

R-39 Rev. 03/2012
(Title page)

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State of Connecticut
REGULATION
of

NAME OF AGENCY	Department of Social Services
SUBJECT MATTER OF REGULATION	Concerning Child Support Arrearage Adjustment Program

Section 1. Section 17b-179b-1 of the Regulations of the State of Connecticut is amended to read as follows:

Section 17b-179b-1. Definitions

As used in sections 17b-179b-1 through 17b-179b-4, inclusive, of the Regulations of Connecticut State Agencies:

(1) "Arrearage" means either one or a combination of (A) court ordered current support payments which have become due and payable and remain unpaid; and (B) support due for past periods that has been found owing by a court of competent jurisdiction, whether or not presently payable;

(2) "Arrearage adjustment" means a reduction, by the Department of Social Services [or any bureau, division, or agency of the department, or agency under cooperative or purchase of service agreement therewith,] of the total arrearage owed [as of the first day of the qualifying year] as a result of the signing of a voluntary agreement by a noncustodial parent to the State in a child support case in accordance with sections 17b-179b-1 to 17b-179b-4, inclusive, of the Regulations of Connecticut State Agencies, and includes an equivalent reduction of the amount of unreimbursed assistance;

(3) "Arrearage adjustment program" means the system of scheduled arrearage adjustments prescribed by sections 17b-179b-1 to 17b-179b-4, inclusive, of the Regulations of Connecticut State Agencies for the purpose of encouraging the positive involvement of noncustodial parents in the lives of their children and encouraging noncustodial parents to make regular support payments;

(4) "Child support case" means one in which the Department of Social Services or any bureau, division, or agency of the department, or agency under cooperative or purchase of service agreement therewith, is providing child support enforcement services under Title IV-D of the federal Social Security Act;

(5) "Commissioner" means the commissioner of the Department of Social Services or such commissioner's designee;

[(5)] (6) "Current child support obligation" means a court ordered amount for the ongoing support of a child, [and does not include payments on an] exclusive of arrearage [;] payments, health care coverage and a child care contribution;

[(6)] (7) "Custodial party" means the individual who has primary physical custody of a child[, or, in foster care cases, the commissioner of the Department of Children and Families];

(8) “Desk review” means an informal investigation of the automated and paper records of the Department of Social Services pertaining to a noncustodial parent or obligor participating in the arrearage adjustment program;

[(7)] (9) “Domestic violence” means (A) physical acts that result in or are threatened to result in physical or bodily injury; (B) sexual abuse; (C) sexual activity involving a child in the home; (D) forced participation in nonconsensual sexual acts or activities; (E) threats of or attempts at physical or sexual abuse; (F) mental abuse; or (G) neglect or deprivation of medical care;

[(9)] (10) “Parenthood Program” means any project, site or program that meets the requirements of section 17b-179b-2 of the Regulations of Connecticut State Agencies[, and shall include the research and demonstration projects established under subsection (d) of section 1 of Public Act 99-193;]

[(8)] (11) “Noncustodial parent” means the parent who does not have primary physical custody of a child;

[(9)] (12) “Obligor” means the individual required to make payments under a current child support or arrearage obligation;

[(10)] (13) “Qualifying year” means the twelve-month period beginning with the date a noncustodial parent enters into a voluntary agreement to participate in the arrearage adjustment program;]

(12) “Parenthood Program” means any project, site or program that meets the requirements of section 17b-179b-2 of the Regulations of Connecticut State Agencies;

[(12)] (14) “Starting arrearage” means the total arrearage owed[, as of the first day of the qualifying year, to the State of Connecticut] by a noncustodial parent or obligor to the State of Connecticut in a child support case on the date a voluntary agreement is executed; [and]

[(13)] (15) “Unreimbursed assistance” means the portion that has not been repaid to the State of Connecticut of the total assistance provided under the aid to families with dependent children, state-administered general assistance or temporary family assistance programs to or [in] on behalf of either parent, such parent’s spouse, or such parent’s child; such portion being the subject of the State’s claim under section 17b-93 of the Connecticut General Statutes;[.] and

(15) “Voluntary Agreement” means a document signed by the noncustodial parent or obligor and the commissioner, which:

(a) states the rights and responsibilities of the noncustodial parent or obligor under the arrearage adjustment program,

(b) defines the activities required for participation in the arrearage adjustment program,

(c) specifies the outcomes expected from successful participation in the arrearage adjustment program, and

(d) states the total arrearage amount that may be subject to adjustment and the amount of the current child support obligation, if applicable.

Sec. 2. Section 17b-179-2 of the Regulations of the State of Connecticut is amended to read as follows:

Section 17b-179b-2. Parenthood Program requirements

[(a) In general]

[(1)] (a) Certification

Participants in a Parenthood Program shall be eligible for an arrearage adjustment under section [17b-179b-3] 17b-179b-3a of the Regulations of Connecticut State Agencies only if such program is [designated initially and] certified [annually] by the [Commissioner of Social Services] commissioner as a participating program [that] which provides services that promote the positive involvement and interaction of noncustodial parents with their children.

