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Title IV-D Child Support Enforcement Program

Sec. 17b-179(m)-1. Intake and establishment of cases

(a) Assistance and Medicaid cases

(1) Required activities

In assistance and Medicaid cases, BCSE shall, except as provided in subdivision (2) in this subsection:

(A) ensure the availability of at intake or provide to the recipient within 5 working days of referral from the appropriate referral source, information describing available services, the individual's rights and responsibilities, and the state's fees, cost recovery, and distribution policies;

(B) within 5 working days of receipt of referral from the appropriate referral source, open a IV-D case by establishing a case record; and

(C) within 20 calendar days of receipt of referral from the appropriate referral source, based on an assessment of the case to determine necessary action,

(i) solicit necessary and relevant information from the custodial party and other relevant sources and initiate verification of information, if appropriate; and

(ii) if there is inadequate location information to proceed with the case, request additional information from the custodial party or refer the case to the SPLS for further location attempts.

(2) Domestic violence exemption

(A) Request

Upon receiving notice that a client, as defined in subparagraph (a)(2)(B) of section 17b-179(a)-4 of the Regulations of Connecticut State Agencies, has requested an exemption from cooperation requirements on the basis of a claim of domestic violence pursuant to section 17b-112a of the Connecticut General Statutes, BCSE shall suspend all activities to establish paternity or establish, modify, or enforce a child or medical support order until notified of a final determination pursuant to subparagraph (d)(2)(B) of section 17b-179(a)-4 of the Regulations of Connecticut State Agencies.

(B) Determination

BCSE shall not undertake to establish paternity or establish, modify, or enforce a child or medical support order for any client who is determined exempt from cooperation requirements pursuant to subdivision (c)(1) of section 17b-179(a)-4 of the Regulations of Connecticut State Agencies.

(b) Non-assistance cases

In non-assistance cases, BCSE shall:

(1) provide an application for IV-D services to any individual who requests the application or any IV-D service

(A) on the day of the request if the request is made in person or

(B) within 5 working days if the request is in writing or by telephone;

(2) provide with each application information describing available services, the individual's rights and responsibilities, and the state's fees, cost recovery, and distribution policies;

(3) accept a completed application as filed on the day it and the application fee are received; and

(4) within 20 calendar days of the filing of an application, based on an assessment of the case to determine necessary action:

(A) open a IV-D case by establishing a case record;

(B) solicit necessary and relevant information from the applicant and other relevant sources and initiate verification of information, if appropriate; and

(C) if there is inadequate location information to proceed with the case, request additional information from the applicant or refer the case to the SPLS for further location attempts.

(c) Continuation of services

Upon receiving notice from the department that a final determination to discontinue an assistance or Medicaid case has been made, BCSE shall:

(1) continue to provide all appropriate IV-D services without an application or application fee, provided the IV-D case has not been closed;

(2) redirect all future current support collections to the family;

(3) determine the amount of any IV-D collections which must be refunded to the custodial party;

(4) transfer to the custodial party's non-assistance accounts any assigned support amounts which exceed the amount of unreimbursed assistance paid to the family; and

(5) mail a notice to the custodial party informing him or her of the available child support services and his or her rights with respect thereto, any applicable fees, how any support collections will be distributed, and that all appropriate IV-D services will continue to be provided unless the custodial party requests case closure in accordance with section 17b-179(m)-12 of the Regulations of Connecticut State Agencies.

(Effective July 31, 1995; amended June 8, 1998, July 10, 2000)

Sec. 17b-179(m)-2. Location of noncustodial parents

(a) Responsible agencies

(1) BCSE

BCSE shall be responsible for location pursuant to the intake process in all IV-D cases, including those in which there is a pre-existing support order which has not already been established on CCSES. Such responsibility shall remain with BCSE until the noncustodial parent is located and an enforceable order is established.

(2) SED

SED shall be responsible for location in all IV-D cases after the establishment of an enforceable order even if such order should subsequently become unenforceable or the noncustodial parent's whereabouts become unknown.

(b) General requirement

The responsible agency as specified in subsection (a) shall attempt to locate all noncustodial parents or sources of income and/or assets when location is necessary to take other necessary action in a case.

