



Senate

File No. 841

General Assembly

January Session, 2015

(Reprint of File No. 67)

Substitute Senate Bill No. 894
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 15, 2015

AN ACT CONCERNING 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 Section 1-24 of the general statutes is repealed and the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 January 1, 2016*):

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*
69 *January 1, 2016*):

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*
98 *January 1, 2016*):

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 January 1, 2016*):

119 (a) There is created within the Department of Social Services the
120 [Bureau of Child Support Enforcement. The bureau] Office of Child
121 Support Services. The 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*
262 *January 1, 2016*):

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 January 1, 2016*):

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 January 1, 2016*):

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 January 1, 2016*):

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
335 general statutes is repealed and the following is substituted in lieu
336 thereof (*Effective January 1, 2016*):

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, as
352 amended by this act, and a copy of such notice shall be filed with the
353 court or family support magistrate if both the obligor and obligee fail
354 to object to the redirected payments within ten business days from the
355 mailing date of such notice.

356 Sec. 10. Subsection (a) of section 46b-213d of the general statutes is
357 repealed and the following is substituted in lieu thereof (*Effective*
358 *January 1, 2016*):

359 (a) The [Bureau of Child Support Enforcement] Office of Child
360 Support Services of the Department of Social Services or its designated
361 collection agent, and any tribunal shall disburse promptly any
362 amounts received pursuant to a support order, as directed by the
363 order. The [bureau] office, agent or tribunal shall furnish to a
364 requesting party or tribunal of another state a certified statement by
365 the custodian of the record of the amounts and dates of all payments
366 received.

367 Sec. 11. Subsection (b) of section 46b-213f of the general statutes is
368 repealed and the following is substituted in lieu thereof (*Effective*
369 *January 1, 2016*):

370 (b) Upon receipt of the documents, Support Enforcement Services,
371 with the assistance of the [Bureau of Child Support Enforcement]
372 Office of Child Support Services within the Department of Social
373 Services, as appropriate, without initially seeking to register the order,
374 shall consider and, if appropriate, use any administrative procedure
375 authorized by the law of this state to enforce a support order or an
376 income withholding order, or both. If the obligor does not contest
377 administrative enforcement, the order need not be registered. If the
378 obligor contests the validity or administrative enforcement of the
379 order, the support enforcement agency shall file the order with
380 Support Enforcement Services of the Superior Court to be recorded in

381 the registry of support orders of the Family Support Magistrate
382 Division.

383 Sec. 12. Subsection (c) of section 46b-213w of the general statutes is
384 repealed and the following is substituted in lieu thereof (*Effective*
385 *January 1, 2016*):

386 (c) The Department of Social Services shall make available to all
387 employers in this state a standard notice and claim form, written in
388 clear and simple language, which shall include:

389 (1) Notice that money will be withheld from the employee's wages
390 for child support and health insurance;

391 (2) Notice of the amount of disposable earnings that are exempt
392 from the income withholding order;

393 (3) Notice that the amount of the income withholding order may not
394 exceed the maximum permitted by federal law under Section 1673 of
395 Title 15 of the United States Code, together with a statement of the
396 obligor's right to claim any other applicable state or federal
397 exemptions;

398 (4) Notice of the right to object to the validity or enforcement of such
399 income withholding order in a court in this state and of the right to
400 seek modification of the underlying support order in the court of
401 continuing exclusive jurisdiction;

402 (5) Notice of the right to seek the assistance of the [Bureau of Child
403 Support Enforcement] Office of Child Support Services of the
404 Department of Social Services and the toll-free telephone number at
405 which the [bureau] office can be contacted;

406 (6) A claim form which shall include (A) a list of the most common
407 defenses and exemptions to such income withholding order in a
408 manner which allows the obligor to check any of the defenses and
409 exemptions which apply; (B) a space where the obligor may briefly
410 explain the obligor's claim or defense; (C) a space where the obligor

411 may initiate a request for services to modify the support order, and the
412 address of the [Bureau of Child Support Enforcement] Office of Child
413 Support Services of the Department of Social Services to which such
414 request may be sent; (D) a space for the obligor to provide the obligor's
415 address and the name of the town in which the obligor principally
416 conducts the obligor's work for the employer; (E) a space for the
417 obligor to sign the obligor's name; (F) the address of Support
418 Enforcement Services to which the claim form is to be sent in order to
419 contest the validity or enforcement of the income withholding order;
420 and (G) space for the employer to state the date upon which the form
421 was actually delivered to the obligor.

