



Senate

General Assembly

File No. 925

January Session, 2015

Substitute Senate Bill No. 1030

Senate, June 1, 2015

The Committee on Appropriations reported through SEN. BYE of the 5th Dist., Chairperson of the Committee on the part of the Senate, that the substitute 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 Section 46b-225 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2015*):

3 Any judicial marshal may serve a capias mittimus or a copy thereof
4 made by any photographic, micrographic, electronic imaging or other
5 process, which clearly and accurately copies such original document,
6 on any person who is in the custody of the marshal or is in a
7 courthouse where the marshal provides courthouse security if such
8 capias mittimus was issued in a child support matter by (1) a court or a
9 family support magistrate pursuant to subdivision (8) of subsection (a)
10 of section 17b-745 or subparagraph (C) of subdivision (8) of subsection
11 (a) of section 46b-215; or (2) a family support magistrate pursuant to
12 subdivision (1) of subsection (m) of section 46b-231.

13 Sec. 2. Subsection (e) of section 6-38b of the general statutes is
14 repealed and the following is substituted in lieu thereof (*Effective from*
15 *passage*):

16 (e) The commission, in consultation with the State Marshals
17 Advisory Board, shall (1) adopt regulations in accordance with the
18 provisions of chapter 54 to establish professional standards, including
19 training requirements and minimum fees for execution and service of
20 process, and (2) implement policies and procedures to increase state
21 marshal participation in the serving of capias mittimus orders. Such
22 policies and procedures may require that at all times a certain minimal
23 percentage of the overall number of state marshals shall be actively
24 engaged in the service of capias mittimus orders.

25 Sec. 3. Subsection (a) of section 3-119 of the general statutes is
26 repealed and the following is substituted in lieu thereof (*Effective July*
27 *1, 2015*):

28 (a) The Comptroller shall pay all salaries and wages not less than
29 ten calendar days or more than fifteen calendar days after the close of
30 the payroll period in which the services were rendered, except as
31 provided in subsections (b) and (c) of this section, but shall draw no
32 order in payment for any service of which the payroll officer of the
33 state has official knowledge without the signed statement of the latter
34 that all employees listed on the payroll of each agency have been duly
35 appointed to authorized positions and have rendered the services for
36 which payment is to be made. The Comptroller is authorized to
37 develop, install and operate a comprehensive fully documented
38 electronic system for effective personnel data, for payment of
39 compensation to all state employees and officers and for maintenance
40 of a chronological and permanent record of compensation paid to each
41 employee and officer for the state employees retirement system and
42 other purposes. Such electronic system shall also facilitate the
43 electronic processing of an income withholding order entered by a
44 state or federal court, including any such order transmitted to the
45 Comptroller by means of the electronic income withholding order

46 process implemented by the federal Office of Child Support
47 Enforcement. The Comptroller is authorized to establish an accounting
48 procedure to implement this section.

49 Sec. 4. Subsection (h) of section 31-227 of the general statutes is
50 repealed and the following is substituted in lieu thereof (*Effective July*
51 *1, 2015*):

52 (h) (1) An individual filing an initial claim for unemployment
53 compensation shall, at the time of filing such claim, disclose whether
54 or not the individual owes child support obligations as defined under
55 subdivision (6) of this subsection. If any such individual discloses that
56 he or she owes child support obligations and has been determined to
57 be eligible for unemployment compensation, the administrator shall
58 notify the state or local child support enforcement agency enforcing
59 such obligation that the individual is eligible for unemployment
60 compensation.

61 (2) The administrator shall deduct and withhold from any
62 unemployment compensation payable to an individual who owes
63 child support obligations (A) the amount specified by the individual to
64 the administrator to be deducted and withheld under this subsection,
65 if neither subparagraph (B) nor (C) is applicable, or (B) the amount
66 determined pursuant to an agreement submitted to the administrator
67 under Section 654(20)(B)(i) of the Social Security Act by the state or
68 local child support enforcement agency, unless subparagraph (C) is
69 applicable, or (C) any amount otherwise required to be so deducted
70 and withheld from such unemployment compensation pursuant to
71 legal process, as defined in Section 662(e) of the Social Security Act,
72 properly served upon the administrator. For purposes of this
73 subdivision, legal process shall be deemed properly served upon the
74 administrator if such legal process is transmitted to the administrator
75 by means of the electronic income withholding order process
76 implemented by the federal Office of Child Support Enforcement.

77 (3) Any amount deducted and withheld under subdivision (2) of
78 this subsection shall be paid by the administrator to the appropriate

79 state or local child support enforcement agency.

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

85 (5) This subsection shall be applicable only if appropriate
86 arrangements have been made for reimbursement by the state or local
87 child support enforcement agency for the administrative costs incurred
88 by the administrator under this subsection which are attributable to
89 child support obligations being enforced by such state or local child
90 support enforcement agency.