(c) Sources to be accessed

When location is necessary, the responsible agency shall use the following location sources, as appropriate:

(1) the FPLS and interstate location networks;

(2) state and local officials and employees administering public assistance, general assistance, medical assistance, food stamps, and social services;

(3) relatives and friends of the noncustodial parent;

(4) current or past employers;

(5) the local telephone company;

(6) the U.S. Postal Service;

(7) financial references;

(8) unions;

(9) fraternal organizations;

- (10) police, parole, probation, and criminal records;
- (11) state labor department;
- (12) motor vehicle department; and
- (13) any other sources described in Section 17b-137 of the Connecticut General Statutes.

(d) Processing times

(1) Local sources

Within 30 calendar days of determining that location is necessary, the responsible agency shall access all appropriate location sources other than the SPLS, the FPLS, and interstate location networks; and either locate the noncustodial parent or a source of income or assets, or refer the case to the SPLS for further location attempts.

(2) All sources

Within 75 calendar days of determining that location is necessary, the responsible agency shall access all appropriate location sources including the SPLS, the FPLS, and interstate location networks; and ensure that location information is sufficient to take the next appropriate action in a case.

(e) Repeated location attempts

(1) When required

The responsible agency shall repeat location attempts in cases in which previous attempts have failed, but adequate identifying and other information exists to meet requirements for submittal for location, on the earlier of

(A) quarterly or

(B) immediately upon receipt of new information which may aid in location.

(2) Required sources

Quarterly attempts shall be limited to currently available automated sources and shall include accessing state labor department files.

(3) Time standards

Repeated attempts because of new information which may aid in location shall meet the time standards in subsection (d).

(Effective July 31, 1995; amended June 8, 1998)

Sec. 17b-179(m)-3. Service of process

(a) Responsible agencies

(1) AGO

The AGO shall be responsible for meeting the requirements of this section in actions for the legal determination of paternity in all IV-D cases, provided that the AGO shall refer cases in which repeated attempts to serve process are required under subdivision (b) (2) of this section to BCSE for location efforts, and shall repeat such attempts when the alleged father is located and the case is returned to the AGO by BCSE.

(2) BCSE

BCSE shall be responsible for meeting the requirements of this section in actions for the establishment of court-ordered support (exclusive of paternity actions) in all IV-D cases.

(3) SED

SED shall be responsible for meeting the requirements of this section in actions for the enforcement and modification of court-ordered support in all IV-D cases.

(b) General requirement

When service of process is necessary for the establishment, modification, or enforcement of court-ordered support, the responsible agency, as specified in subsection (a), shall ensure that diligent efforts to serve process are

(1) undertaken initially, and

(2) repeated at least quarterly in cases in which previous efforts have failed, but adequate identifying and other information exists to attempt service of process.

(c) Diligent efforts

Diligent efforts to serve process upon a noncustodial parent shall include the following:

(1) at least one attempt to serve process in hand, and

(2) if that fails, service at the verified abode of the noncustodial parent, and

(3) if that fails, by service on the employer of the noncustodial parent, if known, in accordance with subsection (f) of section 52-57 of the Connecticut General Statutes.

(d) Documentation

Diligent efforts, as required by this section, shall be documented in the case record, and the responsible agency, as specified in subsection (a), shall obtain such documentation from a sheriff or other party authorized to make the service whenever the agency arranges for such other party to make service.

(Effective July 31, 1995; amended June 8, 1998)

Sec. 17b-179(m)-4. Establishment of paternity

(a) BCSE functions

BCSE shall:

(1) identify and use laboratories which perform, at reasonable cost, legally and medically acceptable genetic tests which tend to identify the father or exclude the alleged father. BCSE shall make available a list of such laboratories to SED, the Attorney General's Office (AGO), family support magistrates, and the public upon request.

(2) in all IV-D cases in which paternity of a child has not been established, within 30 calendar days of locating the alleged father:

(A) establish legal paternity by obtaining an acknowledgment of paternity, or, if that fails,

(B) refer the case to the AGO for establishment of paternity and a support order by court action.

