



General Assembly

Substitute Bill No. 109

February Session, 2016

* SB00109JUD__033016__ *

AN ACT RENAMING THE BUREAU OF CHILD SUPPORT ENFORCEMENT TO THE OFFICE OF CHILD SUPPORT SERVICES.

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

1 Section 1. Section 1-24 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The following officers may administer oaths: (1) The clerks of the
4 Senate, the clerks of the House of Representatives and the chairpersons
5 of committees of the General Assembly or of either branch thereof,
6 during its session; (2) state officers, as defined in subsection (t) of
7 section 9-1, judges and clerks of any court, family support magistrates,
8 judge trial referees, justices of the peace, commissioners of the Superior
9 Court, notaries public, town clerks and assistant town clerks, in all
10 cases where an oath may be administered, except in a case where the
11 law otherwise requires; (3) commissioners on insolvent estates,
12 auditors, arbitrators and committees, to parties and witnesses, in all
13 cases tried before them; (4) assessors and boards of assessment
14 appeals, in cases coming before them; (5) commissioners appointed by
15 governors of other states to take the acknowledgment of deeds, in the
16 discharge of their official duty; (6) the moderator of a school district
17 meeting, in such meeting, to the clerk of such district, as required by
18 law; (7) the chief elected official of a municipality, in any matter before
19 the chief elected official of a municipality; (8) the Chief Medical
20 Examiner, Deputy Medical Examiner and assistant medical examiners
21 of the Office of the Medical Examiner, in any matter before them; (9)
22 registrars of vital statistics, in any matter before them; (10) any chief

23 inspector or inspector appointed pursuant to section 51-286; (11)
24 registrars of voters, deputy registrars, assistant registrars, and
25 moderators, in any matter before them; (12) special assistant registrars,
26 in matters provided for in subsections (b) and (c) of section 9-19b and
27 section 9-19c; (13) the Commissioner of Emergency Services and Public
28 Protection and any sworn member of any local police department or
29 the Division of State Police within the Department of Emergency
30 Services and Public Protection, in all affidavits, statements,
31 depositions, complaints or reports made to or by any member of any
32 local police department or said Division of State Police or any
33 constable who is under the supervision of said commissioner or any of
34 such officers of said Division of State Police and who is certified under
35 the provisions of sections 7-294a to 7-294e, inclusive, and performs
36 criminal law enforcement duties; (14) judge advocates of the United
37 States Army, Navy, Air Force and Marine Corps, law specialists of the
38 United States Coast Guard, adjutants, assistant adjutants, acting
39 adjutants and personnel adjutants, commanding officers, executive
40 officers and officers whose rank is lieutenant commander or major, or
41 above, of the armed forces, as defined in section 27-103, to persons
42 serving with or in the armed forces, as defined in said section, or their
43 spouses; (15) investigators, deputy investigators, investigative aides,
44 secretaries, clerical assistants, social workers, social worker trainees,
45 paralegals and certified legal interns employed by or assigned to the
46 Public Defender Services Commission in the performance of their
47 assigned duties; (16) bail commissioners, intake, assessment and
48 referral specialists, family relations counselors, support enforcement
49 officers, chief probation officers and supervisory judicial marshals
50 employed by the Judicial Department in the performance of their
51 assigned duties; (17) juvenile matter investigators employed by the
52 Division of Criminal Justice in the performance of their assigned
53 duties; (18) the chairperson of the Connecticut Siting Council or the
54 chairperson's designee; (19) the presiding officer at an agency hearing
55 under section 4-177b; (20) investigators employed by the Department
56 of Social Services [Bureau of Child Support Enforcement] Office of
57 Child Support Services, in the performance of their assigned duties;

58 (21) the chairperson, vice-chairperson, members and employees of the
59 Board of Pardons and Paroles, in the performance of their assigned
60 duties; (22) the Commissioner of Correction or the commissioner's
61 designee; (23) sworn law enforcement officers, appointed under
62 section 26-5, within the Department of Energy and Environmental
63 Protection, in all affidavits, statements, depositions, complaints or
64 reports made to or by any such sworn law enforcement officer; and
65 (24) sworn motor vehicle inspectors acting under the authority of
66 section 14-8.

67 Sec. 2. Subsection (c) of section 4a-12 of the general statutes is
68 repealed and the following is substituted in lieu thereof (*Effective from*
69 *passage*):

70 (c) For purposes of this section, "liable relative" means the husband
71 or wife of any person receiving public assistance or aided, cared for or
72 treated in a state humane institution, as defined in said section 17b-222,
73 and the father and mother of any such person under the age of
74 eighteen years, but shall not include the parent or parents whose
75 financial liability for a child is determined by the [Bureau of Child
76 Support Enforcement] Office of Child Support Services under
77 subsection (b) of section 17b-179, as amended by this act. The
78 Commissioner of Administrative Services, in consultation with the
79 Secretary of the Office of Policy and Management, shall adopt
80 regulations in accordance with the provisions of chapter 54
81 establishing: (1) A uniform contribution scale for liable relatives based
82 upon ability to pay and the administrative feasibility of collecting such
83 contributions, provided no such liable relative shall contribute an
84 amount in excess of twelve per cent of the remainder, if any, after the
85 state median income, adjusted for family size, has been deducted from
86 such liable relative's taxable income for federal income tax purposes, or
87 if such federal income tax information is unavailable, from such
88 relative's taxable income, as calculated from other sources, including,
89 but not limited to, information pertaining to wages, salaries and
90 commissions as provided by such relative's employer; (2) the manner

91 in which the Department of Administrative Services shall determine
92 and periodically reinvestigate the ability of such liable relatives to pay;
93 and (3) the manner in which the department shall waive such
94 contributions upon determination that such contribution would pose a
95 significant financial hardship upon such liable relatives.

