



General Assembly

Substitute Bill No. 458

February Session, 2014



AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE TASK FORCE TO STUDY METHODS FOR IMPROVING THE COLLECTION OF PAST DUE CHILD SUPPORT.

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

1 Section 1. Section 29-1g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2014*):

3 The Commissioner of Emergency Services and Public Protection
4 may appoint not more than [six] eight persons nominated by the
5 Commissioner of Social Services as special policemen in the Bureau of
6 Child Support Enforcement of the Department of Social Services for
7 the service of any warrant or *capias mittimus* issued by the courts on
8 child support matters. Such appointees, having been sworn, shall serve
9 at the pleasure of the Commissioner of Emergency Services and Public
10 Protection and, during such tenure, shall have all the powers conferred
11 on state policemen and state marshals. Such appointees shall have
12 access to, and use of, the Connecticut on-line law enforcement
13 communications teleprocessing system without charge.

14 Sec. 2. Section 46b-225 of the general statutes is repealed and the
15 following is substituted in lieu thereof (*Effective July 1, 2014*):

16 Any judicial marshal may serve a *capias mittimus* or a copy thereof
17 made by any photographic, micrographic, electronic imaging or other

18 process, which clearly and accurately copies such original document,
19 on any person who is in the custody of the marshal or is in a
20 courthouse where the marshal provides courthouse security if such
21 *capias mittimus* was issued in a child support matter by (1) a court or a
22 family support magistrate pursuant to subdivision (8) of subsection (a)
23 of section 17b-745 or subparagraph (C) of subdivision (8) of subsection
24 (a) of section 46b-215; or (2) a family support magistrate pursuant to
25 subdivision (1) of subsection (m) of section 46b-231.

26 Sec. 3. Section 6-38b of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective from passage*):

28 (a) There is established a State Marshal Commission which shall
29 consist of eight members appointed as follows: (1) The Chief Justice
30 shall appoint one member who shall be a judge of the Superior Court;
31 (2) the speaker of the House of Representatives, the president pro
32 tempore of the Senate, the majority and minority leaders of the House
33 of Representatives and the majority and minority leaders of the Senate
34 shall each appoint one member; and (3) the Governor shall appoint one
35 member who shall serve as chairperson. No member of the
36 commission shall be a state marshal, except that two state marshals
37 appointed by the State Marshals Advisory Board in accordance with
38 section 6-38c shall serve as *ex-officio*, nonvoting members of the
39 commission.

40 (b) The chairperson shall serve for a three-year term and all
41 appointments of members to replace those whose terms expire shall be
42 for terms of three years.

43 (c) No more than four of the members, other than the chairperson,
44 may be members of the same political party. Of the seven nonjudicial
45 members, other than the chairperson, at least three shall not be
46 members of the bar of any state.

47 (d) If any vacancy occurs on the commission, the appointing
48 authority having the power to make the initial appointment under the

49 provisions of this section shall appoint a person for the unexpired term
50 in accordance with the provisions of this section.

51 (e) Members shall serve without compensation but shall be
52 reimbursed for actual expenses incurred while engaged in the duties of
53 the commission.

54 (f) The commission, in consultation with the State Marshals
55 Advisory Board, shall (1) adopt regulations in accordance with the
56 provisions of chapter 54 to establish professional standards, including
57 training requirements and minimum fees for execution and service of
58 process, and (2) implement policies and procedures to increase state
59 marshal participation in the serving of capias mittimus orders. Such
60 policies and procedures may require that at all times a certain minimal
61 percentage of the overall number of state marshals shall be actively
62 engaged in the service of capias mittimus orders.

63 (g) The commission shall be responsible for the equitable
64 assignment of service of restraining orders to the state marshals in each
65 county and ensure that such restraining orders are served
66 expeditiously. Failure of any state marshal to accept for service any
67 restraining order assigned by the commission or to serve such
68 restraining order expeditiously without good cause shall be sufficient
69 for the convening of a hearing for removal under subsection (j) of this
70 section.

71 (h) Any vacancy in the position of state marshal in any county as
72 provided in section 6-38 shall be filled by the commission with an
73 applicant who shall be an elector in the county where such vacancy
74 occurs. Any applicant for such vacancy shall be subject to the
75 application and investigation requirements of the commission.

