



# Senate

General Assembly

**File No. 614**

February Session, 2014

Substitute Senate Bill No. 458

*Senate, April 17, 2014*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***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 Section 29-1g of the general statutes is repealed and the  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 Section 46b-225 of the general statutes is repealed and the  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 Section 6-38b of the general statutes is repealed and the  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

**Statement of Legislative Commissioners:**

Sections 6 to 9, inclusive, were reordered for consistency with LCO conventions and in the redesignated section 9, the effective date was changed from "Effective from passage" to "Effective July 1, 2014" for accuracy and consistency with the other appropriations section in the bill.

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 15 \$</b>	<b>FY 16 \$</b>
Social Services, Dept.	GF - Cost	7,548,264	213,209
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	420,954	463,093
Resources of the General Fund	GF - Revenue Gain	133,728	192,305
Various State Agencies	GF - Potential Cost	Less than 1,000	Less than 1,000
Judicial Dept.	GF - Cost	1,000,000	1,050,000

**Municipal Impact:** None

### **Explanation**

Section 1 of the bill may result in a gross cost of approximately \$148,264 in FY 15 and \$213,209 in FY 16 to the Department of Social Services (DSS) for salaries to support the two additional special policemen.<sup>2</sup> Fringe benefit costs of approximately \$54,354 in FY 15 and \$78,163 in FY 16 for the additional positions will be payable out of the Office of the State Comptroller's fringe benefit accounts. The cost of additional personnel for DSS' Bureau of Child Support Enforcement (BCSE) is eligible for 66% federal reimbursement. Therefore the bill may result in a revenue increase of approximately \$133,728 in FY 15 and \$192,305 in FY 16.

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.66% of payroll in FY 15 and FY 16.

<sup>2</sup> Salary estimates are based on the NP-5 (Protective Services) pay scale, Grade 16, Step 6. FY 16 salary estimate assumes a 3% General Wage Increase effective July 1<sup>st</sup> and a 3% Step Increase effective January 1<sup>st</sup>.

Section 2 makes changes that do not result in a fiscal impact.

Section 3 adds requirements to the State Marshal Commission which do not result in a fiscal impact.

Section 4 of the bill is not anticipated to result in a cost to the Office of the State Comptroller. While a specific withholding may require an additional field or process to be programmed into the Core-CT accounting system, it is unlikely the additional functionality will be considered outside of the scope of normal system maintenance, and therefore will not result in an additional cost.

Section 5 makes changes that do not result in a fiscal impact.

Section 6 does not result in a fiscal impact to the DSS. This section prohibits the DSS or the BCSE from contacting the employer of an individual unless the individual has been adjudicated as the father of a minor.

Section 7 may result in a cost of less than \$1,000 in both FY 15 and FY 16 to those agencies participating in the task force to reimburse legislators and agency staff for mileage expenses.

Section 8 results in a cost of \$7.4 million to the DSS. This section appropriates \$7.4 million in FY 15 for new software to improve the collection of child support.

Section 9 appropriates \$1 million to the Judicial Department in FY 15 to increase Support Enforcement Services staffing. This funding would include salaries for approximately 20 positions. Funding of \$1,050,000 is required in FY 16 for salaries. Fringe benefit costs for the additional positions are approximately \$366,600 in FY 15 and \$384,930 in FY 16.

Lastly, the bill results in the budget being over the spending cap in FY 15. Total appropriations contained in sHB 5030, the revised FY 15 budget, as favorably reported by the Appropriations Committee, result in the FY 15 budget being under the spending cap by approximately

\$700,000. The appropriations contained in the bill would result in the FY 15 budget being over the spending cap by approximately \$7.7 million.

***The Out Years***

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

**OLR Bill Analysis****sSB 458*****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE TASK FORCE TO STUDY METHODS FOR IMPROVING THE COLLECTION OF PAST DUE CHILD SUPPORT.*****SUMMARY:**

This bill makes numerous changes to the laws related to enforcing child support orders. It:

1. appropriates, for FY 15, (a) \$7.4 million to the Department of Social Services (DSS) to purchase technology systems to improve the Bureau of Child Support Enforcement's (BCSE's) efforts to collect child support and (b) \$1 million to the Judicial Branch to increase Support Enforcement Services (SES) staffing;
2. expands the authorized means of serving child support warrants or capias orders (i.e., orders to compel someone to appear in court) by (a) increasing the number of DSS special policemen who are authorized to serve them and (b) allowing judicial marshals, under specified circumstances, to serve process using a copy of the original order;
3. requires the State Marshal Commission to implement policies and procedures to increase state marshal participation in serving capias orders;
4. requires the comptroller to facilitate the electronic processing of federal and state court income withholding orders;
5. prohibits DSS' and SES' employees from contacting a putative father's employer regarding an IV-D child support case (see BACKGROUND), unless paternity has been adjudicated by a court or they have a court order; and

6. establishes a 10-member task force to study technology and other initiatives to maximize child support collection.