96 Sec. 3. Subsection (d) of section 17b-93 of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective from*
98 *passage*):

99 (d) Notwithstanding any provision of the general statutes,
100 whenever funds are collected pursuant to this section or section 17b-
101 94, and the person who otherwise would have been entitled to such
102 funds is subject to a court-ordered current or arrearage child support
103 payment obligation in a IV-D support case, such funds shall first be
104 paid to the state for reimbursement of Medicaid funds granted to such
105 person for medical expenses incurred for injuries related to a legal
106 claim by such person which was the subject of the state's lien and such
107 funds shall then be paid to the [Bureau of Child Support Enforcement]
108 Office of Child Support Services for distribution pursuant to the
109 federally mandated child support distribution system implemented
110 pursuant to subsection (j) of section 17b-179. The remainder, if any,
111 shall be paid to the state for payment of previously provided
112 assistance through the state supplement program, medical assistance
113 program, aid to families with dependent children program, temporary
114 family assistance program or state-administered general assistance
115 program.

116 Sec. 4. Subsections (a) to (h), inclusive, of section 17b-179 of the
117 general statutes are repealed and the following is substituted in lieu
118 thereof (*Effective from passage*):

119 (a) There is created within the Department of Social Services the
120 [Bureau of Child Support Enforcement] Office of Child Support
121 Services. The [bureau] office shall be administered by a director and
122 shall act as the single and separate organizational unit to coordinate,

123 plan and publish the state child support enforcement plan for the
124 implementation of Title IV-D of the Social Security Act, as amended, as
125 required by federal law and regulations. The [bureau] office shall
126 provide for the development and implementation of all child support
127 services, including the administration of withholding of earnings, in
128 accordance with the provisions of Title IV-D of the Social Security Act,
129 as amended.

130 (b) (1) The Commissioner of Social Services shall investigate the
131 financial condition of the parent or parents of: (A) Any child applying
132 for or receiving assistance under (i) the temporary family assistance
133 program pursuant to section 17b-112, which may be referred to as
134 "TFA" for the purposes of this section, or (ii) the Medicaid program
135 pursuant to section 17b-261, (B) any child seeking IV-D child support
136 enforcement services pursuant to subdivision (1) of subsection (h) of
137 this section, and (C) any child committed to the care of the
138 Commissioner of Children and Families who is receiving payments in
139 the foster care program and for whom a referral to the [Bureau of
140 Child Support Enforcement] Office of Child Support Services is made
141 under section 46b-130, as amended by this act, and shall determine the
142 financial liability of such parent or parents for the child.

143 (2) The [Bureau of Child Support Enforcement] Office of Child
144 Support Services may, upon notice to the obligor and obligee, redirect
145 payments for the support of all such children to either the state of
146 Connecticut or the present custodial party, as their interests may
147 appear, provided neither the obligor nor the obligee objects in writing
148 within ten business days from the mailing date of such notice. Any
149 such notice shall be sent by first class mail to the most recent address
150 of such obligor and obligee, as recorded in the state case registry
151 pursuant to section 46b-218, as amended by this act, and a copy of such
152 notice shall be filed with the court or family support magistrate if both
153 the obligor and obligee fail to object to the redirected payments within
154 ten business days from the mailing date of such notice. All payments
155 shall be distributed as required by Title IV-D of the Social Security Act.

156 (3) Notwithstanding subdivision (2) of this subsection or
157 subparagraph (F) of subdivision (1) of subsection (u) of section 46b-
158 231, the [Bureau of Child Support Enforcement] Office of Child
159 Support Services or a support enforcement agency under cooperative
160 agreement with the [Bureau of Child Support Enforcement] Office of
161 Child Support Services shall redirect payments for the support of
162 children described in subparagraphs (A)(i) and (C) of subdivision (1)
163 of this subsection to the state of Connecticut effective on the date of the
164 assistance grant. Upon such redirection, the [Bureau of Child Support
165 Enforcement] Office of Child Support Services or support enforcement
166 agency shall notify the obligor and obligee as described in subdivision
167 (2) of this subsection if assistance is being received by a new custodial
168 party on behalf of such child and, if an objection to redirection is
169 received in accordance with said subdivision (2), shall refund to the
170 obligee of the support order any money retained by the state during
171 the period of redirection that is due such obligee.