76 (i) Except as provided in section 6-38f, no person may be a state
77 marshal and a state employee at the same time. This subsection does
78 not apply to any person who was both a state employee and a deputy
79 sheriff or special deputy sheriff on April 27, 2000.

80 (j) No state marshal may be removed except by order of the
81 commission for cause after due notice and hearing.

82 (k) The commission may adopt such rules as it deems necessary for
83 conduct of its internal affairs and shall adopt regulations in accordance
84 with the provisions of chapter 54 for the application and investigation
85 requirements for filling vacancies in the position of state marshal.

86 (l) The commission shall be within the Department of
87 Administrative Services, provided the commission shall have
88 independent decision-making authority.

89 Sec. 4. Subsection (a) of section 3-119 of the general statutes is
90 repealed and the following is substituted in lieu thereof (*Effective July*
91 *1, 2014*):

92 (a) The Comptroller shall pay all salaries and wages not less than
93 ten calendar days or more than fifteen calendar days after the close of
94 the payroll period in which the services were rendered, except as
95 provided in subsections (b) and (c) of this section, but shall draw no
96 order in payment for any service of which the payroll officer of the
97 state has official knowledge without the signed statement of the latter
98 that all employees listed on the payroll of each agency have been duly
99 appointed to authorized positions and have rendered the services for
100 which payment is to be made. The Comptroller is authorized to
101 develop, install and operate a comprehensive fully documented
102 electronic system for effective personnel data, for payment of
103 compensation to all state employees and officers and for maintenance
104 of a chronological and permanent record of compensation paid to each
105 employee and officer for the state employees retirement system and
106 other purposes. Such electronic system shall also facilitate the
107 electronic processing of an income withholding order entered by a
108 state or federal court, including any such order transmitted to the
109 Comptroller by means of the federal electronic income withholding
110 order process. The Comptroller is authorized to establish an
111 accounting procedure to implement this section.

112 Sec. 5. Subsection (h) of section 31-227 of the general statutes is
113 repealed and the following is substituted in lieu thereof (*Effective July*
114 *1, 2014*):

115 (h) (1) An individual filing an initial claim for unemployment
116 compensation shall, at the time of filing such claim, disclose whether
117 or not the individual owes child support obligations as defined under
118 subdivision (6) of this subsection. If any such individual discloses that
119 he or she owes child support obligations and has been determined to
120 be eligible for unemployment compensation, the administrator shall
121 notify the state or local child support enforcement agency enforcing
122 such obligation that the individual is eligible for unemployment
123 compensation.

124 (2) The administrator shall deduct and withhold from any
125 unemployment compensation payable to an individual who owes
126 child support obligations (A) the amount specified by the individual to
127 the administrator to be deducted and withheld under this subsection,
128 if neither subparagraph (B) nor (C) is applicable, or (B) the amount
129 determined pursuant to an agreement submitted to the administrator
130 under Section 654(20)(B)(i) of the Social Security Act by the state or
131 local child support enforcement agency, unless subparagraph (C) is
132 applicable, or (C) any amount otherwise required to be so deducted
133 and withheld from such unemployment compensation pursuant to
134 legal process, as defined in Section 662(e) of the Social Security Act,
135 properly served upon the administrator. For purposes of this
136 subdivision, legal process shall be deemed properly served upon the
137 administrator if such legal process is transmitted to the administrator
138 by means of the federal electronic income withholding order process.

139 (3) Any amount deducted and withheld under subdivision (2) of
140 this subsection shall be paid by the administrator to the appropriate
141 state or local child support enforcement agency.

142 (4) Any amount deducted and withheld under subdivision (2) of
143 this subsection shall for all purposes be treated as if it were paid to the

144 individual as unemployment compensation and paid by such
145 individual to the state or local child support enforcement agency in
146 satisfaction of the individual's child support obligations.

147 (5) This subsection shall be applicable only if appropriate
148 arrangements have been made for reimbursement by the state or local
149 child support enforcement agency for the administrative costs incurred
150 by the administrator under this subsection which are attributable to
151 child support obligations being enforced by such state or local child
152 support enforcement agency.