422 Sec. 13. Subsection (m) of section 46b-213w of the general statutes is
423 repealed and the following is substituted in lieu thereof (*Effective*
424 *January 1, 2016*):

425 (m) If the claim form requests services to modify the support order,
426 the [Bureau of Child Support Enforcement] Office of Child Support
427 Services shall assist the obligor to file a motion for modification with
428 the appropriate tribunal of the state of continuing exclusive
429 jurisdiction in accordance with the law of that jurisdiction. The receipt
430 of the request for modification shall constitute a request for Title IV-D
431 services, but the [bureau] office may require the making of a formal
432 application. Such assistance shall include, but is not limited to,
433 providing the obligor with information about how such a motion is
434 filed, contacting the state of continuing exclusive jurisdiction on behalf
435 of the obligor to obtain appropriate forms, and transmitting such forms
436 and applicable information to the appropriate tribunal in such state.

437 Sec. 14. Subdivision (3) of subsection (a) of section 46b-218 of the
438 general statutes is repealed and the following is substituted in lieu
439 thereof (*Effective January 1, 2016*):

440 (3) "State case registry" means the database included in the
441 automated system established and maintained by the [Bureau of Child
442 Support Enforcement] Office of Child Support Services under

443 subsection (l) of section 17b-179, as amended by this act, which
444 database shall contain information on each support order established
445 or modified in the state.

446 Sec. 15. Subdivision (4) of subsection (b) of section 46b-231 of the
447 general statutes is repealed and the following is substituted in lieu
448 thereof (*Effective January 1, 2016*):

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

453 Sec. 16. Subdivision (12) of subsection (b) of section 46b-231 of the
454 general statutes is repealed and the following is substituted in lieu
455 thereof (*Effective January 1, 2016*):

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

461 Sec. 17. Subdivision (4) of subsection (s) of section 46b-231 of the
462 general statutes is repealed and the following is substituted in lieu
463 thereof (*Effective January 1, 2016*):

464 (4) Review child support orders (A) in non-TFA IV-D support cases
465 (i) at the request of either parent or custodial party subject to a support
466 order, or (ii) upon receipt of information indicating a substantial
467 change in circumstances of any party to the support order, (B) in TFA
468 cases, at the request of the [Bureau of Child Support Enforcement]
469 Office of Child Support Services, or (C) as necessary to comply with
470 federal requirements for the child support enforcement program
471 mandated by Title IV-D of the Social Security Act, and initiate an
472 action before a family support magistrate to modify such support
473 order if it is determined upon such review that the order substantially

474 deviates from the child support guidelines established pursuant to
475 section 46b-215a. A requesting party under subparagraph (A)(i) or (B)
476 of this subdivision shall have a right to such review every three years
477 without proving a substantial change in circumstances, but more
478 frequent reviews shall be made only if such requesting party
479 demonstrates a substantial change in circumstances. There shall be a
480 rebuttable presumption that any deviation of less than fifteen per cent
481 from the child support guidelines is not substantial and any deviation
482 of fifteen per cent or more from the guidelines is substantial.
483 Modification may be made of such support order without regard to
484 whether the order was issued before, on or after May 9, 1991. In
485 determining whether to modify a child support order based on a
486 substantial deviation from such child support guidelines,
487 consideration shall be given to the division of real and personal
488 property between the parties set forth in any final decree entered
489 pursuant to chapter 815j and the benefits accruing to the child as the
490 result of such division. No order for periodic payment of support may
491 be subject to retroactive modification, except that the family support
492 magistrate may order modification with respect to any period during
493 which there is a pending motion for modification of a support order
494 from the date of service of notice of such pending motion to the
495 opposing party pursuant to section 52-50.

496 Sec. 18. Subdivision (1) of subsection (a) of section 52-362 of the
497 general statutes is repealed and the following is substituted in lieu
498 thereof (*Effective January 1, 2016*):

499 (1) "Dependent" means a spouse, former spouse or child entitled to
500 payments under a support order, provided Support Enforcement
501 Services of the Superior Court or the state acting under an assignment
502 of a dependent's support rights or under an application for child
503 support enforcement services shall, through an officer of Support
504 Enforcement Services or the [Bureau of Child Support Enforcement]
505 Office of Child Support Services within the Department of Social
506 Services or an investigator of the Department of Administrative
507 Services or the Attorney General, take any action which the dependent

508 could take to enforce a support order;

