



General Assembly

February Session, 2016

***Raised Bill No. 5256***

LCO No. 1404



Referred to Committee on HUMAN SERVICES

Introduced by:  
(HS)

***AN ACT EXPEDITING CHILD SUPPORT MODIFICATION ORDERS  
FOR INCARCERATED OR INSTITUTIONALIZED OBLIGORS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-215e of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) Notwithstanding any provision of the general statutes, whenever  
4 a child support obligor is institutionalized or incarcerated, the Superior  
5 Court or a family support magistrate shall establish an initial order for  
6 current support, or modify an existing order for current support, upon  
7 proper motion, based upon the obligor's present income and  
8 substantial assets, if any, in accordance with the child support  
9 guidelines established pursuant to section 46b-215a. Downward  
10 modification of an existing support order based solely on a loss of  
11 income due to incarceration or institutionalization shall not be granted  
12 in the case of a child support obligor who is incarcerated or  
13 institutionalized for an offense against the custodial party or the child  
14 subject to such support order.

15       (b) In IV-D support cases, as defined in section 46b-231, when the  
16 child support obligor is institutionalized or incarcerated for more than  
17 ninety days, any existing support order, as defined in section 46b-231,  
18 shall be modified to zero dollars effective upon the date that a support  
19 enforcement officer files an affidavit in the Family Support Magistrate  
20 Division. The affidavit shall include: (1) The beginning and expected  
21 end dates of such obligor's institutionalization or incarceration; and (2)  
22 a statement by such officer that (A) a diligent search failed to identify  
23 any income or assets that could be used to satisfy the child support  
24 order while the obligor is incarcerated or institutionalized, (B) the  
25 offense for which the obligor is institutionalized or incarcerated was  
26 not an offense against the custodial party or the child subject to such  
27 support order, and (C) a notice in accordance with subsection (d) of  
28 this section was provided to the custodial party and an objection form  
29 was not received from such party.

30       (c) A support order that is modified in accordance with subsection  
31 (b) of this section shall be reinstated to the prior support amount  
32 ninety days after the obligor is released from such institutionalization  
33 or incarceration, provided that a support enforcement officer files an  
34 affidavit in the Family Support Magistrate Division that provides: (1)  
35 The date such obligor was no longer institutionalized or incarcerated;  
36 and (2) a statement by such officer that notice, in accordance with  
37 subsection (e) of this section, was provided to the child support  
38 obligor, and an objection form was not received from such obligor.

39       (d) Prior to filing an affidavit under subsection (b) of this section,  
40 the support enforcement officer shall provide notice to the custodial  
41 party in accordance with section 52-57 or by certified mail, return  
42 receipt requested. The notice shall state in clear and simple language  
43 that: (1) Such child support order shall be modified unless the  
44 custodial party objects not later than fifteen calendar days after receipt  
45 of such notice on the grounds that (A) the obligor has sufficient income  
46 or assets to comply with the support order, or (B) the obligor is  
47 incarcerated or institutionalized for an offense against the custodial

48 party or the child subject to such support order; and (2) the custodial  
49 party may object to the proposed modification by delivering a signed  
50 objection form, or other written notice or motion, indicating the nature  
51 of the objection or grounds of the motion, to the support enforcement  
52 officer not later than fifteen calendar days after receipt of such notice.  
53 On receipt of any objection or motion, the support enforcement officer  
54 shall promptly arrange with the clerk of the Family Support Magistrate  
55 Division to enter the appearance of the custodial party, set the matter  
56 for a hearing, send a file-stamped copy of the objection or motion to  
57 the IV-D agency of the state to whom the support order is payable, and  
58 notify all parties of the hearing date set. The court or family support  
59 magistrate shall promptly hear the objection or motion and determine  
60 whether the child support order should be modified in accordance  
61 with subsection (b) of this section.

62 (e) Prior to filing an affidavit under subsection (c) of this section, the  
63 support enforcement officer shall provide notice to the child support  
64 obligor in accordance with section 52-57 or by certified mail, return  
65 receipt requested, or by regular mail to the Connecticut correctional  
66 facility in which the obligor is incarcerated. The notice shall state in  
67 clear and simple language that: (1) Such child support order will be  
68 reinstated to the previous support amount effective ninety days after  
69 the date of the obligor's release unless the obligor objects prior to the  
70 ninetieth day to such reinstatement on the grounds that the obligor has  
71 insufficient income or assets to comply with the support order; and (2)  
72 the obligor may object to the proposed reinstatement by delivering a  
73 signed objection form, or other written motion, indicating the nature of  
74 the objection or the grounds for the motion, to the support  
75 enforcement officer prior to the ninetieth day after the obligor's release  
76 date. On receipt of the objection or motion, the support enforcement  
77 officer shall promptly arrange with the clerk of the Family Support  
78 Magistrate Division to enter the appearance of the obligor, set the  
79 matter for a hearing, send a file-stamped copy of the objection or  
80 motion to the IV-D agency of the state to whom the support order is

81 payable, and notify all parties of the hearing date set. The court or  
82 family support magistrate shall promptly hear the objection or motion  
83 and determine whether the child support order should be reinstated or  
84 otherwise modified in accordance with the child support guidelines  
85 established pursuant to section 46b-215a. Any objection filed in  
86 accordance with this section shall constitute a proper motion to modify  
87 a child support order.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	46b-215e

**Statement of Purpose:**

To expedite the support order modification process for incarcerated or institutionalized obligors in IV-D child support cases.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*