[(2) Exception

Notwithstanding subdivision (1) of this subsection, the research and demonstration projects established under subsection (d) of section 1 of Public Act 99-193 shall not require certification to participate in the arrearage adjustment program.]

(b) Program components

A Parenthood Program seeking [designation or] certification as a participating program under subsection (a) of this section shall demonstrate to the satisfaction of the [Commissioner of Social Services] commissioner that such program provides a minimum curriculum of at least twenty-four hours of programming over [an eight] a twelve week period, and a plan of service to assist male or female noncustodial parents to [identify and resolve problems,] build healthy relationships with their children[,] and establish or strengthen collaborative co-parenting alliances with the custodial party. To meet these requirements, a participating program shall provide services directly and by referral in at least the following areas:

- (1) education, training and employment [placement] readiness;
- (2) parenting education and services to strengthen the parent-child relationship;
- (3) counseling, support and self-help;
- (4) legal assistance and court advocacy;
- (5) mental health and substance abuse services;
- (6) housing;
- (7) transportation;
- (8) domestic violence services;
- (9) conflict resolution and anger management;
- (10) mentoring;
- (11) relationship and co-parenting mediation; and
- (12) pregnancy prevention.

(c) Administrative requirements

A Parenthood Program seeking [designation or] certification as a participating program under subsection (a) of this section shall demonstrate to the satisfaction of the [Commissioner of Social Services] commissioner that such program has and will use the forms and procedures prescribed by such commissioner to administer the provisions of sections 17b-179b-1 to [17b-179b-4] 17b-179b-3a, inclusive, of the Regulations of Connecticut State Agencies.

Sec. 3. The Regulations of the Connecticut State Agencies are amended by adding section 17b-179b-3a as follows:

(NEW) Section 17b-179b-3a. Arrearage adjustment program for Parenthood Program participants

(a) Eligibility for program

A noncustodial parent or obligor shall be eligible for the arrearage adjustment program for Parenthood Program participants if the Department of Social Services determines, based on information provided by a participating program or otherwise available to the department, that the requirements of this subsection are met.

(1) The noncustodial parent or obligor is participating and making satisfactory progress in a Parenthood Program, as demonstrated by quantifiable achievements that facilitate positive involvement with the child or the participant's ability to provide support, such as (A) signing a paternity acknowledgment, (B) signing a voluntary support agreement, (C) signing a co-parenting or mediation agreement, (D) attending one or more child development classes or (E) registering with the Department of Labor for skills training;

(2) The noncustodial parent meets program goals for appropriate involvement and interaction with the child or children and (A) has an active child support case where an arrearage is owed to the State of Connecticut and there is a current payment due to the custodial party or (B) is an obligor who now resides with the child or children to whom support is owed;

(3) The noncustodial parent or obligor applies for an arrearage adjustment and enters into a voluntary agreement as defined in subdivision (15) of section 17b-179b-1 of the Regulations of Connecticut State Agencies; and

(4) The noncustodial parent or obligor has no judicial adjudications of domestic violence against the mother of the child or the child involved in the child support case, including protective or civil restraining orders, as known or reported to the Department of Social Services or attested by such parent or obligor. Any judicial adjudication of domestic violence committed by a participant of the program will result in such participant's immediate termination from the arrearage adjustment program.

(b) Adjustment amounts

(1) Completes Parenthood Program

An eligible noncustodial parent or obligor who successfully completes a parenthood program shall receive a one-time arrearage adjustment of ten percent of the starting arrearage.

(2) Pays current child support obligation

(A) General rule

An eligible noncustodial parent or obligor who makes payments on the current child support obligation identified in the voluntary agreement shall receive arrearage adjustments in the amount of fifty percent of the dollar amount paid on such current child support obligation, subject to subparagraph (B) of this subsection. Such adjustments may be received during participation in the Parenthood Program and after successful completion of such program.

(B) Annual review of payment record

At the end of each year of eligibility the commissioner shall review the eligible obligor's payment record. Based on such review the commissioner shall take action in accordance with clauses (i) and (ii) of this subparagraph.

(i) If the eligible obligor has paid fifty percent or more of the current child support obligation identified in the voluntary agreement, arrearage adjustments in accordance with subparagraph (A) shall continue until the next review.

(ii) If the eligible obligor has paid less than fifty percent of the current child support obligation identified in the voluntary agreement the commissioner shall suspend arrearage adjustments for a period of six months after which the commissioner shall conduct a compliance review of the obligor's payment record in accordance with subparagraph (C) of this subsection.