172 (c) The [Bureau of Child Support Enforcement] Office of Child
173 Support Services shall enter into cooperative agreements with
174 appropriate officials of the Judicial Branch and law enforcement
175 officials to assist in administering the child support enforcement plan
176 and with respect to other matters of common concern in the area of
177 child support enforcement. Officers of the Judicial Branch and law
178 enforcement officials authorized and required to enter into cooperative
179 agreements with the [Bureau of Child Support Enforcement] Office of
180 Child Support Services include, but are not limited to, officials of the
181 Superior Court and the office of the Attorney General. Such
182 cooperative agreements shall contain performance standards to
183 address the mandatory provisions of both state and federal laws and
184 federal regulations concerning child support.

185 (d) The [Bureau of Child Support Enforcement] Office of Child
186 Support Services shall have authority to determine on a periodic basis
187 whether any individuals who owe child support obligations are
188 receiving unemployment compensation. In IV-D cases, the [bureau]

189 office may authorize the collection of any such obligations owed by an
190 individual receiving unemployment compensation through an
191 agreement with the individual or a court order pursuant to section 52-
192 362, as amended by this act, under which a portion of the individual's
193 unemployment compensation is withheld and forwarded to the state
194 acting by and through the IV-D agency. As used in this section,
195 "unemployment compensation" means any compensation payable
196 under chapter 567, including amounts payable by the administrator of
197 the unemployment compensation law pursuant to an agreement under
198 any federal law providing for compensation, assistance or allowances
199 with respect to unemployment.

200 (e) The [Bureau of Child Support Enforcement] Office of Child
201 Support Services shall enter into purchase of service agreements with
202 other state officials, departments and agencies which do not have
203 judicial or law enforcement authority, including, but not limited to, the
204 Commissioner of Administrative Services, to assist in administering
205 the child support enforcement plan. The [Bureau of Child Support
206 Enforcement] Office of Child Support Services shall have authority to
207 enter into such agreements with the Labor Commissioner and to
208 withhold unemployment compensation pursuant to subsection (d) of
209 this section and section 31-227.

210 (f) The [Bureau of Child Support Enforcement] Office of Child
211 Support Services shall have the sole responsibility to make referrals to
212 the federal Parent Locator Service established pursuant to 88 Stat. 2353
213 (1975), 42 USC 653, as amended, for the purpose of locating deserting
214 parents.

215 (g) The [Bureau of Child Support Enforcement] Office of Child
216 Support Services shall have the sole responsibility to make
217 recommendations to the Governor and the General Assembly for
218 needed program legislation to ensure implementation of Title IV-D of
219 the Social Security Act, as amended.

220 (h) (1) The [Bureau of Child Support Enforcement] Office of Child

221 Support Services shall provide, or arrange to provide through one or
222 more of the state officials, departments and agencies, the same services
223 for obtaining and enforcing child support orders in cases in which
224 children are not beneficiaries of TFA, Medicaid or foster care as in
225 cases where children are the beneficiaries of TFA, Medicaid or foster
226 care. Such services shall also be made available to residents of other
227 states on the same terms as to residents of this state. Support services
228 in cases other than TFA, Medicaid or foster care will be provided upon
229 application to the [Bureau of Child Support Enforcement] Office of
230 Child Support Services by the person seeking to enforce a child
231 support obligation and the payment of an application fee, pursuant to
232 the provisions of subsection (i) of this section.

233 (2) In addition to the application fee, the [Bureau of Child Support
234 Enforcement] Office of Child Support Services may assess costs
235 incurred for the establishment, enforcement or modification of a
236 support order in cases other than TFA, Medicaid or foster care. Such
237 assessment shall be based on a fee schedule adopted by the
238 Department of Social Services pursuant to chapter 54. The fee schedule
239 to be charged in such cases shall be made available to any individual
240 upon request. The [Bureau of Child Support Enforcement] Office of
241 Child Support Services shall adopt procedures for the notification of
242 Superior Court judges and family support magistrates when a fee has
243 been assessed upon an obligee for support services and a Superior
244 Court judge or a family support magistrate shall order the obligor to
245 pay any such assessment to the [Bureau of Child Support
246 Enforcement] Office of Child Support Services. In cases where such
247 order is not entered, the obligee shall pay an amount based on a
248 sliding scale not to exceed the obligee's ability to pay. The Department
249 of Social Services shall adopt such sliding scale pursuant to chapter 54.

250 (3) The [Bureau of Child Support Enforcement] Office of Child
251 Support Services shall also, in the case of an individual who never
252 received temporary assistance for needy families and for whom the
253 state has collected at least five hundred dollars of support in a one-

254 year period, impose an annual fee of twenty-five dollars for each case
255 in which services are furnished. The annual fee shall be (A) retained by
256 the state from the support collected on behalf of the individual, but not
257 from the first five hundred dollars collected, (B) paid by the individual
258 applying for the services, (C) recovered from the noncustodial parent,
259 or (D) paid by the state.