509 Sec. 19. Subsection (e) of section 52-362 of the general statutes is
510 repealed and the following is substituted in lieu thereof (*Effective*
511 *January 1, 2016*):

512 (e) A withholding order shall issue in the amount necessary to
513 enforce a support order against only such nonexempt income of the
514 obligor as exceeds the greater of (1) eighty-five per cent of the first one
515 hundred forty-five dollars per week of disposable income, or (2) the
516 amount exempt under Section 1673 of Title 15 of the United States
517 Code, or against any lesser amount which the court or family support
518 magistrate deems equitable. Subject to subsection (d) of section 46b-88,
519 the withholding order shall secure payment of past and future
520 amounts due under the support order and an additional amount
521 computed in accordance with the child support guidelines established
522 in accordance with section 46b-215a, to be applied toward liquidation
523 of any arrearage accrued under such order, unless contested by the
524 obligor after a notice has been served pursuant to subsection (c) of this
525 section, in which case the court or family support magistrate may
526 determine the amount to be applied toward the liquidation of the
527 arrearage found to have accrued under prior order of the court or
528 family support magistrate. In no event shall such additional amount be
529 applied if there is an existing arrearage order from the court or family
530 support magistrate in a IV-D support case, as defined in subdivision
531 (13) of subsection (b) of section 46b-231. Any investigator or other
532 authorized employee of the [Bureau of Child Support Enforcement]
533 Office of Child Support Services within the Department of Social
534 Services, or any officer of Support Enforcement Services of the
535 Superior Court, may issue a withholding order entered by the Superior
536 Court or a family support magistrate pursuant to subsection (b) of this
537 section, and shall issue a withholding order pursuant to this subsection
538 when the obligor becomes subject to withholding under subsection (c)
539 of this section. On service of the order of withholding on an existing or
540 any future employer or other payer of income, and until the support
541 order is fully satisfied or modified, the order of withholding is a

542 continuing lien and levy on the obligor's income as it becomes due.

543 Sec. 20. Subsection (h) of section 52-362 of the general statutes is
544 repealed and the following is substituted in lieu thereof (*Effective*
545 *January 1, 2016*):

546 (h) Service of any process under this section, including any notice,
547 may be made in accordance with section 52-57, or by certified mail,
548 return receipt requested. If service is made on behalf of the state, it
549 may be made by an authorized employee of Support Enforcement
550 Services, by an investigator or other officer of the [Bureau of Child
551 Support Enforcement] Office of Child Support Services within the
552 Department of Social Services, by an investigator of the Department of
553 Administrative Services or by the Attorney General. Service of income
554 withholding orders by Support Enforcement Services or by an
555 investigator or other officer of said [bureau] office upon an employer
556 under this section may be made in accordance with section 52-57, by
557 certified mail, return receipt requested, by first class mail or
558 electronically, provided the employer agrees to accept service made
559 electronically.

560 Sec. 21. Subsection (p) of section 52-362 of the general statutes is
561 repealed and the following is substituted in lieu thereof (*Effective*
562 *January 1, 2016*):

563 (p) All withholding orders issued under this section shall be payable
564 to the state disbursement unit established and maintained by the
565 Commissioner of Social Services in accordance with subsection (j) of
566 section 17b-179. The state disbursement unit shall insure distribution
567 of all money collected under this section to the dependent, the state
568 and the support enforcement agencies of other states, as their interests
569 may appear, within two business days. Each dependent who is not
570 receiving child support enforcement services, as defined in subsection
571 (b) of section 46b-231, as amended by this act, shall be notified upon
572 the issuance of a withholding order pursuant to this section, that such
573 services are offered free of charge by the State of Connecticut upon

574 application to the [Bureau of Child Support Enforcement] Office of
575 Child Support Services within the Department of Social Services.

576 Sec. 22. Subdivision (1) of subsection (a) of section 52-362f of the
577 general statutes is repealed and the following is substituted in lieu
578 thereof (*Effective January 1, 2016*):

579 (1) "Agency" means the [Bureau of Child Support Enforcement]
580 Office of Child Support Services within the Department of Social
581 Services of this state and, when the context requires, means either the
582 court or agency of any other jurisdiction with functions similar to those
583 defined in this section, including the issuance and enforcement of
584 support orders.