(C) Compliance review

At the end of the six month suspension required under clause (ii) of subparagraph (B) of this subdivision the commissioner shall again review the obligor's payment record, and:

(i) During the suspension period, if the obligor has paid fifty percent or more of the current child support obligation identified in the voluntary agreement the commissioner shall reinstate arrearage adjustments for a six month period after which the commissioner shall conduct the regularly scheduled annual review of the obligor's payment record for compliance.

(ii) During the suspension period, if the obligor has paid less than fifty percent of the current child support obligation identified in the voluntary agreement the commissioner shall terminate arrearage adjustments in the child support case identified in the voluntary agreement.

(3) Resides with the child

(A) General rule

An eligible obligor who resides with the child and is employed a minimum of one hundred twenty hours per month shall receive arrearage adjustments at the end of each calendar quarter subject to subparagraphs (B) and (C) of this subdivision. The amount of such adjustment shall be fifty percent of the presumptive current support amount calculated under the child support and arrearage guidelines adopted pursuant to section 46b-215c of the Connecticut General Statutes, based solely on the eligible obligor's net income at the time such obligor is found eligible for such adjustment. Such adjustment may be received during participation in the Parenthood Program and after successful completion of such program.

(B) Quarterly compliance review

The eligible obligor who resides with the child shall provide the commissioner quarterly documentation of employment and income required under subparagraph (A) of this subdivision.

(i) If the eligible obligor who resides with the child has maintained a minimum average of one hundred twenty hours employment per month during the three month quarterly review period, arrearage adjustments in accordance with subparagraph (A) of this subdivision shall be made for the completed quarter.

(ii) If the eligible obligor who resides with the child has not maintained a minimum average of one hundred and twenty hours employment or fails to provide the commissioner documentation as required under subparagraph (A) of this subdivision, arrearage adjustments for the eligible obligor shall be suspended for the completed quarter but such obligor shall be eligible for an arrearage adjustment for the following quarter subject to subparagraph (C) of this subdivision.

(C) Reinstatement and termination from the program

(i) If the eligible obligor who resides with the child becomes employed and provides the commissioner documentation in accordance with subparagraph (B) of this subdivision during the quarter following the suspension period, the eligible obligor shall receive an arrearage adjustment in accordance with subparagraph (A) of this subdivision for the completed quarter.

(ii) If the eligible obligor who resides with the child fails to meet the requirements of subparagraphs (A) and (B) of this subdivision for two consecutive quarterly review periods, the commissioner shall terminate the eligible obligor from the arrearage adjustment program.

(c) **Eligibility following termination from program**

An obligor who is terminated from the arrearage adjustment program for Parenthood Program participants pursuant to clause (2)(C)(ii) or clause (3)(C)(ii) of this subsection may re-apply for such program no earlier than six months following the date of termination. If all other eligibility requirements are met the obligor can again enter into a voluntary agreement and receive adjustments under subsection (b) of this section.

(d) **Desk review**

(1) Right to review

The commissioner shall provide a desk review to any noncustodial parent or obligor who is denied eligibility for or reinstatement in the arrearage adjustment program for Parenthood Program participants, suspended or terminated from such program, or who allegedly received an incorrect adjustment amount.

(2) When held

A desk review under this subsection shall be provided upon written request of the noncustodial parent or obligor received within thirty calendar days of notice of denial of eligibility, failure to reinstate, suspension or termination. A desk review based on an alleged incorrect adjustment amount shall be provided no more than once each calendar year.

(3) Notice of results

Notice of the results of a desk review shall be issued to the noncustodial parent or obligor by the commissioner within sixty days of receipt of a timely written request for such review.

Sec. 4. Section 17-179b-3 of the Regulations of Connecticut State Agencies is repealed.

(Statement of Purpose page)

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

(A) The problems, issues or circumstances that the regulation proposes to address: The proposed regulation offers an incentive in the form of state arrearage adjustment, which is contingent on the non-custodial parent (obligor) paying current support to the custodial parent. Through this incentive, DSS anticipates an increase in obligors paying current support, potentially reducing the number of families on state funded programs.

(B) The main provision of the regulation amends sections 17b-179b-1 and 17b-179-2 of the Regulations of Connecticut State Agencies, adds section 17-179b-3a and repeals section 17-179b-3 of the Regulations of Connecticut State Agencies.

(C) The legal effects of the regulation, including all the ways the regulation would change existing regulation or other laws: Under current regulations, a non-custodial parent must meet several restrictive requirements in order to be granted a 15% reduction in his/her arrearage amount. The absentee parent must be 100% compliant in the current child support order for 10 of 12 months in order to receive a 15% adjustment after a year. For each year of compliance, the arrearage is again reduced by 10%.

Under these proposed regulations: 1) a non-custodial parent would be eligible regardless of payment history; 2) he/she must pay 50% or more of current child support order to receive a monthly adjustment; and 3) he/she must maintain payment of 50% in current support payments in order to continue the monthly adjustment. By doing this, an arrearage adjustment of 50% of current support payments would apply.