260 Sec. 5. Subsection (l) of section 17b-179 of the general statutes is
261 repealed and the following is substituted in lieu thereof (*Effective from*
262 *passage*):

263 (l) The [Bureau of Child Support Enforcement] Office of Child
264 Support Services shall arrange to provide a single centralized
265 automated system for the reporting of collections on all accounts
266 established for the collection of all IV-D support orders. Such reporting
267 shall be made available to the Family Support Magistrate Division and
268 to all state agencies which have a cooperative agreement with the IV-D
269 agency. Such automated system shall include a state case registry
270 which complies with federal law and regulations. The state case
271 registry shall contain information on each support order established or
272 modified in this state. The [Bureau of Child Support Enforcement]
273 Office of Child Support Services, utilizing information contained in the
274 state case registry, shall establish, maintain and periodically update a
275 list of all delinquent child support obligors. The list shall, at a
276 minimum, contain the name, residential address and amount of the
277 delinquent child support owed by a child support obligor, exclusive of
278 any amount of child support owed for which an appeal is pending.
279 The [Bureau of Child Support Enforcement] Office of Child Support
280 Services shall publish on the Department of Social Services' Internet
281 web site, the names, residential addresses and amounts of delinquent
282 child support owed by the one hundred individuals having the highest
283 delinquent child support obligations. For purposes of this subsection,
284 "delinquent child support obligor" means an obligor who (1) owes
285 overdue child support, accruing after the entry of a court order, in an
286 amount which exceeds ninety days of periodic payments on a current

287 child support or arrearage payment order, or (2) has failed to make
288 court ordered medical or dental insurance coverage available within
289 ninety days of the issuance of a court order or fails to maintain such
290 coverage pursuant to a court order for a period of ninety days.

291 Sec. 6. Section 29-1g of the general statutes is repealed and the
292 following is substituted in lieu thereof (*Effective from passage*):

293 The Commissioner of Emergency Services and Public Protection
294 may appoint not more than six persons nominated by the
295 Commissioner of Social Services as special policemen in the [Bureau of
296 Child Support Enforcement] Office of Child Support Services of the
297 Department of Social Services for the service of any warrant or capias
298 mittimus issued by the courts on child support matters. Such
299 appointees, having been sworn, shall serve at the pleasure of the
300 Commissioner of Emergency Services and Public Protection and,
301 during such tenure, shall have all the powers conferred on state
302 policemen and state marshals.

303 Sec. 7. Subdivision (1) of subsection (a) of section 46b-88 of the
304 general statutes is repealed and the following is substituted in lieu
305 thereof (*Effective from passage*):

306 (1) "Issuing agency" means an agency providing child support
307 enforcement services, as defined in subsection (b) of section 46b-231, as
308 amended by this act, and includes the [Bureau of Child Support
309 Enforcement] Office of Child Support Services within the Department
310 of Social Services and Support Enforcement Services within Judicial
311 Branch Court Operations; and

312 Sec. 8. Section 46b-130 of the general statutes is repealed and the
313 following is substituted in lieu thereof (*Effective from passage*):

314 The parents of a minor child for whom care or support of any kind
315 has been provided under the provisions of this chapter shall be liable
316 to reimburse the state for such care or support to the same extent, and
317 under the same terms and conditions, as are the parents of recipients of

318 public assistance. Upon receipt of foster care maintenance payments
319 under Title IV-E of the Social Security Act by a minor child, the right of
320 support, past, present and future, from a parent of such child shall, by
321 this section, be assigned to the Commissioner of Children and
322 Families, and the parents shall assist the commissioner in pursuing
323 such support. On and after October 1, 2008, such assignment shall
324 apply only to such support rights as accrue during the period of
325 assistance, not to exceed the total amount of assistance provided to the
326 child under Title IV-E. Referral by the commissioner shall promptly be
327 made to the [Bureau of Child Support Enforcement] Office of Child
328 Support Services of the Department of Social Services for pursuit of
329 support for such minor child in accordance with the provisions of
330 section 17b-179, as amended by this act. Any child who reimburses the
331 state under the provisions of subsection (l) of section 46b-129 for any
332 care or support such child received shall have a right of action to
333 recover such payments from such child's parents.

334 Sec. 9. Subdivision (3) of subsection (b) of section 46b-172 of the 2016
335 supplement to the general statutes is repealed and the following is
336 substituted in lieu thereof (*Effective from passage*):

337 (3) Payments under such agreement shall be made to the petitioner,
338 except that in IV-D support cases, as defined in subsection (b) of
339 section 46b-231, as amended by this act, payments shall be made to the
340 [Bureau of Child Support Enforcement] Office of Child Support
341 Services or its designated agency and distributed as required by Title
342 IV-D of the Social Security Act. In IV-D support cases, the IV-D agency
343 or a support enforcement agency under cooperative agreement with
344 the IV-D agency may, upon notice to the obligor and obligee, redirect
345 payments for the support of any child receiving child support
346 enforcement services either to the state of Connecticut or to the present
347 custodial party, as their interests may appear, provided neither the
348 obligor nor the obligee objects in writing within ten business days
349 from the mailing date of such notice. Any such notice shall be sent by
350 first class mail to the most recent address of such obligor and obligee,

351 as recorded in the state case registry pursuant to section 46b-218, and a
352 copy of such notice shall be filed with the court or family support
353 magistrate if both the obligor and obligee fail to object to the redirected
354 payments within ten business days from the mailing date of such
355 notice.