EFFECTIVE DATE: July 1, 2014, except for (1) the state marshal and task force provisions, which are effective upon passage, and (2) the DSS and SES employees prohibition, which is effective October 1, 2014.

## **§§ 1- 3 — CHILD SUPPORT ENFORCEMENT**

### **§ 1 — DSS Special Policemen**

The bill increases, from six to eight, the number of DSS special policemen who are authorized to serve child support warrants or capias orders. By law, they are appointed by the emergency services and public protection commissioner and have all the powers conferred on state policemen and state marshals.

The bill authorizes DSS special policemen to use the COLLECT system free of charge. The COLLECT system contains law enforcement information, such as criminal history records and protective orders. Under current law, they do not have access to it.

### **§ 2 — Judicial Marshals**

By law, a judicial marshal may serve a child support capias order, issued by a court or a family support magistrate, on anyone who is in the (1) marshal's custody or (2) courthouse where the marshal provides security. The bill allows a judicial marshal to serve such a process using a clear and accurate copy of the original order, which may be copied by any method, including photographic, micrographic, or electronic.

### **§ 3 — State Marshals**

The bill requires the State Marshal Commission, in consultation with the State Marshals Advisory Board, to implement policies and procedures to increase state marshal participation in serving capias orders, such as requiring a minimal percentage of state marshals to engage in serving such orders at all times.

Under existing law, the commission and advisory board must

establish state marshals' professional standards, including training requirements and minimum fees for serving process. Service of process is the procedure by which a party to a lawsuit gives an appropriate notice of initial legal action to another party.

#### **§§ 4 & 5 — ELECTRONIC INCOME WITHHOLDING ORDER PROCESS (E-IWO)**

##### ***Comptroller — State Employees' Compensation***

By law, the comptroller may use an electronic system for paying state employees. Under the bill, such an electronic system must facilitate the electronic processing of federal and state court income withholding orders, including child support orders sent through the e-IWO process.

##### ***Labor Commissioner — Unemployment Compensation***

Under existing law, the labor commissioner must withhold from a person's unemployment compensation the child support owed based on the amount (1) specified by the person in his or her initial unemployment claim, (2) determined by state or local child support enforcement agency, or (3) required by legal process properly served on the commissioner. The bill specifies that a child support withholding order sent to the commissioner through the e-IWO process is considered proper legal process.

#### **§ 7 — TASK FORCE**

The bill establishes a task force to study technology and other initiatives that the state could implement to maximize the collection of child support owed to state residents. The study must identify technological enhancements needed to ensure compliance with court child support orders.

##### ***Task Force Members and Appointments***

Under the bill, the 10-member task force may include General Assembly members and includes:

1. two members appointed by the Senate president pro tempore;

2. one member each appointed by the Senate majority and minority leaders;
3. two members appointed by the House speaker;
4. one member each appointed by the House majority and minority leaders; and
5. the DSS commissioner and the chief court administrator, or their designees.

All appointments must be made within 90 days after the bill's passage and any vacancies must be filled by the appointing authority.

The House speaker and Senate president pro tempore must select the task force chairpersons from among the members. The chairpersons must schedule and hold the first meeting within 60 days after the bill's passage. The Judiciary Committee's administrative staff must serve as the task force's administrative staff.

### ***Reporting Requirement and Termination***

The task force must report its findings and recommendations to the Judiciary Committee by January 1, 2016. It terminates when it submits the report or on January 1, 2016, whichever is later.

## **BACKGROUND**

### ***IV-D Child Support Cases***

By law, "IV-D child support cases" are those cases where BCSE is providing child support enforcement services under Title IV-D of the Social Security Act related to cases where children are the beneficiaries of temporary family assistance (TFA), Medicaid, or foster care. BCSE was established and authorized to administer the child support program mandated by Title IV-D of the Social Security Act (CGS § 46b-231(13)).

### ***e-IWO Process***

The federal Office of Child Support Enforcement implemented the

e-IWO process which enables states to send and employers to receive income withholding orders electronically. It also allows employers to notify states about the status of existing income withholding orders.

***Related Laws***

Title IV-D of the federal Social Security Act established the Child Support Enforcement (CSE) program (42 USCA § 301 et seq.). The CSE program, funded by both state and federal dollars, provides services related to the establishment, modification, and enforcement of child support orders.

Additionally, the 1998 federal Child Support Performance and Incentive Act (P.L. 105-200), provides incentive payments to states based on performance in several areas related to their efforts to enforce child support orders (42 USC § 658a). The five performance measures are:

1. establishment of paternity,
2. establishment of child support orders,
3. collection of current child support,
4. collection of past-due child support, and
5. cost-effectiveness of the CSE program.

***Related Bill***

HB 5526, reported favorably by the Judiciary Committee, requires BCSE to (1) establish, maintain, and periodically update a list of all delinquent child support obligors and (2) publish a list, on the DSS website, of the 100 individuals with the highest delinquent child support obligations.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0 (04/02/2014)