(b) AGO functions

The AGO shall, within 60 calendar days of receipt of a referral for paternity and support action from BCSE,

(1) file a verified paternity petition, refer the case to an authorized party for service of process, and complete service of process to establish paternity and support, or

(2) document unsuccessful attempts to serve process, despite diligent efforts to do so, in accordance with section 17b-179(m)-3.

(c) Expedited process

Cases requiring service under this section shall be completed, from the date of service of process to the date on which paternity and a support order are established or the court action is dismissed, within the following timeframes:

(1) 75% within 6 months and

(2) 90% within 12 months.

(Effective September 26, 1996; amended June 8, 1998)

Sec. 17b-179(m)-5. Establishment of support orders

(a) Initial activity

In all intrastate IV-D cases in which a support order does not already exist, BCSE shall, within 90 calendar days of locating the alleged father or noncustodial parent, either:

(1) establish a support order by obtaining a child support agreement and, if necessary, an acknowledgment of paternity, or

(2) obtain the AGO's approval of the documents necessary to commence proceedings to establish a support order, and either:

(A) complete service of process of such documents, or

(B) document unsuccessful attempts to serve process, despite diligent efforts to do so.

(b) **Initiating income withholding**

(1) AGO functions

The AGO shall, when an immediate order for withholding is issued by a court or family support magistrate against a nonappearing obligor, attempt service by certified mail of the notice required by subsection (b) of section 52-362 of the Connecticut General Statutes.

(2) BCSE functions

Except as provided in subdivision (1) of this subsection, BCSE shall take the actions required in subsection (b) of section 17b-179(m)-9 to initiate an income withholding order upon the establishment of an initial support order or the redirection of a pre-existing order to the State of Connecticut.

(c) **Review in the case of dismissal**

If the court or family support magistrate dismisses a petition for a support order without prejudice, BCSE shall, in consultation with the AGO, examine the reasons for dismissal at the time of dismissal and determine when it would be appropriate to seek an order in the future, and schedule a review for that time.

(d) **Expedited process**

Cases requiring service under this section shall be completed, from the date of service of process to the date on which a support order is established or the court action is dismissed, within the following timeframes:

(1) 75% within 6 months and

(2) 90% within 12 months.

(Effective September 26, 1996; amended June 8, 1998)

Sec. 17b-179(m)-6. Collection of support payments

(a) **Definitions**

As used in this section:

(1) "Deposit" means credit to an account owned by the State of Connecticut.

(2) "Post" means credit to the correct obligor's account in CCSES.

(3) "State Disbursement Unit" means the entity under contract with the department to provide comprehensive collection and disbursement services for the Connecticut IV-D program.

(b) **Time standards**

The department shall take steps to ensure that the State Disbursement Unit:

(1) deposits all IV-D support collections within 24 hours of receipt and

(2) transmits to the department the necessary posting data for at least 95% of such collections within 24 hours of receipt.

(Effective July 31, 1995; amended June 8, 1998)

Sec. 17b-179(m)-7. Medical support

(a) **BCSE functions**

BCSE shall:

(1) attempt to establish a medical support order, either solely in appropriate Medicaid-only cases, or in conjunction with efforts to establish a monetary order in any IV-D case, if there is no existing monetary support order;

(2) coordinate the collection of information concerning the noncustodial parent's health insurance policy or plan and transmit the necessary information to the appropriate unit within the department for cases receiving medical assistance;

(3) recommend to the court to include employment related or other group health insurance in support orders;

(4) inform individuals who are not receiving financial or medical assistance that medical support enforcement services are available to them; and

(5) enter medical insurance information on CCSES within 10 calendar days from the date that an order is entered, or from the date when the obligor secures health insurance under the order.

(b) SED functions

SED shall:

(1) attempt to establish medical support through the modification process if a monetary support order already exists;

(2) assist BCSE in obtaining and maintaining basic medical support information on child support obligors;

(3) recommend to the court to include employment related or other group health insurance in support orders;

(4) take the steps necessary to enforce the health coverage required by a court or administrative order by ensuring that the obligor secure and maintain the health coverage as ordered;

(5) transfer notice of a health insurance coverage requirement, in accordance with subsection (e) of section 38a-497a of the Connecticut General Statutes, to the obligor's new employer when an obligor changes employment; and

(6) enter medical insurance information on CCSES within 10 calendar days from the date that an order is modified, or from the date when the obligor secures health insurance under the order.