585 Sec. 23. Subsection (g) of section 52-362f of the general statutes is
586 repealed and the following is substituted in lieu thereof (*Effective*
587 *January 1, 2016*):

588 (g) An income withholding order under this section shall direct
589 payment to the [Bureau of Child Support Enforcement] Office of Child
590 Support Services or its designated collection agent. The [bureau] office
591 or its designated agent shall promptly distribute payments received
592 pursuant to an income withholding order or garnishment based on a
593 support order of another jurisdiction entered under this section to the
594 agency or person designated pursuant to subdivision (5) of subsection
595 (a) of section 46b-213h. A support order entered pursuant to subsection
596 (d) of this section does not nullify and is not nullified by a support
597 order made by a court of this state pursuant to any other section of the
598 general statutes or a support order made by a court of any other state.
599 Amounts collected by any withholding of income shall be credited
600 against the amounts accruing or accrued for any period under any
601 support orders issued either by this state or by another jurisdiction.

602 Sec. 24. Section 52-362i of the general statutes is repealed and the
603 following is substituted in lieu thereof (*Effective January 1, 2016*):

604 If the court or family support magistrate finds that (1) an obligor is

605 delinquent on payment of child support, or an employer or other
606 payer of income failed to withhold from income due an obligor
607 pursuant to an order for withholding or failed to pay withheld sums as
608 required pursuant to subsection (f) of section 52-362, and (2) future
609 support payments are in jeopardy, or (3) the obligor, employer or other
610 payer of income has exhibited or expressed an intention not to pay any
611 such support, the court or family support magistrate may order the
612 obligor to provide a cash deposit not to exceed the amount of four
613 times the current monthly support and arrearage obligation, to be held
614 in escrow by the [Bureau of Child Support Enforcement] Office of
615 Child Support Services or Support Enforcement Services. Any funds
616 from such cash deposit may be disbursed by the [Bureau of Child
617 Support Enforcement] Office of Child Support Services or Support
618 Enforcement Services to the custodial parent upon a determination by
619 said [bureau] office or Support Enforcement Services that the obligor,
620 employer or other payer of income has failed to pay the full amount of
621 the monthly support obligation. Payment shall be in an amount that,
622 when combined with the obligor's payment, would not exceed the
623 monthly support obligation. Payment from such cash deposit shall not
624 preclude a finding of delinquency during the period of time in which
625 the obligor failed to pay current support.

626 Sec. 25. Subsection (a) of section 3-119 of the general statutes is
627 repealed and the following is substituted in lieu thereof (*Effective*
628 *January 1, 2016*):

629 (a) The Comptroller shall pay all salaries and wages not less than
630 ten calendar days or more than fifteen calendar days after the close of
631 the payroll period in which the services were rendered, except as
632 provided in subsections (b) and (c) of this section, but shall draw no
633 order in payment for any service of which the payroll officer of the
634 state has official knowledge without the signed statement of the latter
635 that all employees listed on the payroll of each agency have been duly
636 appointed to authorized positions and have rendered the services for
637 which payment is to be made. The Comptroller is authorized to
638 develop, install and operate a comprehensive fully documented

639 electronic system for effective personnel data, for payment of
640 compensation to all state employees and officers and for maintenance
641 of a chronological and permanent record of compensation paid to each
642 employee and officer for the state employees retirement system and
643 other purposes. Such electronic system shall also facilitate the
644 electronic processing of an income withholding order entered by a
645 state or federal court, including any such order transmitted to the
646 Comptroller by means of the federal electronic income withholding
647 order process and issued pursuant to section 52-362, as amended by
648 this act. The Comptroller is authorized to establish an accounting
649 procedure to implement this section.

650 Sec. 26. Subsection (h) of section 31-227 of the general statutes is
651 repealed and the following is substituted in lieu thereof (*Effective*
652 *January 1, 2016*):

653 (h) (1) An individual filing an initial claim for unemployment
654 compensation shall, at the time of filing such claim, disclose whether
655 or not the individual owes child support obligations as defined under
656 subdivision (6) of this subsection. If any such individual discloses that
657 he or she owes child support obligations and has been determined to
658 be eligible for unemployment compensation, the administrator shall
659 notify the state or local child support enforcement agency enforcing
660 such obligation that the individual is eligible for unemployment
661 compensation.