356 Sec. 10. Subsection (b) of section 46b-303 of the 2016 supplement to
357 the general statutes is repealed and the following is substituted in lieu
358 thereof (*Effective from passage*):

359 (b) The [Bureau of Child Support Enforcement] Office of Child
360 Support Services within the Department of Social Services and Support
361 Enforcement Services of the Superior Court are the support
362 enforcement agencies of this state.

363 Sec. 11. Subsection (a) of section 46b-334 of the 2016 supplement to
364 the general statutes is repealed and the following is substituted in lieu
365 thereof (*Effective from passage*):

366 (a) If the Commissioner of Social Services determines that the
367 [Bureau of Child Support Enforcement] Office of Child Support
368 Services is neglecting or refusing to provide services to an individual,
369 or if the Chief Court Administrator determines that Support
370 Enforcement Services is neglecting or refusing to provide services to an
371 individual, the commissioner or Chief Court Administrator may order
372 their respective agencies to perform their duties under sections 46b-301
373 to 46b-425, inclusive, or may provide those services directly to the
374 individual.

375 Sec. 12. Subdivision (3) of subsection (a) of section 46b-218 of the
376 general statutes is repealed and the following is substituted in lieu
377 thereof (*Effective from passage*):

378 (3) "State case registry" means the database included in the
379 automated system established and maintained by the [Bureau of Child
380 Support Enforcement] Office of Child Support Services under
381 subsection (l) of section 17b-179, as amended by this act, which

382 database shall contain information on each support order established
383 or modified in the state.

384 Sec. 13. Subdivision (4) of subsection (b) of section 46b-231 of the
385 2016 supplement to the general statutes is repealed and the following
386 is substituted in lieu thereof (*Effective from passage*):

387 (4) ["Bureau of Child Support Enforcement"] "Office of Child
388 Support Services" means a division within the Department of Social
389 Services established pursuant to section 17b-179, as amended by this
390 act;

391 Sec. 14. Subdivision (12) of subsection (b) of section 46b-231 of the
392 2016 supplement to the general statutes is repealed and the following
393 is substituted in lieu thereof (*Effective from passage*):

394 (12) "IV-D agency" means the [Bureau of Child Support
395 Enforcement] Office of Child Support Services within the Department
396 of Social Services, established pursuant to section 17b-179, as amended
397 by this act, and authorized to administer the child support program
398 mandated by Title IV-D of the Social Security Act;

399 Sec. 15. Subdivision (4) of subsection (s) of section 46b-231 of the
400 2016 supplement to the general statutes is repealed and the following
401 is substituted in lieu thereof (*Effective from passage*):

402 (4) Review child support orders (A) in non-TFA IV-D support cases
403 (i) at the request of either parent or custodial party subject to a support
404 order, or (ii) upon receipt of information indicating a substantial
405 change in circumstances of any party to the support order, (B) in TFA
406 cases, at the request of the [Bureau of Child Support Enforcement]
407 Office of Child Support Services, or (C) as necessary to comply with
408 federal requirements for the child support enforcement program
409 mandated by Title IV-D of the Social Security Act, and initiate an
410 action before a family support magistrate to modify such support
411 order if it is determined upon such review that the order substantially
412 deviates from the child support guidelines established pursuant to

413 section 46b-215a. A requesting party under subparagraph (A)(i) or (B)
414 of this subdivision shall have a right to such review every three years
415 without proving a substantial change in circumstances, but more
416 frequent reviews shall be made only if such requesting party
417 demonstrates a substantial change in circumstances. There shall be a
418 rebuttable presumption that any deviation of less than fifteen per cent
419 from the child support guidelines is not substantial and any deviation
420 of fifteen per cent or more from the guidelines is substantial.
421 Modification may be made of such support order without regard to
422 whether the order was issued before, on or after May 9, 1991. In
423 determining whether to modify a child support order based on a
424 substantial deviation from such child support guidelines,
425 consideration shall be given to the division of real and personal
426 property between the parties set forth in any final decree entered
427 pursuant to chapter 815j and the benefits accruing to the child as the
428 result of such division. No order for periodic payment of support may
429 be subject to retroactive modification, except that the family support
430 magistrate may order modification with respect to any period during
431 which there is a pending motion for modification of a support order
432 from the date of service of notice of such pending motion to the
433 opposing party pursuant to section 52-50.