(Effective July 31, 1995; amended June 8, 1998, July 10, 2000)

Sec. 17b-179(m)-8. Review and modification

SED shall perform the following functions with respect to the review and modification of support orders in IV-D cases.

(a) Review

Review the orders in all IV-D cases in accordance with subdivision (s) (4) of Section 46b-231 of the Connecticut General Statutes and in compliance with applicable federal regulations. The review shall include a determination of the appropriateness of a motion for modification as well as the application of appropriate enforcement remedies.

(b) Modification

SED shall prepare, serve, and be available for testifying at court on motions for modification for all orders identified pursuant to subsection (a), herein, as appropriate for modification. All types of modifications, including, but not limited to, the following shall be the responsibility of SED:

(1) upward and downward modifications due to increased or decreased income of either party or other change in financial circumstances causing a 15% or more deviation from the child support guidelines;

(2) addition or removal of a child resulting from emancipation, changed household residence, consolidation or modification of orders after a paternity acknowledgment or adjudication, or a child born after divorce;

(3) establishment of a current support order if only an arrearage order or a medical support order exists;

(4) addition of a health insurance coverage requirement to an existing financial support order;

(5) change of unallocated order when the children now reside with different custodial parties; and

(6) custody modifications, payee changes, and motions to add party plaintiff when ordered by the court during enforcement or modification proceedings.

(Effective July 31, 1995; amended June 8, 1998, July 10, 2000)

Sec. 17b-179(m)-9. Enforcement of support orders

(a) In general

(1) Use of CCSES

The CCSES automated enforcement module shall be maintained by SED and shall be used in all IV-D cases to monitor compliance with support orders. Cases of noncompliance shall be identified by CCSES on the date the obligor fails to make payments in an amount equal to the support payable for one month.

(2) Required actions

Support orders in IV-D cases shall be enforced as follows:

(A) Income withholding

Income withholding shall be initiated in accordance with subsection (b) of this section.

(B) Income tax refund withholding

(i) Federal

All IV-D cases which satisfy the criteria set forth in section 52-362e-2 of the Regulations of Connecticut State Agencies shall be submitted in accordance with such section once a year for federal income tax refund withholding.

(ii) State

All IV-D cases which satisfy the criteria set forth in section 52-362e-3 of the Regulations of Connecticut State Agencies shall be submitted in accordance with such section once a year for state income tax refund withholding.

(C) Other enforcement actions

Except as otherwise provided in this section, SED shall be responsible for taking the actions required by this subparagraph. Enforcement actions other than income withholding and income tax refund withholding shall be taken as follows:

(i) Service of process not required

If service of process is not required, the action shall be taken within 30 calendar days of the later of the date the delinquency or other support-related noncompliance is identified, or the noncustodial parent is located.

(ii) Service of process required

If service of process is required, the action shall be taken within 60 calendar days of the date the delinquency or other support-related noncompliance is identified, or the noncustodial parent is located. If service of process cannot be made, diligent efforts to serve process, as described in section 17b-179(m)-3 of the Regulations of Connecticut State Agencies, shall be made and documented within the specified time period.

(D) Review when attempts fail

In cases in which enforcement attempts have been unsuccessful, the agency responsible for taking the particular enforcement action shall examine, at the time an attempt to enforce fails, the reason the attempt failed and determine when it would be appropriate to take an enforcement action in the future, and review the case at that time.

(3) Communication and referral

BCSE shall assist SED in the enforcement of IV-D support orders by:

(A) referring to SED all persons requesting the enforcement of support orders which have already been established on CCSES;

(B) assisting SED in communicating with IV-D agencies in other jurisdictions regarding the collection and enforcement of support orders;

(C) notifying SED within five working days of any changes in the status of an assistance or Medicaid case affecting the child support obligation; and

(D) providing SED with any new information on the obligor that becomes available to BCSE, including but not limited to address, employer, unemployment compensation intercept data, and increased wages.