662 (2) The administrator shall deduct and withhold from any
663 unemployment compensation payable to an individual who owes
664 child support obligations (A) the amount specified by the individual to
665 the administrator to be deducted and withheld under this subsection,
666 if neither subparagraph (B) nor (C) is applicable, or (B) the amount
667 determined pursuant to an agreement submitted to the administrator
668 under Section 654(20)(B)(i) of the Social Security Act by the state or
669 local child support enforcement agency, unless subparagraph (C) is
670 applicable, or (C) any amount otherwise required to be so deducted
671 and withheld from such unemployment compensation pursuant to

672 legal process, as defined in Section 662(e) of the Social Security Act,
673 properly served upon the administrator. For purposes of this
674 subdivision, legal process shall be deemed properly served upon the
675 administrator if such legal process is transmitted to the administrator
676 by means of the federal electronic income withholding order process.

677 (3) Any amount deducted and withheld under subdivision (2) of
678 this subsection shall be paid by the administrator to the appropriate
679 state or local child support enforcement agency.

680 (4) Any amount deducted and withheld under subdivision (2) of
681 this subsection shall for all purposes be treated as if it were paid to the
682 individual as unemployment compensation and paid by such
683 individual to the state or local child support enforcement agency in
684 satisfaction of the individual's child support obligations.

685 (5) This subsection shall be applicable only if appropriate
686 arrangements have been made for reimbursement by the state or local
687 child support enforcement agency for the administrative costs incurred
688 by the administrator under this subsection which are attributable to
689 child support obligations being enforced by such state or local child
690 support enforcement agency.

691 (6) For purposes of this subsection, the term "unemployment
692 compensation" means any compensation payable under this chapter,
693 including amounts payable by the administrator pursuant to an
694 agreement under any federal law providing for compensation,
695 assistance, or allowances with respect to unemployment; "child
696 support obligations" includes only obligations which are being
697 enforced pursuant to a plan described in Section 654 of the Social
698 Security Act which has been approved by the Secretary of Health and
699 Human Services under Part D of Title IV of the Social Security Act; and
700 "state or local child support enforcement agency" means any agency of
701 this state or a political subdivision thereof operating pursuant to a plan
702 described in Section 654 of the Social Security Act which has been
703 approved by the Secretary of Health and Human Services under Part D

704 of Title IV of the Social Security Act.

705 Sec. 27. Subsection (k) of section 52-362 of the general statutes is
706 repealed and the following is substituted in lieu thereof (*Effective*
707 *January 1, 2016*):

708 (k) The employer shall notify promptly the dependent or Support
709 Enforcement Services as directed when the obligor terminates
710 employment, makes a claim for workers' compensation benefits or
711 makes a claim for unemployment compensation benefits and shall
712 provide the obligor's last-known address and the name and address of
713 the obligor's new employer, if known. When the obligor makes a claim
714 for workers' compensation benefits, the employer shall include a copy
715 of any order for withholding received for the obligor with the
716 employer's first report of occupational illness or injury to the
717 employer's workers' compensation insurance carrier, and such carrier
718 shall withhold funds pursuant to the withholding order and pay any
719 sums withheld as required by subsection (f) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2016	1-24
Sec. 2	January 1, 2016	4a-12(c)
Sec. 3	January 1, 2016	17b-93(d)
Sec. 4	January 1, 2016	17b-179(a) to (h)
Sec. 5	January 1, 2016	17b-179(l)
Sec. 6	January 1, 2016	29-1g
Sec. 7	January 1, 2016	46b-88(a)(1)
Sec. 8	January 1, 2016	46b-130
Sec. 9	January 1, 2016	46b-172(b)(3)
Sec. 10	January 1, 2016	46b-213d(a)
Sec. 11	January 1, 2016	46b-213f(b)
Sec. 12	January 1, 2016	46b-213w(c)
Sec. 13	January 1, 2016	46b-213w(m)
Sec. 14	January 1, 2016	46b-218(a)(3)
Sec. 15	January 1, 2016	46b-231(b)(4)
Sec. 16	January 1, 2016	46b-231(b)(12)

Sec. 17	<i>January 1, 2016</i>	46b-231(s)(4)
Sec. 18	<i>January 1, 2016</i>	52-362(a)(1)
Sec. 19	<i>January 1, 2016</i>	52-362(e)
Sec. 20	<i>January 1, 2016</i>	52-362(h)
Sec. 21	<i>January 1, 2016</i>	52-362(p)
Sec. 22	<i>January 1, 2016</i>	52-362f(a)(1)
Sec. 23	<i>January 1, 2016</i>	52-362f(g)
Sec. 24	<i>January 1, 2016</i>	52-362i
Sec. 25	<i>January 1, 2016</i>	3-119(a)
Sec. 26	<i>January 1, 2016</i>	31-227(h)
Sec. 27	<i>January 1, 2016</i>	52-362(k)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill does not result in a fiscal impact to the state or municipalities as the bill changes the name of the Bureau of Child Support Enforcement to the Office of Child Support Services.

