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Commissioner

STATE OF CONNECTICUT

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March 2, 2015

Senator Clark J. Chapin, Co-Chair
Representative Brian Becker, Co-Chair
Legislative Regulation Review Committee
State Capitol – Room 011
Hartford, CT 06106

Re: Resubmittal of Child Support Arrearage Adjustment Program Regulations
Regulation No. 2015-01

Dear Senator Chapin and Representative Becker:

Pursuant to subsection (b) of section 4-170 of the Connecticut General Statutes, I am re-submitting for your approval a proposed regulation to amend sections 17b-179b-1 and 17b-179-2 of the Regulations of Connecticut State Agencies, to add section 17b-179b-3a, and to repeal section 17b-179b-3 of the Regulations of Connecticut State Agencies. The proposed regulation offers an incentive, in the form of an arrearage adjustment, to non-custodial parents (obligors) who are in arrears in their support obligations contingent on the obligor paying current support to the custodial parent or residing with the child. Through this incentive, the Department of Social Services anticipates an increase in obligors paying current support, potentially reducing the number of families on state funded programs.

The Department of Social Services withdrew the proposed regulation by letter to the Committee dated February 10, 2015, and notified the Committee that it intended to resubmit the proposed regulation by March 3, 2015. The substantive concerns expressed in the LCO's memorandum dated January 18, 2015 have been addressed. The technical corrections noted in the LCO memorandum have been made except for certain corrections that the Department suggests should be made in a separate regulation.

Additionally, I would like to address concerns expressed by LCO, but not included in the LCO report. First is the concern that the effective date of the arrearage adjustment regulations should correspond to the effective date of the Child Support Guidelines Commission's regulations. The guidelines regulations are promulgated by the Commission for Child Support Guidelines, not the Department of Social Services ("DSS" or the "Department"), and cover a different subject matter, i.e., the proper pay plan for courts to establish for ongoing child and medical support, as well as arrearage payments. The Arrearage Adjustment Program is a DSS initiative that addresses the adjustment of arrearages based on a noncustodial parent's payment of child support or residence with the child and steady employment. The Child Support Guidelines

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Committee's regulations must have a delayed effective date due to the need for education of courts and child support practitioners, publication of the revised booklet and automated system programming. The Child Support Arrearage Adjustment regulations can and should be effective as soon as approved by the LRRC and upon filing with the Secretary of State, as they will be implemented internally by the Department's Bureau of Child Support Enforcement ("BCSE") with the cooperation of Fatherhood sites.

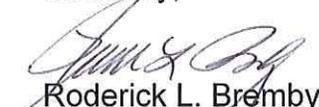
Second, LCO raised a concern that Sec. 17b-179b-4, included within the Child Support Arrearage Adjustment Program regulations, should be amended to correct an internal reference to a section of the Child Support Guidelines regulations, the designation of which will change when the amended guidelines regulations become effective. The focus of the amendments to the Child Support Arrearage Adjustment Program is exclusively on the components related to Parenthood Program participants, and there was a conscious decision *not* to amend the arrearage liquidation procedures, as that program has been working quite well. Accordingly, the arrearage liquidation regulation was not included in the notice to the public announcing proposed changes to the Child Support Arrearage Adjustment Program.

For these reasons, as well as for the reason that the change suggested by LCO is minor and technical in nature, and is subject to the contingency of the guidelines regulations adoption, the department is proposing as an alternative including the recommended technical change in an anticipated systematic technical overhaul of all the child support regulations, which include many outdated references and other provisions.

Finally, notice of the proposed regulation was published on the Secretary of State's website on September 3, 2014. A public hearing was not held. The Department received comments from the public. On March 2, 2015, the Office of the Attorney General approved the revised proposed regulation as legally sufficient. A copy of the revised proposed regulation has been submitted to the Office of Fiscal Analysis.

If you or your staff require additional information or clarification concerning this proposed regulation, please contact Attorney Daniel Butler at 860-424-5488.

Sincerely,


Roderick L. Bremby
Commissioner