if and when such applicant receives
83 benefits, the department will be providing law enforcement officials
84 with the address of such applicant upon the request of any such

85 official pursuant to section 17b-16a.

86 Sec. 2. Subsection (n) of section 17b-179 of the general statutes is
87 repealed and the following is substituted in lieu thereof (*Effective*
88 *October 1, 2010*):

89 (n) Each year, on or before April first, the IV-D agency, in
90 accordance with section 11-4a, as amended by this act, shall submit to
91 the joint standing committees of the General Assembly having
92 cognizance of matters relating to judiciary and human services an
93 assessment report on the administration and performance of the child
94 support enforcement program during the preceding federal fiscal year.
95 Such report may be submitted in electronic form.

96 Sec. 3. Subdivision (1) of subsection (a) of section 17b-745 of the
97 general statutes is repealed and the following is substituted in lieu
98 thereof (*Effective October 1, 2010*):

99 (a) (1) The Superior Court or a family support magistrate may make
100 and enforce orders for payment of support to the Commissioner of
101 Administrative Services or, in IV-D support cases, to the state acting by
102 and through the IV-D agency, directed to the husband or wife and, if
103 the patient or person is under the age of eighteen years or as otherwise
104 provided in this subsection, to any parent of any patient or person
105 being supported by the state, wholly or in part, in a state humane
106 institution, or under any welfare program administered by the
107 Department of Social Services, as the court or family support
108 magistrate finds, in accordance with the provisions of subsection (b) of
109 section 17b-179, or section 17a-90, 17b-81, 17b-223, 46b-129 or 46b-130,
110 as amended by this act, to be reasonably commensurate with the
111 financial ability of any such relative. If such person is unmarried and a
112 full-time high school student, such support shall continue according to
113 the parents' respective abilities, if such person is in need of support,
114 until such person completes the twelfth grade or attains the age of
115 nineteen, whichever occurs first. The court or family support
116 magistrate may make appropriate orders of support for any child with

117 mental retardation, as defined in section 1-1g, or a mental disability, as
118 defined in subdivision (20) of section 46a-51, or who is physically
119 disabled, as defined in subdivision (15) of section 46a-51, who resides
120 with a parent and is principally dependent upon such parent for
121 maintenance. Such order of support may continue until such child
122 attains the age of twenty-one. The child support guidelines established
123 pursuant to section 46b-215a shall not apply to orders entered for any
124 child with mental retardation or a mental disability or who is
125 physically disabled. Any court or family support magistrate called
126 upon to make or enforce such an order, including an order based upon
127 a determination consented to by the relative, shall ensure that such
128 order is reasonable in light of the relative's ability to pay.

129 Sec. 4. Section 46b-61 of the general statutes is repealed and the
130 following is substituted in lieu thereof (*Effective October 1, 2010*):

131 In all cases in which the parents of a minor child live separately, the
132 superior court for the judicial district where the parties or one of them
133 resides may, on the application of either party and after notice given to
134 the other, make any order as to the, care, education, visitation and
135 support of any minor child of the parties, subject to the provisions of
136 sections 46b-54, 46b-56, 46b-57 and 46b-66, provided, if paternity of the
137 minor child has not been established, the court shall make a finding of
138 paternity of the minor child prior to entering such order. Proceedings
139 to obtain such orders shall be commenced by service of an application,
140 a summons and an order to show cause.

141 Sec. 5. Subsections (a) to (c), inclusive, of section 46b-84 of the
142 general statutes are repealed and the following is substituted in lieu
143 thereof (*Effective October 1, 2010*):

144 (a) Upon or subsequent to the annulment or dissolution of any
145 marriage or the entry of a decree of legal separation or divorce, the
146 parents of a minor child of the marriage [,] shall maintain the child
147 according to their respective abilities, if the child is in need of
148 maintenance. The court in such cases may also determine, order and

149 enforce payment of any support due because of neglect or refusal to
150 furnish support prior to the action. Any postjudgment procedure
151 afforded by chapter 906 shall be available to secure the past, present
152 and future financial interests of a party in connection with a final order
153 for the periodic payment of child support.