(4) Motions to add party plaintiff

BCSE shall take the necessary steps to prepare a motion to add party plaintiff in situations where the state and the custodial party applying for IV-D services for the child were not parties to the original court action.

(5) Fatherhood initiative

SED shall, within existing resources, provide information regarding work activity and education programs to noncustodial parents when appropriate. SED shall also make recommendations to the family support magistrate that certain noncustodial parents participate in work activities and education programs when brought before the court. SED shall monitor cases for compliance when the family support magistrate issues an order to participate in work activities and education programs.

(b) **Income withholding**

(1) General provisions

(A) Responsible agency

Except as otherwise provided, BCSE shall be responsible for the procedures in this subsection pursuant to the establishment of an initial support order or the initiation of withholding on the basis of a pre-existing support order not already on CCSES, provided the obligor's income source is known at the time the order is established or the withholding is initiated. SED shall be responsible for such procedures in all other IV-D cases.

(B) Termination of withholding

BCSE shall examine CCSES reports to identify all cases in which

(i) a payment is received,

(ii) there is no longer a current support order,

(iii) all arrearages have been satisfied, and

(iv) income withholding is still in effect.

BCSE shall notify SED of all cases so identified, and SED shall promptly notify the obligor's employer or other payer of income to terminate withholding.

(C) Refunds

SED shall identify all IV-D cases in which amounts have been improperly withheld, and promptly prepare and refer to BCSE a request for refund of such amounts. BCSE shall promptly process such requests.

(D) Reporting requirements

All support orders issued or modified in IV-D cases shall include a provision requiring the obligor to keep the IV-D agency informed of:

(i) the name and address of his or her current employer,

(ii) whether the obligor has access to health insurance coverage at reasonable cost and, if so,

(iii) the health insurance policy information.

(E) Unemployment compensation

SED shall review on a monthly basis computer printouts of unemployment compensation recipients to determine if an income withholding order should be served on the labor department commissioner.

(F) Action on new hire reporting information

SED shall review information received through the new hire reporting process pursuant to section 31-254 of the Connecticut General Statutes and take the necessary action to establish, transfer or enforce an income withholding order pursuant to section 52-362 of the Connecticut General Statutes.

(2) Immediate withholding

All support orders issued or modified in IV-D cases shall include an order for immediate income withholding, regardless of any arrearage, except where:

(A) a party demonstrates, and the court or family support magistrate finds, that there is good cause not to require immediate withholding, or

(B) the parties reach a written agreement which provides for an alternative arrangement.

For the purposes of this subparagraph, "written agreement" means a written alternative arrangement signed by all parties, approved by the IV-D agency, and reviewed and entered in the record by the court or family support magistrate.

(3) Initiated withholding

This subdivision applies in all IV-D cases not subject to an order for immediate income withholding, including cases subject to a finding of good cause or to a written agreement, as provided in subdivision (2) of this subsection.

(A) When obligor subject to withholding

The income, as defined in subdivision (a)(5) of section 52-362 of the Connecticut General Statutes, of the obligor shall become subject to withholding on the date on which the payments the obligor has failed to make under a support order are at least equal to the support payable for one month or, if earlier, and without regard to any arrearage, on the earlier of:

(i) the date on which the obligor requests that withholding begin, provided a voluntary wage deduction is executed and approved in accordance with section 52-362c of the Connecticut General Statutes, or

(ii) the date on which the custodial party requests that withholding begin, provided such request is in writing and the procedures in subparagraph (B) of this subdivision are followed.

(B) Issuance of withholding order

The responsible agency shall issue an income withholding order as provided in subsection (e) of section 52-362 of the Connecticut General Statutes when the obligor becomes subject to withholding in accordance with subparagraph (a) of this subdivision. The order for withholding shall include all provisions required by section 52-362 of the Connecticut General Statutes and applicable federal law and regulations.