In addition, the bill is not anticipated to result in a fiscal impact to the state or municipalities to support an electronic process for child support notices and withholdings from regular wages, unemployment compensation or workers' compensation payments.

House "A" requires an electronic process for child support notices and withholdings from various forms of income by employers.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 894 (as amended by House "A")******AN ACT CONCERNING THE OFFICE OF CHILD SUPPORT SERVICES.*****SUMMARY:**

This bill makes several changes in the child support enforcement laws. It:

1. requires workers' compensation insurance carriers to withhold court-ordered child support from an obligor's workers' compensation payments;
2. expands the circumstances under which a court or family support magistrate may order an obligor to provide a cash escrow deposit to the Department of Social Services' (DSS) Bureau of Child Support Enforcement (BCSE) (see BACKGROUND) or the Support Enforcement Services Division (SES) of the Judicial Branch;
3. requires the electronic payroll and financial management system operated by the state comptroller to electronically process income withholding orders entered by a state or federal court, including orders sent through the electronic income withholding order (e-IWO) process (see BACKGROUND);
4. specifies that a child support withholding order sent to the labor commissioner through the e-IWO process constitutes properly served legal process; and
5. renames BCSE as the Office of Child Support Services. It makes

conforming changes throughout the statutes.

*House Amendment "A" added provisions related to workers' compensation withholding, the court and family support magistrate's discretion over escrow accounts, and the e-IWO process.

EFFECTIVE DATE: January 1, 2016

WORKERS' COMPENSATION WITHHOLDINGS

The bill requires workers' compensation insurance carriers to pay withheld sums to BSCE. Those who fail to do so can be held in contempt of court. Under the bill, when employers send their first report of an employee's occupational illness or injury to their carrier, they must include a copy of any child support withholding order against the employee.

CASH ESCROW DEPOSITS

Under existing law, a court or family support magistrate may order an obligor to provide a cash escrow deposit up to four times the monthly support and arrearage obligation if it finds the obligor (1) is delinquent and future support payments are in jeopardy or (2) has shown or expressed an intention not to pay. Under the bill, the court or family support magistrate may also issue such an order to an obligor if it finds that (1) future support payments are in jeopardy and the obligor's employer or other income payer (e.g., a workers' compensation insurance carrier) failed to (a) withhold court-ordered child support from the obligor's income or (b) pay withheld sums to BCSE or (2) the employer or payer has shown or expressed an intention not to pay.

By law, and under the bill, BCSE or SES holds such deposits in escrow and, if it determines that the obligor has failed to pay the full amount of the monthly child support obligation, may disburse such funds to custodial parents in amounts that, when combined with the obligor's payment, do not exceed the monthly support obligation. Under the bill, BCSE or SES may do the same if it finds the obligor's

employer or other income payer has failed to make the payment.

BACKGROUND

Related Bill

SB 1030, File 711, favorably reported by the Judiciary and Human Services committees, implements the child support enforcement taskforce's recommendations, including a similar provision requiring the comptroller to facilitate the electronic processing of income withholding orders.

BCSE

By law, the bureau coordinates and administers the state's child support enforcement plan to implement Title IV-D of the federal Social Security Act, with assistance from the state's Judicial Branch. Title IV-D requires states to locate noncustodial parents, establish paternity, establish and enforce child support orders, and collect and distribute child support payments.

e-IWO Process

The federal Office of Child Support Enforcement implemented the e-IWO process, which enables state child support agencies to send and employers to receive income withholding orders electronically. It also allows employers to notify states about the status of existing income withholding orders.

Family Support Magistrate Division

By law, the Superior Court's Family Support Magistrate Division has jurisdiction over child support cases in which (1) the child is receiving, or has received, welfare cash or foster care assistance or (2) a child's parent or guardian has paid a fee and asked BCSE for help to collect support. It is also the tribunal designated by state law to handle interstate family support and paternity issues. Family support magistrates are appointed by the governor for three-year terms to hear cases involving paternity and child and spousal support. They are quasi-judicial officers, not judges, but perform some judicial functions.

COMMITTEE ACTION

Human Services Committee

Joint Favorable

Yea 15 Nay 3 (02/26/2015)