154 (b) If there is an unmarried child of the marriage who has attained
155 the age of eighteen and is a full-time high school student, the parents
156 shall maintain the child according to their respective abilities if the
157 child is in need of maintenance until such child completes the twelfth
158 grade or attains the age of nineteen, whichever occurs first. The
159 provisions of this subsection shall apply only in cases where the decree
160 of dissolution of marriage, legal separation or annulment is entered on
161 or after July 1, 1994.

162 (c) The court may make appropriate orders of support of any child
163 with mental retardation, as defined in section 1-1g, or a mental
164 disability, [or physical disability] as defined in subdivision (20) of
165 section 46b-51, or who is physically disabled, as defined in subdivision
166 (15) of section 46a-51, who resides with a parent and is principally
167 dependent upon such parent for maintenance. Such order of support
168 may continue until such child attains the age of twenty-one. The child
169 support guidelines established pursuant to section 46b-215a shall not
170 apply to orders entered under this subsection. The provisions of this
171 subsection shall apply only in cases where the decree of dissolution of
172 marriage, legal separation or annulment is entered on or after October
173 1, 1997, or where the initial support orders in actions not claiming any
174 such decree are entered on or after October 1, 1997.

175 Sec. 6. Subparagraph (A) of subdivision (1) of subsection (a) of
176 section 46b-171 of the general statutes is repealed and the following is
177 substituted in lieu thereof (*Effective October 1, 2010*):

178 (a) (1) (A) If the defendant is found to be the father of the child, the
179 court or family support magistrate shall order the defendant to stand
180 charged with the support and maintenance of such child, with the

181 assistance of the mother if such mother is financially able, as the court
182 or family support magistrate finds, in accordance with the provisions
183 of subsection (b) of section 17b-179, or section 17a-90, 17b-81, 17b-223,
184 17b-745, as amended by this act, 46b-129, 46b-130, as amended by this
185 act, or 46b-215, as amended by this act, to be reasonably commensurate
186 with the financial ability of the defendant, and to pay a certain sum
187 periodically until the child attains the age of eighteen years or as
188 otherwise provided in this subsection. If such child is unmarried and a
189 full-time high school student, such support shall continue according to
190 the parents' respective abilities, if such child is in need of support, until
191 such child completes the twelfth grade or attains the age of nineteen,
192 whichever occurs first. The court or family support magistrate may
193 make appropriate orders of support for any child with mental
194 retardation, as defined in section 1-1g, or a mental disability, as
195 defined in subdivision (20) of section 46a-51, or who is physically
196 disabled, as defined in subdivision (15) of section 46a-51, who resides
197 with a parent and is principally dependent upon such parent for
198 maintenance. Such order of support may continue until such child
199 attains the age of twenty-one. The child support guidelines established
200 pursuant to section 46b-215a shall not apply to orders entered for any
201 child with mental retardation or a mental disability or who is
202 physically disabled.

203 Sec. 7. Subdivision (1) of subsection (c) of section 46b-172 of the
204 general statutes is repealed and the following is substituted in lieu
205 thereof (*Effective October 1, 2010*):

206 (c) (1) At any time after the signing of any acknowledgment of
207 paternity, upon the application of any interested party, the court or
208 any judge thereof or any family support magistrate in IV-D support
209 cases and in matters brought under sections 46b-212 to 46b-213v,
210 inclusive, shall cause a summons, signed by such judge or family
211 support magistrate, by the clerk of the court or by a commissioner of
212 the Superior Court, to be issued, requiring the acknowledged father to
213 appear in court at a time and place as determined by the clerk but not