(C) Notice to obligor

The responsible agency shall serve notice of the withholding issued under subparagraph (B) of this subdivision promptly in accordance with subsection (h) of section 52-362 of the Connecticut General Statutes. Such notice shall comply in all respects with the provisions of subsection (c) of section 52-362 of the Connecticut General Statutes, and shall be accompanied by a copy of the withholding order.

(D) Hearing

A hearing shall be held in accordance with subsection (d) of section 52-362 of the Connecticut General Statutes if the obligor contests the withholding in response

to the notice served in accordance with subparagraph (C) of this subdivision. When a hearing is requested, the responsible agency shall notify the employer or other payer of income that the withholding order is stayed under said subsection until the claim or motion is decided by the court or a family support magistrate.

(4) Processing times

(A) Immediate withholding

In the case of an immediate withholding order under subdivision (2) of this subsection, the responsible agency shall use CCSES to send the withholding order to the employer within two business days of the date the support order is entered if the employer is known on that date or, if the employer is unknown on that date, within two business days of locating the employer.

(B) Initiated withholding

In the case of initiated withholding pursuant to subdivision (3) of this subsection, the responsible agency shall use CCSES to send the withholding order to the employer within two business days of the date the obligor becomes subject to withholding if the employer is known on that date or, if the employer is unknown on that date, within two business days of locating the employer.

(5) Interstate withholding

(A) Initiating cases

Within 20 calendar days of a determination that an obligor has earnings subject to income withholding in another jurisdiction and, if appropriate, receipt of any information necessary to carry out the withholding, SED shall follow the procedure set forth in section 52-362f of the Connecticut General Statutes to request interstate withholding.

(B) Responding cases

SED shall, in addition to any other requirements set forth in section 52-362f of the Connecticut General Statutes, upon filing a foreign support order as provided in subsection (d) of section 52-362f of the Connecticut General Statutes, proceed as provided in section 46b-213k of the Connecticut General Statutes.

(c) **Administrative enforcement functions**

(1) BCSE functions

BCSE shall meet the requirements of this subdivision in all IV-D cases.

(A) Liens

Liens shall be placed in accordance with section 52-362d-2 of the Regulations of Connecticut State Agencies.

(B) Reporting overdue support to consumer reporting agencies

Overdue support information shall be reported to consumer reporting agencies in accordance with section 52-362d-3 of the Regulations of Connecticut State Agencies.

(C) Withholding of lottery winnings

Lottery winnings shall be withheld in accordance with section 52-362d-4 of the Regulations of Connecticut State Agencies.

(D) Seizure of financial assets

Financial assets shall be seized in accordance with section 52-362d-5 of the Regulations of Connecticut State Agencies, as provided in subsection (e) of section 52-362d of the Connecticut General Statutes.

(E) State and federal income tax refund withholding

State and federal income tax refunds shall be withheld in accordance with sections 52-362e-1 through 52-362e-3 of the Regulations of Connecticut State Agencies. Information concerning modifications, deletions and state payments relative to certified cases shall be submitted in a timely manner to the appropriate agency.

(F) Federal administrative enforcement certifications

Cases appropriate for passport denial, revocation, restriction or limitation, and cases appropriate for administrative offset of federal payments shall be certified to the appropriate federal agency in accordance with applicable federal law. Information concerning modifications, deletions and state payments relative to certified cases shall be submitted in a timely manner to the appropriate agency.

(G) Fair hearings

When a fair hearing in cases not yet referred to SED, or in cases involving recoupment or seizure of financial assets, is requested by a IV-D obligor,

(i) A hearing summary shall be prepared and

(ii) Appropriate personnel shall attend and participate in the fair hearing.

Testimony regarding the procedures followed by BCSE to establish support orders or to calculate arrearages shall be provided at fair hearings for which SED is responsible when requested by the hearing officer.

(H) Capias mittimus

Capias mittimus orders shall be served in accordance with the order of the court or family support magistrate.

(I) IRS full collection

Applications for IRS full collection services shall be submitted to OCSE within 30 days of receipt from SED, provided such applications are properly completed and adequately documented, and the fee has been paid.