434 Sec. 16. Subdivision (1) of subsection (a) of section 52-362 of the 2016
435 supplement to the general statutes is repealed and the following is
436 substituted in lieu thereof (*Effective from passage*):

437 (1) "Dependent" means a spouse, former spouse or child entitled to
438 payments under a support order, provided Support Enforcement
439 Services of the Superior Court or the state acting under an assignment
440 of a dependent's support rights or under an application for child
441 support enforcement services shall, through an officer of Support
442 Enforcement Services or the [Bureau of Child Support Enforcement]
443 Office of Child Support Services within the Department of Social
444 Services or an investigator of the Department of Administrative
445 Services or the Attorney General, take any action which the dependent

446 could take to enforce a support order;

447 Sec. 17. Subsection (e) of section 52-362 of the 2016 supplement to
448 the general statutes is repealed and the following is substituted in lieu
449 thereof (*Effective from passage*):

450 (e) A withholding order shall issue in the amount necessary to
451 enforce a support order against only such nonexempt income of the
452 obligor as exceeds the greater of (1) eighty-five per cent of the first one
453 hundred forty-five dollars per week of disposable income, or (2) the
454 amount exempt under Section 1673 of Title 15 of the United States
455 Code, or against any lesser amount which the court or family support
456 magistrate deems equitable. Subject to subsection (d) of section 46b-88,
457 the withholding order shall secure payment of past and future
458 amounts due under the support order and an additional amount
459 computed in accordance with the child support guidelines established
460 in accordance with section 46b-215a, to be applied toward liquidation
461 of any arrearage accrued under such order, unless contested by the
462 obligor after a notice has been served pursuant to subsection (c) of this
463 section, in which case the court or family support magistrate may
464 determine the amount to be applied toward the liquidation of the
465 arrearage found to have accrued under prior order of the court or
466 family support magistrate. In no event shall such additional amount be
467 applied if there is an existing arrearage order from the court or family
468 support magistrate in a IV-D support case, as defined in subdivision
469 (13) of subsection (b) of section 46b-231. Any investigator or other
470 authorized employee of the [Bureau of Child Support Enforcement]
471 Office of Child Support Services within the Department of Social
472 Services, or any officer of Support Enforcement Services of the
473 Superior Court, may issue a withholding order entered by the Superior
474 Court or a family support magistrate pursuant to subsection (b) of this
475 section, and shall issue a withholding order pursuant to this subsection
476 when the obligor becomes subject to withholding under subsection (c)
477 of this section. On service of the order of withholding on an existing or
478 any future employer or other payer of income, and until the support

479 order is fully satisfied or modified, the order of withholding is a
480 continuing lien and levy on the obligor's income as it becomes due.

481 Sec. 18. Subsection (h) of section 52-362 of the 2016 supplement to
482 the general statutes is repealed and the following is substituted in lieu
483 thereof (*Effective from passage*):

484 (h) Service of any process under this section, including any notice,
485 may be made in accordance with section 52-57, or by certified mail,
486 return receipt requested. If service is made on behalf of the state, it
487 may be made by an authorized employee of Support Enforcement
488 Services, by an investigator or other officer of the [Bureau of Child
489 Support Enforcement] Office of Child Support Services within the
490 Department of Social Services, by an investigator of the Department of
491 Administrative Services or by the Attorney General. Service of income
492 withholding orders by Support Enforcement Services or by an
493 investigator or other officer of said [bureau] office upon an employer
494 under this section may be made in accordance with section 52-57, by
495 certified mail, return receipt requested, by first class mail or
496 electronically, provided the employer agrees to accept service made
497 electronically.

498 Sec. 19. Subsection (n) of section 52-362 of the 2016 supplement to
499 the general statutes is repealed and the following is substituted in lieu
500 thereof (*Effective from passage*):

501 (n) When a support order is issued in another state and the obligor
502 has income subject to withholding derived in this state, such income
503 shall be subject to withholding in accordance with the provisions of
504 this section, upon registration of the support order in accordance with
505 subdivision (1) of this subsection or as provided in subdivision (2) of
506 this subsection.

507 (1) An income withholding order issued in another state and
508 registered in this state shall be subject to the procedures for
509 registration, choice of law, notice to the nonregistering party, contest

510 and confirmation of such order in sections 46b-370 to 46b-380,
511 inclusive.

512 (2) An income withholding order issued in another state and
513 received directly by an employer in this state shall be subject to the
514 procedures in sections 46b-358 to 46b-364, inclusive. Such employer
515 shall, in addition to following the procedures in said sections,
516 immediately provide to the obligor a copy of the notice and claim form
517 provided by the Department of Social Services pursuant to
518 subparagraph (A) of this subdivision.

519 (A) The Department of Social Services shall make available to all
520 employers in this state a standard notice and claim form, written in
521 clear and simple language, which shall include (i) notice that money
522 will be withheld from the employee's wages for child support and
523 health insurance; (ii) notice of the amount of disposable earnings that
524 are exempt from the income withholding order; (iii) notice that the
525 amount of the income withholding order may not exceed the
526 maximum permitted by federal law under 15 USC 1673, together with
527 a statement of the obligor's right to claim any other applicable state or
528 federal exemptions; (iv) notice of the right to object to the validity or
529 enforcement of such income withholding order in a court in this state
530 and of the right to seek modification of the underlying support order
531 in the court of continuing exclusive jurisdiction; (v) notice of the right
532 to seek the assistance of the [Bureau of Child Support Enforcement]
533 Office of Child Support Services of the Department of Social Services
534 and the toll-free telephone number at which the bureau can be
535 contacted; and (vi) a claim form which shall include (I) a list of the
536 most common defenses and exemptions to such income withholding
537 order in a manner which allows the obligor to check any of the
538 defenses and exemptions which apply; (II) a space where the obligor
539 may briefly explain the obligor's claim or defense; (III) a space where
540 the obligor may initiate a request for services to modify the support
541 order, and the address of the [Bureau of Child Support Enforcement]
542 Office of Child Support Services of the Department of Social Services