214 more than ninety days after the issuance of the summons, to show
215 cause why the court or the family support magistrate assigned to the
216 judicial district in IV-D support cases should not enter judgment for
217 support of the child by payment of a periodic sum until the child
218 attains the age of eighteen years or as otherwise provided in this
219 subsection, together with provision for reimbursement for past-due
220 support based upon ability to pay in accordance with the provisions of
221 subsection (b) of section 17b-179, or section 17a-90, 17b-81, 17b-223,
222 46b-129 or 46b-130, as amended by this act, a provision for health
223 coverage of the child as required by section 46b-215, as amended by
224 this act, and reasonable expense of the action under this subsection. If
225 such child is unmarried and a full-time high school student such
226 support shall continue according to the parents' respective abilities, if
227 such child is in need of support, until such child completes the twelfth
228 grade or attains the age of nineteen, whichever occurs first. The court
229 or family support magistrate may make appropriate orders of support
230 for any child with mental retardation, as defined in section 1-1g, or a
231 mental disability, as defined in subdivision (20) of section 46a-51, or
232 who is physically disabled, as defined in subdivision (15) of section
233 46a-51, who resides with a parent and is principally dependent upon
234 such parent for maintenance. Such order of support may continue until
235 such child attains the age of twenty-one. The child support guidelines
236 established pursuant to section 46b-215a shall not apply to orders
237 entered for any child with mental retardation or a mental disability or
238 who is physically disabled.

239 Sec. 8. Subdivision (1) of subsection (a) of section 46b-215 of the
240 general statutes is repealed and the following is substituted in lieu
241 thereof (*Effective October 1, 2010*):

242 (a) (1) The Superior Court or a family support magistrate may make
243 and enforce orders for payment of support against any person who
244 neglects or refuses to furnish necessary support to such person's
245 spouse or a child under the age of eighteen or as otherwise provided in
246 this subsection, according to such person's ability to furnish such

247 support, notwithstanding the provisions of section 46b-37. If such child
248 is unmarried and a full-time high school student, such support shall
249 continue according to the parents' respective abilities, if such child is in
250 need of support, until such child completes the twelfth grade or attains
251 the age of nineteen, whichever occurs first. The court or family support
252 magistrate may make appropriate orders of support for any child with
253 mental retardation, as defined in section 1-1g, or a mental disability, as
254 defined in subdivision (20) of section 46a-51, or who is physically
255 disabled, as defined in subdivision (15) of section 46a-51, who resides
256 with a parent and is principally dependent upon such parent for
257 maintenance. Such order of support may continue until such child
258 attains the age of twenty-one. The child support guidelines established
259 pursuant to section 46b-215a shall not apply to orders entered for any
260 child with mental retardation or a mental disability or who is
261 physically disabled.

262 Sec. 9. Subdivision (8) of subsection (m) of section 46b-231 of the
263 general statutes is repealed and the following is substituted in lieu
264 thereof (*Effective October 1, 2010*):

265 (8) Agreements between parties as to custody and visitation of
266 minor children in IV-D support cases may be filed with the assistant
267 clerk of the Family Support Magistrate Division. Such agreements shall
268 be reviewed by a family support magistrate, who shall approve the
269 agreement unless he finds such agreement is not in the best interests of
270 the child. [Agreements between parties as to custody and visitation in
271 IV-D support cases shall be enforced in the same manner as
272 agreements for support are enforced, pursuant to subdivision (7) of
273 this subsection.]

274 Sec. 10. Subsection (s) of section 46b-231 of the general statutes is
275 repealed and the following is substituted in lieu thereof (*Effective*
276 *October 1, 2010*):

277 (s) Support enforcement officers of Support Enforcement Services of
278 the Superior Court shall:

279 (1) Supervise the payment of any child or spousal support order
280 made by a family support magistrate. Supervision of such orders is
281 defined as the utilization of all procedures available by law to collect
282 child or spousal support, or enforce medical support including (A)
283 issuance and implementation of income withholdings ordered by the
284 Superior Court or a family support magistrate pursuant to section 52-
285 362, as amended by this act, (B) issuance of an order requiring any
286 party to appear before a family support magistrate on an action to
287 modify a support order pursuant to subdivision (4) of this subsection,
288 (C) issuance of a *capias mittimus* directed to a proper officer to arrest
289 an obligor or witness and bring such obligor or witness before a family
290 support magistrate if such obligor or witness is served with a
291 summons, subpoena, citation or order to appear issued by a family
292 support magistrate, the assistant clerk of the Family Support
293 Magistrate Division or a support enforcement officer and fails to
294 appear, (D) if necessary, bringing an application for contempt to a
295 family support magistrate and, in connection with such application,
296 issuing an order requiring the obligor to appear before a family
297 support magistrate to show cause why such obligor should not be held
298 in contempt for failure to pay an order for child or spousal support
299 entered by the Superior Court or a family support magistrate, [and] (E)
300 issuance of a National Medical Support Notice in accordance with
301 section 46b-88, and (F) acknowledgment of agreements necessary for
302 the conduct of activities authorized in subdivision (4) of this
303 subsection;