(J) Fraudulent transfers

BCSE shall, in any case in which it determines that a child support obligor has made a transfer of income or property that is fraudulent as to the state or the recipient of IV-D services under chapter 923a of the Connecticut General Statutes,

(i) seek to avoid such transfer under section 52-552h of the Connecticut General Statutes or

(ii) obtain a settlement in the best interests of the state or such recipient.

(2) SED functions

SED shall meet the requirements of this subdivision in all IV-D cases.

(A) Account audit

An audit of an obligor's account shall be performed upon the obligor's request.

(B) Fair hearings

When a fair hearing on matters other than recoupment or seizure of financial assets is requested by a IV-D obligor,

(i) a hearing summary shall be prepared and

(ii) appropriate personnel shall attend and participate in the fair hearing.

(C) Liens and fraudulent transfers

(i) A determination shall be made, when enforcing or modifying an order, whether the obligor owns real or personal property which can be encumbered for the purpose of securing any past-due support or may have made a transfer of any such property that is fraudulent as to the state or the recipient of IV-D services under chapter 923a of the general statutes.

(ii) Cases identified in step (i) shall be referred to BCSE within fifteen days for appropriate action.

(D) Record maintenance

CCSES and manual records related to the enforcement functions described in this section shall be maintained.

(E) IRS full collection

(i) Applications for IRS full collection services shall be prepared in IV-D cases in which other legal remedies have been exhausted.

(ii) The appropriate fee shall be collected and forwarded with the application to BCSE.

(iii) Appropriate cases in which SED cannot identify assets sufficient for requesting full collection services shall be referred to BCSE for obtaining information subject to disclosure by the IRS.

(Effective September 26, 1996; amended June 8, 1998, July 10, 2000, May 24, 2004)

Sec. 17b-179(m)-10. Provision of services in interstate IV-D cases

(a) Central registry

(1) Definition

“Central registry” means a single centralized office within or under cooperative agreement with the IV-D agency which is responsible for receiving, distributing, and responding to automated and manual inquiries on all incoming interstate IV-D cases, including UIFSA petitions and requests for income withholding.

(2) Functions

There shall be a central registry located within SED which shall:

(A) within 10 working days of receipt of an interstate IV-D case from an initiating state,

(i) review submitted documentation for completeness,

(ii) forward the case to either the SPLS or the appropriate local office of SED for processing,

(iii) acknowledge receipt of the case and ensure that any missing documentation has been requested from the initiating state, and

(iv) inform the IV-D agency in the initiating state where the case was sent for action;

(B) if the documentation received with a case is inadequate and cannot be remedied by the central registry without the assistance of the initiating state, forward the case to the appropriate agency for any action which can be taken pending receipt of necessary documentation from the initiating state; and

(C) respond to inquiries from other states within 5 working days of receipt of the request for a case status review.

(b) Responding state functions

When Connecticut is the responding state, SED shall:

(1) serve as the support enforcement agency under UIFSA and provide any necessary services within the applicable timeframes for the given services which shall include paternity and support obligation establishment, in conjunction with the AGO, enforcement of court orders, and collection and monitoring of support payments;

(2) perform clerical, administrative and other non-judicial functions on behalf of the family support magistrate division pursuant to UIFSA;

(3) maintain a registry of support orders of the Family Support Magistrate Division;

(4) maintain a registry of paternity judgments of other states, which registry shall include both paternity acknowledgments and adjudications;

(5) serve as the state information agency under UIFSA;

(6) provide timely notice to the parties and the IV-D agency in the initiating state of:

(A) Hearings to establish or modify a support order,

(B) Hearings to contest the registration of a support or income withholding order, and

(C) Hearings to contest the direct filing of an income withholding order from another state with a Connecticut employer;

(7) Provide a copy of any support order established or modified, or a notice of determination that there should be no change in the amount of the support order, within 14 days of issuance, to each party and the state case registry;

(8) Provide the petitioner within 5 days, excluding weekends and holidays with:

(A) copies of written notice from an initiating, responding or registering tribunal,

(B) copies of written communication from the respondent or respondent's attorney, and

(C) notice if jurisdiction over the respondent cannot be obtained;

(9) within 10 working days of receipt of new information on a case, notify the IV-D agency in the initiating state by submitting an updated form;

