



Senate

General Assembly

File No. 711

January Session, 2015

Senate Bill No. 1030

Senate, April 16, 2015

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

AN ACT IMPLEMENTING 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 Section 29-1g of the general statutes is repealed and the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, 2015*):

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 Section 46b-225 of the general statutes is repealed and the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, 2015*):

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. Subsection (e) of section 6-38b of the general statutes is
27 repealed and the following is substituted in lieu thereof (*Effective from*
28 *passage*):

29 (e) The commission, in consultation with the State Marshals
30 Advisory Board, shall (1) adopt regulations in accordance with the
31 provisions of chapter 54 to establish professional standards, including
32 training requirements and minimum fees for execution and service of
33 process, and (2) implement policies and procedures to increase state
34 marshal participation in the serving of capias mittimus orders. Such
35 policies and procedures may require that at all times a certain minimal
36 percentage of the overall number of state marshals shall be actively
37 engaged in the service of capias mittimus orders.

38 Sec. 4. Subsection (a) of section 3-119 of the general statutes is
39 repealed and the following is substituted in lieu thereof (*Effective July*
40 *1, 2015*):

41 (a) The Comptroller shall pay all salaries and wages not less than
42 ten calendar days or more than fifteen calendar days after the close of
43 the payroll period in which the services were rendered, except as
44 provided in subsections (b) and (c) of this section, but shall draw no
45 order in payment for any service of which the payroll officer of the

46 state has official knowledge without the signed statement of the latter
47 that all employees listed on the payroll of each agency have been duly
48 appointed to authorized positions and have rendered the services for
49 which payment is to be made. The Comptroller is authorized to
50 develop, install and operate a comprehensive fully documented
51 electronic system for effective personnel data, for payment of
52 compensation to all state employees and officers and for maintenance
53 of a chronological and permanent record of compensation paid to each
54 employee and officer for the state employees retirement system and
55 other purposes. Such electronic system shall also facilitate the
56 electronic processing of an income withholding order entered by a
57 state or federal court, including any such order transmitted to the
58 Comptroller by means of the electronic income withholding order
59 process implemented by the federal Office of Child Support
60 Enforcement. The Comptroller is authorized to establish an accounting
61 procedure to implement this section.

62 Sec. 5. Subsection (h) of section 31-227 of the general statutes is
63 repealed and the following is substituted in lieu thereof (*Effective July*
64 *1, 2015*):

65 (h) (1) An individual filing an initial claim for unemployment
66 compensation shall, at the time of filing such claim, disclose whether
67 or not the individual owes child support obligations as defined under
68 subdivision (6) of this subsection. If any such individual discloses that
69 he or she owes child support obligations and has been determined to
70 be eligible for unemployment compensation, the administrator shall
71 notify the state or local child support enforcement agency enforcing
72 such obligation that the individual is eligible for unemployment
73 compensation.

74 (2) The administrator shall deduct and withhold from any
75 unemployment compensation payable to an individual who owes
76 child support obligations (A) the amount specified by the individual to
77 the administrator to be deducted and withheld under this subsection,
78 if neither subparagraph (B) nor (C) is applicable, or (B) the amount

79 determined pursuant to an agreement submitted to the administrator
80 under Section 654(20)(B)(i) of the Social Security Act by the state or
81 local child support enforcement agency, unless subparagraph (C) is
82 applicable, or (C) any amount otherwise required to be so deducted
83 and withheld from such unemployment compensation pursuant to
84 legal process, as defined in Section 662(e) of the Social Security Act,
85 properly served upon the administrator. For purposes of this
86 subdivision, legal process shall be deemed properly served upon the
87 administrator if such legal process is transmitted to the administrator
88 by means of the electronic income withholding order process
89 implemented by the federal Office of Child Support Enforcement.

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

93 (4) Any amount deducted and withheld under subdivision (2) of
94 this subsection shall for all purposes be treated as if it were paid to the
95 individual as unemployment compensation and paid by such
96 individual to the state or local child support enforcement agency in
97 satisfaction of the individual's child support obligations.

98 (5) This subsection shall be applicable only if appropriate
99 arrangements have been made for reimbursement by the state or local
100 child support enforcement agency for the administrative costs incurred
101 by the administrator under this subsection which are attributable to
102 child support obligations being enforced by such state or local child
103 support enforcement agency.

104 (6) For purposes of this subsection, the term "unemployment
105 compensation" means any compensation payable under this chapter,
106 including amounts payable by the administrator pursuant to an
107 agreement under any federal law providing for compensation,
108 assistance, or allowances with respect to unemployment; "child
109 support obligations" includes only obligations which are being
110 enforced pursuant to a plan described in Section 654 of the Social
111 Security Act which has been approved by the Secretary of Health and

112 Human Services under Part D of Title IV of the Social Security Act; and
113 "state or local child support enforcement agency" means any agency of
114 this state or a political subdivision thereof operating pursuant to a plan
115 described in Section 654 of the Social Security Act which has been
116 approved by the Secretary of Health and Human Services under Part D
117 of Title IV of the Social Security Act.

118 Sec. 6. (NEW) (*Effective October 1, 2015*) Notwithstanding the
119 provisions of chapter 319s, 815y, 816 or 906 of the general statutes,
120 absent a court order, no employee of the Department of Social Services
121 or Support Enforcement Services may contact the employer of an
122 individual, who has been named as the putative father of the child in
123 connection with a IV-D support case, as defined in section 46b-231 of
124 the general statutes, unless such individual has been adjudicated the
125 father of the child in accordance with the laws of this state or any other
126 state.