304 (2) In non-TANF cases, have the authority to bring petitions for
305 support orders pursuant to section 46b-215, as amended by this act, file
306 agreements for support with the assistant clerk of the Family Support
307 Magistrate Division, and bring applications for show cause orders
308 pursuant to section 46b-172, as amended by this act, and in IV-D
309 support cases and cases under sections 46b-212 to 46b-213w, inclusive,
310 enforce foreign support orders registered with the Family Support
311 Magistrate Division pursuant to sections 46b-213f to 46b-213i,
312 inclusive, and file agreements for support with the assistant clerk of

313 the Family Support Magistrate Division;

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

321 (4) Review child support orders (A) in non-TANF IV-D support
322 cases (i) at the request of either parent or custodial party subject to a
323 support order, or (ii) upon receipt of information indicating a
324 substantial change in circumstances of any party to the support order,
325 (B) in TANF cases, at the request of the Bureau of Child Support
326 Enforcement, or (C) as necessary to comply with federal requirements
327 for the child support enforcement program mandated by Title IV-D of
328 the Social Security Act, and initiate an action before a family support
329 magistrate to modify such support order if it is determined upon such
330 review that the order substantially deviates from the child support
331 guidelines established pursuant to section 46b-215a or 46b-215b. A
332 requesting party under subparagraph (A)(i) or (B) of this subdivision
333 shall have a right to such review every three years without proving a
334 substantial change in circumstances, but more frequent reviews shall
335 be made only if such requesting party demonstrates a substantial
336 change in circumstances. There shall be a rebuttable presumption that
337 any deviation of less than fifteen per cent from the child support
338 guidelines is not substantial and any deviation of fifteen per cent or
339 more from the guidelines is substantial. Modification may be made of
340 such support order without regard to whether the order was issued
341 before, on or after May 9, 1991. In determining whether to modify a
342 child support order based on a substantial deviation from such child
343 support guidelines, consideration shall be given to the division of real
344 and personal property between the parties set forth in any final decree
345 entered pursuant to chapter 815j and the benefits accruing to the child

346 as the result of such division. No order for periodic payment of
347 support may be subject to retroactive modification, except that the
348 family support magistrate may order modification with respect to any
349 period during which there is a pending motion for modification of a
350 support order from the date of service of notice of such pending
351 motion to the opposing party pursuant to section 52-50.

352 Sec. 11. Subdivision (1) of subsection (c) of section 52-362 of the
353 general statutes is repealed and the following is substituted in lieu
354 thereof (*Effective October 1, 2010*):

355 (c) (1) If an obligor is delinquent on support payments on any prior
356 order of support in an amount greater than or equal to thirty days'
357 obligation, whether or not such order is subject to a contingent income
358 withholding, such obligor shall become subject to withholding and the
359 dependent shall cause a delinquency notice to be served on such
360 obligor. The delinquency notice shall include a claim form and be in
361 clear and simple language informing the obligor that (A) such obligor
362 is delinquent under the support order in a specified amount and any
363 additional amounts accruing until the effective date of the withholding
364 order, (B) a withholding order has become effective against such
365 obligor's income, (C) such obligor has fifteen days to request a hearing
366 before the court or family support magistrate, and at such hearing such
367 obligor may contest the claimed delinquency and the imposition of the
368 income withholding, seek modification of the withholding order, and
369 claim any lawful exemption with respect to such obligor's income, (D)
370 such obligor has a right to seek modification of the support order by a
371 proper motion filed with the court or family support magistrate, [(E)
372 eighty-five per cent of the first one hundred forty-five dollars of
373 disposable income per week are exempt, and (F)] and (E) the amount
374 of the withholding order may not exceed the maximum percentage of
375 disposable income which may be withheld pursuant to Section 1673 of
376 Title 15 of the United States Code, together with a statement of such
377 obligor's right to claim any other applicable state or federal exemptions
378 with respect thereto. The claim form shall contain a checklist

379 identifying the most common defenses and exemptions such that the
380 obligor may check any which apply to the obligor and a space where
381 the obligor may briefly explain the claim or request a modification of
382 or raise a defense to the support order.