543 to which such request may be sent; (IV) a space for the obligor to
544 provide the obligor's address and the name of the town in which the
545 obligor principally conducts the obligor's work for the employer; (V) a
546 space for the obligor to sign the obligor's name; (VI) the address of
547 Support Enforcement Services to which the claim form is to be sent in
548 order to contest the validity or enforcement of the income withholding
549 order; and (VII) space for the employer to state the date upon which
550 the form was actually delivered to the obligor.

551 (B) An obligor may contest the validity or enforcement of an income
552 withholding order issued in another state and received directly by an
553 employer in this state by following the procedures in section 46b-363
554 or by mailing to Support Enforcement Services the claim form
555 delivered to the obligor pursuant to this subdivision. Such form shall
556 be signed by the obligor and contain the obligor's address. A copy of
557 the income withholding order shall be included.

558 (C) Upon receipt of a claim form contesting the validity or
559 enforcement of an income withholding order, Support Enforcement
560 Services shall: (i) Give notice of the contest to (I) the support
561 enforcement agency providing services to the obligee; (II) each
562 employer that has directly received an income withholding order
563 relating to the obligor; (III) the person designated to receive payments
564 in the income withholding order; and (IV) if the obligee's address is
565 known, the obligee; (ii) file the claim form and a copy of the income
566 withholding order on behalf of the obligor with the Family Support
567 Magistrate Division; and (iii) notify the person or agency that sent the
568 income withholding order to file not less than ten days before the
569 scheduled hearing (I) two copies, including one certified copy of the
570 underlying support order, including any modification of such order;
571 and (II) a sworn statement showing the amount of any arrearage
572 together with the last court determination of an arrearage and an
573 accounting of the arrearage since such determination.

574 (D) Upon receipt of a claim form filed by Support Enforcement
575 Services on behalf of the obligor in accordance with subparagraph (C)

576 of this subdivision, the clerk shall promptly enter the appearance of
577 the obligor, schedule a hearing, and give notice of the hearing to the
578 obligor, Support Enforcement Services, the party initiating the income
579 withholding order, and, if the obligee's address is known, the obligee.
580 The family support magistrate shall promptly hear and determine the
581 claim and enter the family support magistrate's determination within
582 forty-five days from the date of the filing of the claim form. The family
583 support magistrate shall utilize the procedures set forth in sections
584 46b-342 to 46b-344, inclusive, to obtain additional evidence and
585 information as needed for a prompt determination on the claim. If the
586 person or agency that sent the income withholding order fails to file
587 the documents described in subparagraph (C) (iii) of this subdivision
588 or fails to comply with a reasonable request for information or
589 documents made under section 46b-343 or 46b-344, the family support
590 magistrate may (i) continue the hearing for a period of not more than
591 an additional forty-five days and direct Support Enforcement Services
592 to provide such notice as may be appropriate; (ii) order a temporary or
593 partial stay of income withholding for a period not to exceed forty-five
594 days; or (iii) sustain the obligor's objection to the validity or
595 enforcement of the income withholding order and enjoin the employer
596 from complying with such order. In addition to any notice given by the
597 clerk, upon entry of the decision of the family support magistrate on
598 the claim, Support Enforcement Services shall give notice of the
599 decision to each employer that has directly received an income
600 withholding order related to the obligor, the party initiating the
601 income withholding order, the obligor and, if the obligee's address is
602 known, the obligee.

603 (E) If the claim form requests services to modify the support order,
604 the [Bureau of Child Support Enforcement] Office of Child Support
605 Services shall assist the obligor to file a motion for modification with
606 the appropriate tribunal of the state of continuing, exclusive
607 jurisdiction in accordance with the law of that jurisdiction. The receipt
608 of the request for modification shall constitute a request for Title IV-D
609 services, but the bureau may require the making of a formal

610 application. Such assistance shall include, but is not limited to,
611 providing the obligor with information about how such a motion is
612 filed, contacting the state of continuing, exclusive jurisdiction on behalf
613 of the obligor to obtain appropriate forms, and transmitting such forms
614 and applicable information to the appropriate tribunal in such state.

615 (F) Venue for contested claims under this section shall be the Family
616 Support Magistrate Division of the Superior Court in the judicial
617 district in which the obligor resides, provided (i) if the obligor does not
618 reside in this state, venue shall be in the judicial district of the
619 employer who is subject to the income withholding order, and (ii) if
620 there is an existing action concerning support of the child or children
621 who are the subject of the income withholding order, the claim shall be
622 filed in that action.

