



General Assembly

February Session, 2016

Raised Bill No. 5530

LCO No. 2417



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE REPAYMENT OF CHILD SUPPORT
ARREARAGES.***

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

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 Section 46b-215b of the general statutes is repealed and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

3 (a) The child support and arrearage guidelines issued pursuant to
4 section 46b-215a, adopted as regulations pursuant to section 46b-215c,
5 and in effect on the date of the support determination shall be
6 considered in all determinations of child support award amounts,
7 including any current support, health care coverage, child care
8 contribution and past-due support amounts, and payment on
9 arrearages and past-due support within the state. In all such
10 determinations, there shall be a rebuttable presumption that the
11 amount of such awards which resulted from the application of such
12 guidelines is the amount to be ordered. A specific finding on the
13 record that the application of the guidelines would be inequitable or
14 inappropriate in a particular case, as determined under the deviation
15 criteria established by the Commission for Child Support Guidelines

16 under section 46b-215a, shall be required in order to rebut the
17 presumption in such case.

18 (b) In any determination pursuant to subsection (a) of this section,
19 when (1) there is no present duty to provide support for a child who
20 formerly was the subject of a support order, and (2) there exists an
21 arrearage of three thousand dollars or more in past due support,
22 including, but not limited to, weekly child support, unreimbursed
23 medical and dental expenses, child care contributions and other court-
24 ordered payments, owing from the obligor to the obligee or the state,
25 the court or a family support magistrate shall order that such arrearage
26 be repaid by the obligor to the obligee or the state on a weekly basis, in
27 an amount that is not less than one hundred per cent of the weekly
28 child support order in effect prior to the date on which the duty to
29 provide support for the child ended. In addition, the court or a family
30 support magistrate, after hearing, may determine that such arrearage
31 be repaid at a higher weekly rate based on the obligor's ability to pay.
32 The Commission for Child Support Guidelines shall adopt regulations
33 in accordance with the provisions of chapter 54 to carry out the
34 provisions of this subsection.

35 ~~[(b)]~~ (c) In any determination pursuant to subsection (a) of this
36 section, when a party has been determined by the Social Security
37 Administration, or a state agency authorized to award disability
38 benefits, to qualify for disability benefits under the federal
39 Supplemental Security Income Program, the Social Security disability
40 program, the state supplement to the federal Supplemental Security
41 Income Program, or the state-administered general assistance
42 program, parental earning capacity shall not be a basis for deviating
43 from the presumptive support amount that results from the
44 application of the child support guidelines to such party's income.

45 ~~[(c)]~~ (d) In any proceeding for the establishment or modification of a
46 child support award, the child support and arrearage guidelines shall
47 be considered in addition to and not in lieu of the criteria for such

48 awards established in sections 46b-84, 46b-86, 46b-130, 46b-171, 46b-
49 172, 46b-215, 17b-179 and 17b-745.

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

Statement of Purpose:

To hold child support obligors accountable for arrearage payments owed to a parent or the state.

[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.]