383 Sec. 12. Subsection (e) of section 52-362 of the general statutes is
384 repealed and the following is substituted in lieu thereof (*Effective*
385 *October 1, 2010*):

386 (e) A withholding order shall issue in the amount necessary to
387 enforce a support order against only such [nonexempt] income of the
388 obligor as exceeds [the greater of (1) eighty-five per cent of the first one
389 hundred forty-five dollars per week of disposable income, or (2)] the
390 amount exempt under Section 1673 of Title 15 of the United States
391 Code, or against any lesser amount which the court or family support
392 magistrate deems equitable. Subject to subsection (d) of section 46b-88,
393 the withholding order shall secure payment of past and future
394 amounts due under the support order and an additional amount
395 computed in accordance with the child support guidelines established
396 in accordance with section 46b-215a, to be applied toward liquidation
397 of any arrearage accrued under such order, unless contested by the
398 obligor after a notice has been served pursuant to subsection (c) of this
399 section, in which case the court or family support magistrate may
400 determine the amount to be applied toward the liquidation of the
401 arrearage found to have accrued under prior order of the court or
402 family support magistrate. In no event shall such additional amount be
403 applied if there is an existing arrearage order from the court or family
404 support magistrate in a IV-D support case, as defined in subdivision
405 (13) of subsection (b) of section 46b-231. Any investigator or other
406 authorized employee of the Bureau of Child Support Enforcement
407 within the Department of Social Services, or any officer of Support
408 Enforcement Services of the Superior Court, may issue a withholding
409 order entered by the Superior Court or a family support magistrate
410 pursuant to subsection (b) of this section, and shall issue a withholding
411 order pursuant to this subsection when the obligor becomes subject to

412 withholding under subsection (c) of this section. On service of the
413 order of withholding on an existing or any future employer or other
414 payer of income, and until the support order is fully satisfied or
415 modified, the order of withholding is a continuing lien and levy on the
416 obligor's income as it becomes due.

417 Sec. 13. Section 11-4a of the general statutes is repealed and the
418 following is substituted in lieu thereof (*Effective October 1, 2010*):

419 Each commission, task force or committee appointed by the
420 Governor or the General Assembly, or both, and required to report its
421 findings and recommendations, and each state agency which submits a
422 report to the General Assembly or any committee of the General
423 Assembly, shall submit its report to the clerks of the Senate and the
424 House of Representatives, and shall file with the State Librarian as
425 many copies of such report as the commission, task force, committee or
426 agency and the librarian jointly deem appropriate, and one copy with
427 the Office of Legislative Research. Any report submitted pursuant to
428 subsection (n) of section 17b-179, as amended by this act, may be in
429 electronic form.

430 Sec. 14. Section 17b-77 of the 2010 supplement to the general statutes
431 is repealed and the following is substituted in lieu thereof (*Effective*
432 *October 1, 2010*):

433 Application for aid under the state supplement program, medical
434 assistance program, temporary family assistance program and
435 supplemental nutrition assistance program, shall be made to the
436 Commissioner of Social Services. The name and address of each such
437 applicant shall be recorded with the commissioner. Such application,
438 in the case of temporary family assistance, shall be made by the
439 supervising relative, his authorized representative, or, in the case of an
440 individual who is incapacitated, someone acting responsibly for him
441 and shall contain the name and the exact residence of such applicant,
442 the name, place and date of birth of each dependent child, the Social
443 Security number of the supervising relative and of each dependent