153 (6) For purposes of this subsection, the term "unemployment
154 compensation" means any compensation payable under this chapter,
155 including amounts payable by the administrator pursuant to an
156 agreement under any federal law providing for compensation,
157 assistance, or allowances with respect to unemployment; "child
158 support obligations" includes only obligations which are being
159 enforced pursuant to a plan described in Section 654 of the Social
160 Security Act which has been approved by the Secretary of Health and
161 Human Services under Part D of Title IV of the Social Security Act; and
162 "state or local child support enforcement agency" means any agency of
163 this state or a political subdivision thereof operating pursuant to a plan
164 described in Section 654 of the Social Security Act which has been
165 approved by the Secretary of Health and Human Services under Part D
166 of Title IV of the Social Security Act.

167 Sec. 6. (NEW) (*Effective October 1, 2014*) Notwithstanding any
168 provision of the general statutes, absent a court order, no employee of
169 the Department of Social Services or Support Enforcement Services
170 may contact the employer of an individual, who has been named as the
171 putative father of the child in connection with a IV-D support case, as
172 defined in section 46b-231 of the general statutes, unless such
173 individual has been adjudicated the father of the child in accordance
174 with the laws of this state or any other state.

175 Sec. 7. (*Effective from passage*) (a) There is established a task force to

176 study technological and other initiatives that could be implemented by
177 the state to maximize the collection of child support due and owing to
178 state residents. Such study shall specifically identify technological
179 enhancements that are needed to ensure compliance with court orders
180 relating to the payment of child support.

181 (b) The task force shall consist of the following members:

182 (1) Two appointed by the speaker of the House of Representatives;

183 (2) Two appointed by the president pro tempore of the Senate;

184 (3) One appointed by the majority leader of the House of
185 Representatives;

186 (4) One appointed by the majority leader of the Senate;

187 (5) One appointed by the minority leader of the House of
188 Representatives;

189 (6) One appointed by the minority leader of the Senate;

190 (7) The Commissioner of Social Services, or the commissioner's
191 designee; and

192 (8) The Chief Court Administrator, or the Chief Court
193 Administrator's designee.

194 (c) Any member of the task force appointed under subdivision (1),
195 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
196 of the General Assembly.

197 (d) All appointments to the task force shall be made not later than
198 ninety days after the effective date of this section. Any vacancy shall be
199 filled by the appointing authority.

200 (e) The speaker of the House of Representatives and the president
201 pro tempore of the Senate shall select the chairpersons of the task force

202 from among the members of the task force. Such chairpersons shall
 203 schedule the first meeting of the task force, which shall be held not
 204 later than sixty days after the effective date of this section.

205 (f) The administrative staff of the joint standing committee of the
 206 General Assembly having cognizance of matters relating to the
 207 judiciary shall serve as administrative staff of the task force.

208 (g) Not later than January 1, 2016, the task force shall submit a
 209 report on its findings and recommendations to the joint standing
 210 committee of the General Assembly having cognizance of matters
 211 relating to the judiciary, in accordance with the provisions of section
 212 11-4a of the general statutes. The task force shall terminate on the date
 213 that it submits such report or January 1, 2016, whichever is later.

214 Sec. 8. (*Effective July 1, 2014*) The sum of seven million four hundred
 215 thousand dollars is appropriated to the Department of Social Services,
 216 from the General Fund, for the fiscal year ending June 30, 2015, for the
 217 purchase of technological systems that will improve the collection of
 218 child support by the Bureau of Child Support Enforcement.

219 Sec. 9. (*Effective July 1, 2014*) The sum of one million dollars is
 220 appropriated to the Judicial Branch, from the General Fund, for the
 221 fiscal year ending June 30, 2015, for increased staffing of Support
 222 Enforcement Services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	29-1g
Sec. 2	<i>July 1, 2014</i>	46b-225
Sec. 3	<i>from passage</i>	6-38b
Sec. 4	<i>July 1, 2014</i>	3-119(a)
Sec. 5	<i>July 1, 2014</i>	31-227(h)
Sec. 6	<i>October 1, 2014</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>July 1, 2014</i>	New section
Sec. 9	<i>July 1, 2014</i>	New section

JUD *Joint Favorable Subst.*

HS *Joint Favorable*