623 Sec. 20. Subsection (p) of section 52-362 of the 2016 supplement to
624 the general statutes is repealed and the following is substituted in lieu
625 thereof (*Effective from passage*):

626 (p) All withholding orders issued under this section shall be payable
627 to the state disbursement unit established and maintained by the
628 Commissioner of Social Services in accordance with subsection (j) of
629 section 17b-179. The state disbursement unit shall insure distribution
630 of all money collected under this section to the dependent, the state
631 and the support enforcement agencies of other states, as their interests
632 may appear, within two business days. Each dependent who is not
633 receiving child support enforcement services, as defined in subsection
634 (b) of section 46b-231, as amended by this act, shall be notified upon
635 the issuance of a withholding order pursuant to this section, that such
636 services are offered free of charge by the State of Connecticut upon
637 application to the [Bureau of Child Support Enforcement] Office of
638 Child Support Services within the Department of Social Services.

639 Sec. 21. Subdivision (1) of subsection (a) of section 52-362f of the
640 2016 supplement to the general statutes is repealed and the following
641 is substituted in lieu thereof (*Effective from passage*):

642 (1) "Agency" means the [Bureau of Child Support Enforcement]
643 Office of Child Support Services within the Department of Social
644 Services of this state and, when the context requires, means either the
645 court or agency of any other jurisdiction with functions similar to those
646 defined in this section, including the issuance and enforcement of
647 support orders.

648 Sec. 22. Subsection (g) of section 52-362f of the 2016 supplement to
649 the general statutes is repealed and the following is substituted in lieu
650 thereof (*Effective from passage*):

651 (g) An income withholding order under this section shall direct
652 payment to the [Bureau of Child Support Enforcement] Office of Child
653 Support Services or its designated collection agent. The [bureau] office
654 or its designated agent shall promptly distribute payments received
655 pursuant to an income withholding order or garnishment based on a
656 support order of another jurisdiction entered under this section to the
657 agency or person designated pursuant to subdivision (5) of subsection
658 (a) of section 46b-371. A support order entered pursuant to subsection
659 (d) of this section does not nullify and is not nullified by a support
660 order made by a court of this state pursuant to any other section of the
661 general statutes or a support order made by a court of any other state.
662 Amounts collected by any withholding of income shall be credited
663 against the amounts accruing or accrued for any period under any
664 support orders issued either by this state or by another jurisdiction.

665 Sec. 23. Section 52-362i of the general statutes is repealed and the
666 following is substituted in lieu thereof (*Effective from passage*):

667 If the court or family support magistrate finds that (1) an obligor is
668 delinquent on payment of child support, and (2) future support
669 payments are in jeopardy, or (3) the obligor has exhibited or expressed
670 an intention not to pay any such support, the court or family support
671 magistrate may order the obligor to provide a cash deposit not to
672 exceed the amount of four times the current monthly support and
673 arrearage obligation, to be held in escrow by the [Bureau of Child

674 Support Enforcement] Office of Child Support Services or Support
 675 Enforcement Services. Any funds from such cash deposit may be
 676 disbursed by the [Bureau of Child Support Enforcement] Office of
 677 Child Support Services or Support Enforcement Services to the
 678 custodial parent upon a determination by said [bureau] office or
 679 Support Enforcement Services that the obligor has failed to pay the full
 680 amount of the monthly support obligation. Payment shall be in an
 681 amount that, when combined with the obligor's payment, would not
 682 exceed the monthly support obligation. Payment from such cash
 683 deposit shall not preclude a finding of delinquency during the period
 684 of time in which the obligor failed to pay current support.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	1-24
Sec. 2	<i>from passage</i>	4a-12(c)
Sec. 3	<i>from passage</i>	17b-93(d)
Sec. 4	<i>from passage</i>	17b-179(a) to (h)
Sec. 5	<i>from passage</i>	17b-179(l)
Sec. 6	<i>from passage</i>	29-1g
Sec. 7	<i>from passage</i>	46b-88(a)(1)
Sec. 8	<i>from passage</i>	46b-130
Sec. 9	<i>from passage</i>	46b-172(b)(3)
Sec. 10	<i>from passage</i>	46b-303(b)
Sec. 11	<i>from passage</i>	46b-334(a)
Sec. 12	<i>from passage</i>	46b-218(a)(3)
Sec. 13	<i>from passage</i>	46b-231(b)(4)
Sec. 14	<i>from passage</i>	46b-231(b)(12)
Sec. 15	<i>from passage</i>	46b-231(s)(4)
Sec. 16	<i>from passage</i>	52-362(a)(1)
Sec. 17	<i>from passage</i>	52-362(e)
Sec. 18	<i>from passage</i>	52-362(h)
Sec. 19	<i>from passage</i>	52-362(n)
Sec. 20	<i>from passage</i>	52-362(p)
Sec. 21	<i>from passage</i>	52-362f(a)(1)
Sec. 22	<i>from passage</i>	52-362f(g)
Sec. 23	<i>from passage</i>	52-362i