444 child, and such other information as is required by the commissioner.
445 If such supervising relative or any such child does not have a Social
446 Security number, the commissioner shall assist in obtaining a Social
447 Security number for each such person seeking public assistance and
448 during the time required to obtain such Social Security numbers the
449 supervising relative and children shall not be precluded from
450 eligibility under this section. By such application, the applicant shall
451 assign to the commissioner the right of support, [~~present,~~] past, present
452 and future, due all persons seeking assistance and shall assist the
453 commissioner in pursuing support obligations due from the
454 noncustodial parent. On and after October 1, 2008, such assignment
455 under the temporary family assistance program shall apply only to
456 such support rights as accrue during the period of assistance, not to
457 exceed the total amount of assistance provided to the family under
458 said program. Notice of such assignment shall be conspicuously placed
459 on said application and shall be explained to the applicant at the time
460 of application. All information required to be provided to the
461 commissioner as a condition of such eligibility under federal law shall
462 be so provided by the applicant, provided, no person shall be
463 determined to be ineligible if the applicant has good cause for the
464 refusal to provide information concerning the noncustodial parent or if
465 the provision of such information would be against the best interests of
466 the dependent child or children, or any of them. The Commissioner of
467 Social Services shall adopt by regulation, in accordance with chapter
468 54, standards as to good cause and best interests of the child. Any
469 person aggrieved by a decision of the commissioner as to the
470 determination of good cause or the best interests of such child or
471 children may request a fair hearing in accordance with the provisions
472 of sections 17b-60 and 17b-61. All statements made by the applicant
473 concerning income, resources and any other matters pertaining to
474 eligibility shall be certified to by the applicant as true and correct
475 under penalty of false statement, and for any such certified statement
476 which is untrue or incorrect such applicant shall be subject to the
477 penalties provided for false statement under section 17b-97.

478 Sec. 15. Section 46b-130 of the general statutes is repealed and the
479 following is substituted in lieu thereof (*Effective October 1, 2010*):

480 The parents of a minor child for whom care or support of any kind
481 has been provided under the provisions of this chapter shall be liable
482 to reimburse the state for such care or support to the same extent, and
483 under the same terms and conditions, as are the parents of recipients of
484 public assistance. Upon receipt of foster care maintenance payments
485 under Title IV-E of the Social Security Act by a minor child, the right of
486 support, [present,] past, present and future, from a parent of such child
487 shall, by this section, be assigned to the Commissioner of Children and
488 Families. Referral by the commissioner shall promptly be made to the
489 Child Support Enforcement Unit of the Department of Social Services
490 for pursuit of support for such minor child in accordance with the
491 provisions of section 17b-179, as amended by this act. By such
492 application, the applicant shall assign to the commissioner the right of
493 support, past, present and future, due all persons seeking assistance
494 and shall assist the commissioner in pursuing support obligations due
495 from the noncustodial parent. On and after October 1, 2008, such
496 assignment under the temporary family assistance program shall
497 apply only to such support rights as accrue during the period of
498 assistance, not to exceed the total amount of assistance provided to the
499 family under said program. Any child who reimburses the state under
500 the provisions of subsection (l) of section 46b-129 for any care or
501 support such child received shall have a right of action to recover such
502 payments from such child's parents.

503 Sec. 16. Subsection (b) of section 14-45 of the 2010 supplement to the
504 general statutes is repealed and the following is substituted in lieu
505 thereof (*Effective from passage*):

506 (b) In IV-D support cases, as defined in subdivision [(14)] (13) of
507 subsection (b) of section 46b-231, upon written notification by the
508 Department of Social Services that the address listed for the holder of a
509 motor vehicle operator's license, or the holder of an identity card is

510 incorrect, the Commissioner of Motor Vehicles shall notify the operator
511 that the correct address must be furnished to the department. The
512 commissioner shall refuse to issue or renew a motor vehicle operator's
513 license if the address furnished by the applicant is determined to be
514 incorrect. The department shall notify the Department of Social
515 Services of the current address of holders of motor vehicle operator's
516 licenses when a change of address is reported.

517 Sec. 17. Subsection (a) of section 17b-179a of the general statutes is
518 repealed and the following is substituted in lieu thereof (*Effective from*
519 *passage*):

520 (a) On a quarterly basis, in IV-D support cases, as defined in
521 subdivision [(14)] (13) of subsection (b) of section 46b-231, the
522 Department of Social Services shall compile a list of child support
523 obligors who have no visible earnings and shall transmit such list to
524 the Department of Revenue Services. The Commissioner of Revenue
525 Services shall promptly identify any such individuals who have any
526 reported assets or income and transmit to the Department of Social
527 Services the name, address and Social Security number of such
528 individuals together with information on reported assets or income
529 available for such individuals.