91 (6) For purposes of this subsection, the term "unemployment
92 compensation" means any compensation payable under this chapter,
93 including amounts payable by the administrator pursuant to an
94 agreement under any federal law providing for compensation,
95 assistance, or allowances with respect to unemployment; "child
96 support obligations" includes only obligations which are being
97 enforced pursuant to a plan described in Section 654 of the Social
98 Security Act which has been approved by the Secretary of Health and
99 Human Services under Part D of Title IV of the Social Security Act; and
100 "state or local child support enforcement agency" means any agency of
101 this state or a political subdivision thereof operating pursuant to a plan
102 described in Section 654 of the Social Security Act which has been
103 approved by the Secretary of Health and Human Services under Part D
104 of Title IV of the Social Security Act.

105 Sec. 5. (NEW) (*Effective October 1, 2015*) Notwithstanding the
106 provisions of chapter 319s, 815y, 816 or 906 of the general statutes,
107 absent a court order, no employee of the Department of Social Services
108 or Support Enforcement Services may contact the employer of an
109 individual, who has been named as the putative father of the child in
110 connection with a IV-D support case, as defined in section 46b-231 of
111 the general statutes, unless such individual has been adjudicated the

112 father of the child in accordance with the laws of this state or any other
113 state.

114 Sec. 6. (*Effective from passage*) (a) There is established a task force to
115 study technological and other initiatives that could be implemented by
116 the state to maximize the collection of child support due and owing to
117 state residents. Such study shall specifically identify technological
118 enhancements that are needed to ensure compliance with court orders
119 relating to the payment of child support.

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

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

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

123 (3) One appointed by the majority leader of the House of
124 Representatives;

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

126 (5) One appointed by the minority leader of the House of
127 Representatives;

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

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

131 (8) The Chief Court Administrator, or the Chief Court
132 Administrator's designee.

133 (c) Any member of the task force appointed under subdivision (1),
134 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
135 of the General Assembly.

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

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

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

147 (g) Not later than January 1, 2017, the task force shall submit a
 148 report on its findings and recommendations to the joint standing
 149 committee of the General Assembly having cognizance of matters
 150 relating to the judiciary, in accordance with the provisions of section
 151 11-4a of the general statutes. The task force shall terminate on the date
 152 that it submits such report or January 1, 2017, whichever is later.

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

APP *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:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Various State Agencies	Various - Potential Cost	Less than \$1,000	Less than \$1,000

Note: Various=Various

Municipal Impact: None

Explanation

The bill 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 established in section 6, to reimburse legislators and agency staff for mileage expenses.

Sections 1 through 5 of bill do not result in a fiscal impact to the state or municipalities. Section 1 allows judicial marshals to serve copies of capias mittimus. Section 2 adds requirements to the State Marshal Commission. Section 3 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 4 makes various administrative changes. Lastly, section 5 prohibits the Department of Social Services or the Bureau of Child Support Enforcement from contacting the employer of an individual unless the individual has been adjudicated as the father of a minor.

The Out Years

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

OLR Bill Analysis**sSB 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 in the laws related to enforcing child support orders. It:

1. expands the authorized means of serving child support warrants or capias orders (i.e., orders to compel someone to appear in court) by allowing judicial marshals, under specified circumstances, to serve process using a copy of the original order;
2. requires the State Marshal Commission to implement policies and procedures to increase state marshal participation in serving capias orders;
3. requires the comptroller to facilitate the electronic processing of federal and state court income withholding orders;
4. prohibits the Department of Social Services (DSS) and Support Enforcement Services (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 (§ 5); and
5. 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 on passage, and (2) the

DSS and SES employees prohibition, which is effective October 1, 2015.

§§ 1 & 2 — CHILD SUPPORT ENFORCEMENT

§ 1 — *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 process using a clear and accurate copy of the original order, which may be copied by any method, including photographic, micrographic, or electronic.

§ 2 — *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 minimum 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.)

§§ 3 & 4 — 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 the 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 properly served legal process.

§ 6 — TASK FORCE

The bill establishes a task force to study technology and initiatives that the state could implement to maximize the collection of child support owed 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 includes:

1. two members appointed by the Senate president pro tempore;
2. two members appointed by the House speaker;
3. two members, one each appointed by the Senate majority and minority leaders;
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.

Any member a legislative leader appoints may be a legislator. 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 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 the Bureau of Child Support Enforcement (BCSE) is providing child support enforcement services under Title IV-D of the federal 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 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 Bills

sSB 894, File 841 as amended by House "A", reported favorably by the Human Services Committee, contains similar provision on the use of the e-IWO process.

sHB 6973, File 878 as amended by House "A", 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.L. 113-183) to remain eligible for continued federal IV-D funding for child support enforcement.

Legislative History

The Senate referred the bill (File 711) to the Appropriations Committee, which eliminated the provisions that appropriate, for FY 16, (1) \$7.4 million to DSS to purchase technology systems to improve BCSE's efforts to collect child support and (2) \$1 million to the Judicial Branch to increase SES staffing.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable
 Yea 42 Nay 0 (03/27/2015)

Appropriations Committee

Joint Favorable Substitute
 Yea 46 Nay 0 (05/22/2015)