127 Sec. 7. (*Effective from passage*) (a) There is established a task force to
128 study technological and other initiatives that could be implemented by
129 the state to maximize the collection of child support due and owing to
130 state residents. Such study shall specifically identify technological
131 enhancements that are needed to ensure compliance with court orders
132 relating to the payment of child support.

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

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

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

136 (3) One appointed by the majority leader of the House of
137 Representatives;

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

139 (5) One appointed by the minority leader of the House of
140 Representatives;

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

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

144 (8) The Chief Court Administrator, or the Chief Court
145 Administrator's designee.

146 (c) Any member of the task force appointed under subdivision (1),
147 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
148 of the General Assembly.

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

152 (e) The speaker of the House of Representatives and the president
153 pro tempore of the Senate shall select the chairpersons of the task force
154 from among the members of the task force. Such chairpersons shall
155 schedule the first meeting of the task force, which shall be held not
156 later than sixty days after the effective date of this section.

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

160 (g) Not later than January 1, 2017, the task force shall submit a
161 report on its findings and recommendations to the joint standing
162 committee of the General Assembly having cognizance of matters
163 relating to the judiciary, in accordance with the provisions of section
164 11-4a of the general statutes. The task force shall terminate on the date
165 that it submits such report or January 1, 2017, whichever is later.

166 Sec. 8. (*Effective July 1, 2015*) The sum of seven million four hundred
167 thousand dollars is appropriated to the Department of Social Services,
168 from the General Fund, for the fiscal year ending June 30, 2016, for the
169 purchase of technological systems that will improve the collection of
170 child support by the Bureau of Child Support Enforcement.

171 Sec. 9. (*Effective July 1, 2015*) The sum of one million dollars is
 172 appropriated to the Judicial Branch, from the General Fund, for the
 173 fiscal year ending June 30, 2016, for increased staffing of Support
 174 Enforcement Services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	29-1g
Sec. 2	<i>July 1, 2015</i>	46b-225
Sec. 3	<i>from passage</i>	6-38b(e)
Sec. 4	<i>July 1, 2015</i>	3-119(a)
Sec. 5	<i>July 1, 2015</i>	31-227(h)
Sec. 6	<i>October 1, 2015</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>July 1, 2015</i>	New section
Sec. 9	<i>July 1, 2015</i>	New section

JUD *Joint Favorable*

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:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Social Services, Dept.	GF - Cost	\$159,293	\$166,157
State Comptroller - Fringe Benefits ¹	GF - Cost	\$428,167	\$449,150
Resources of the General Fund	GF - Revenue Gain	\$5,029,767	\$152,048
Various State Agencies	GF - Potential Cost	Minimal	Minimal
Judicial Dept.	GF - Cost	\$1,000,000	\$1,050,000

Note: GF=General Fund

Municipal Impact: None

Explanation

Section 1 of the bill may result in a gross cost of approximately \$159,293 in FY 16 and \$166,157 in FY 17 to the Department of Social Services (DSS) for salaries to support the two additional special policemen.² Fringe benefit costs of approximately \$61,567 in FY 16 and \$64,220 in FY 17 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 this section of the bill may result in a revenue increase of approximately \$145,767 in FY 16 and \$152,048 in FY 17.

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

¹The 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 38.65% of payroll in FY 16 and FY 17.

² 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 1st and a 3% Step Increase effective January 1st.

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 16 and FY 17 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 16 for new software to improve the collection of child support. The cost for BCSE is eligible for 66% federal reimbursement. Therefore this section of the bill may result in a revenue increase of approximately \$4,884,000 in FY 16.

Section 9 appropriates \$1 million to the Judicial Department in FY 16 to increase Support Enforcement Services staffing. This funding would include salaries for approximately 20 positions. Funding of \$1,050,000 is required in FY 17 for salaries. Fringe benefit costs for the additional positions are approximately \$366,600 in FY 16 and \$384,930 in FY 17.

The Out Years

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

OLR Bill Analysis**SB 1030*****AN ACT IMPLEMENTING 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 16, (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 (§§ 8&9);
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 (§ 6); and

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

EFFECTIVE DATE: July 1, 2015, 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, 2015.

§§ 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 Connecticut On-line Enforcement Communications Teleprocessing (COLLECT) system free of charge. The COLLECT system contains law enforcement information, such as criminal history records and protective orders. Under current law, DSS special policemen 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 federal e-IWO process (see BACKGROUND).

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. two members, one each appointed by the Senate majority and minority leaders;
3. two members appointed by the House speaker;
4. two members, one 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, 2017. It terminates when it submits the report or on January 1, 2017, 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 to enable 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 6973, reported favorably by the Children Committee, makes numerous changes to Connecticut's Uniform Interstate Family Support Act (UIFSA) to adopt the 2008 revisions recommended by the National Council of Commissioners of Uniform State Laws and required by federal law (P. Law 113-183) to remain eligible for continued federal IV-D funding for child support enforcement. UIFSA generally seeks to establish rules for determining which order should be given effect when two or more jurisdictions have issued conflicting support or modification orders involving the same parties. The 2008 revisions

incorporate provisions from the Hague Maintenance Convention into state law. By so doing, it makes several existing procedures for child support orders issued out-of-state or to parties residing out-of-state applicable to (1) orders issued in a foreign country or (2) parties residing in a foreign country.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (03/27/2015)