530 Sec. 18. Subsection (b) of section 17b-745 of the general statutes is
531 repealed and the following is substituted in lieu thereof (*Effective from*
532 *passage*):

533 (b) Except as provided in sections 46b-212 to 46b-213v, inclusive,
534 any court or family support magistrate, called upon to enforce a
535 support order, shall insure that such order is reasonable in light of the
536 obligor's ability to pay. Except as provided in sections 46b-212 to 46b-
537 213v, inclusive, any support order entered pursuant to this section, or
538 any support order from another jurisdiction subject to enforcement by
539 the state of Connecticut, may be modified by motion of the party
540 seeking such modification, including Support Enforcement Services in
541 [TANF] IV-D support cases, as defined in subdivision [(14)] (13) of

542 subsection (b) of section 46b-231, upon a showing of a substantial
 543 change in the circumstances of either party or upon a showing that the
 544 final order for child support substantially deviates from the child
 545 support guidelines established pursuant to section 46b-215a, unless
 546 there was a specific finding on the record that the application of the
 547 guidelines would be inequitable or inappropriate, provided the court
 548 or family support magistrate finds that the obligor or the obligee and
 549 any other interested party have received actual notice of the pendency
 550 of such motion and of the time and place of the hearing on such
 551 motion. There shall be a rebuttable presumption that any deviation of
 552 less than fifteen per cent from the child support guidelines is not
 553 substantial and any deviation of fifteen per cent or more from the
 554 guidelines is substantial. Modification may be made of such support
 555 order without regard to whether the order was issued before, on or
 556 after May 9, 1991. In any hearing to modify any support order from
 557 another jurisdiction the court or the family support magistrate shall
 558 conduct the proceedings in accordance with the procedure set forth in
 559 sections 46b-213o to 46b-213q, inclusive. No such support orders may
 560 be subject to retroactive modification except that the court or family
 561 support magistrate may order modification with respect to any period
 562 during which there is a pending motion for a modification of an
 563 existing support order from the date of service of notice of such
 564 pending motion upon the opposing party pursuant to section 52-50.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	17b-90(b)
Sec. 2	<i>October 1, 2010</i>	17b-179(n)
Sec. 3	<i>October 1, 2010</i>	17b-745(a)(1)
Sec. 4	<i>October 1, 2010</i>	46b-61
Sec. 5	<i>October 1, 2010</i>	46b-84(a) to (c)
Sec. 6	<i>October 1, 2010</i>	46b-171(a)(1)(A)
Sec. 7	<i>October 1, 2010</i>	46b-172(c)(1)
Sec. 8	<i>October 1, 2010</i>	46b-215(a)(1)
Sec. 9	<i>October 1, 2010</i>	46b-231(m)(8)

Sec. 10	<i>October 1, 2010</i>	46b-231(s)
Sec. 11	<i>October 1, 2010</i>	52-362(c)(1)
Sec. 12	<i>October 1, 2010</i>	52-362(e)
Sec. 13	<i>October 1, 2010</i>	11-4a
Sec. 14	<i>October 1, 2010</i>	17b-77
Sec. 15	<i>October 1, 2010</i>	46b-130
Sec. 16	<i>from passage</i>	14-45(b)
Sec. 17	<i>from passage</i>	17b-179a(a)
Sec. 18	<i>from passage</i>	17b-745(b)

Statement of Purpose:

To (1) revise provisions concerning child support enforcement and orders, (2) permit the Department of Social Services to share information with the Department of Correction and the Judicial Branch to identify inmates, parolees and probationers with IV-D support cases who may benefit from programming that will increase the inmate's parolee's or probationer's ability to fulfill the duty to support, (3) require a court to determine paternity in certain cases concerning custody, care, education, visitation and support of any minor child of the parties if paternity has not been established, (4) allow IV-D agency reports to the General Assembly to be filed in electronic form, and (5) make conforming changes among various sections and make technical changes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]