(10) within 75 calendar days of receipt of a standardized interstate Child Support Enforcement Transmittal and documentation from the central registry:

(A) provide location services in accordance with section 17b-179(m)-2 of the Regulations of Connecticut State Agencies if the request is for location services or the form or documentation does not include adequate location information on the noncustodial parent,

(B) if unable to proceed with the case because of inadequate documentation, notify the IV-D agency in the initiating state of the necessary additions or corrections to the form or documentation, and

(C) if the documentation received with a case is inadequate and cannot be remedied by SED without the assistance of the initiating state, process the interstate IV-D case to the extent possible pending necessary action by the initiating state;

(11) within 10 working days of locating the noncustodial parent in a different jurisdiction within the state, forward the form and documentation to the appropriate jurisdiction and notify the initiating state and central registry of its action;

(12) within 10 working days of locating the noncustodial parent in a different state:

(A) return the form and documentation, including the new location, to the initiating state, or, if directed by the initiating state, forward the form and documentation to the central registry in the state where the noncustodial parent has been located, and

(B) notify the central registry where the case has been sent;

(13) If a petition or comparable pleading is received by an inappropriate tribunal of this state, promptly forward the pleadings and the accompanying documents to an appropriate tribunal in this state or another state and notify the petitioner by first class mail where and when the pleading was sent;

(14) Accept and process international requests for child support services from any foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to UIFSA, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act;

(15) notify the central registry in the initiating state when a case is closed; and

(16) coordinate genetic testing arrangements with the initiating court.

(c) Initiating state functions

When Connecticut is the initiating state, SED shall perform the functions assigned to it under UIFSA. SED shall also accept and process requests from BCSE for child support services in foreign nations that have enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to UIFSA, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform

Reciprocal Enforcement of Support Act. SED shall also perform the following additional functions specified in this subsection.

(1) Establishment

In cases requiring the establishment of paternity where the putative father resides out of or is absent from the state, BCSE shall first attempt to establish legal paternity in accordance with section 17b-179(m)-4 of the Regulations of Connecticut State Agencies, to the extent provided in section 46b-160 of the Connecticut General Statutes, before proceeding under this section. In other cases when Connecticut is the initiating state, BCSE shall, in cases requiring the establishment of a support order through the UIFSA petition process:

(A) complete all required forms for the interstate referral package and refer to the responding state's central registry within 20 calendar days of determining that the noncustodial parent is in another state;

(B) provide the petitioner within five days, excluding weekends and holidays with:

(i) copies of written notice from an initiating, responding or registering tribunal,

(ii) copies of written communication from the respondent or the respondent's attorney, and

(iii) notice if jurisdiction over the respondent cannot be obtained;

(C) provide the IV-D agency or central registry in the responding state any requested additional information or notify the responding state when the information will be provided within 30 calendar days of receipt of the request for information by submitting an updated form and any necessary additional documentation;

(D) notify the IV-D agency in the responding state within 10 working days of receipt of new information on a case by submitting an updated form and any necessary additional documentation;

(E) coordinate genetic testing arrangements when ordered by the responding court; and

(F) provide a copy of any support order established or modified, or a notice of determination that there should be no change in the amount of the support order, within 14 days of issuance, to each party and the state case registry.

(2) Enforcement

(A) Responsible agency

BCSE shall perform the functions in this subdivision if it determines, pursuant to the intake process, that there is a pre-existing support order which has not already been established on CCSES. SED shall perform such functions if BCSE determines that there is a pre-existing support order which has already been established on CCSES.

When BCSE performs the functions in this subdivision, it shall also, where required for the remedy chosen, complete all forms for the interstate referral package and forward the completed package along with all required documentation, such as financial affidavits and certified copies of court orders, to the responding state's central registry within 20 calendar days of determining that the noncustodial parent is in another state.

(B) Initiate remedy

The responsible agency shall obtain sufficient information and documentation to determine the appropriate remedy, depending on the noncustodial parent's income source, and initiate such remedy as follows:

(i) income withholding served on resident agent if the noncustodial parent is employed by a company doing business in Connecticut,

(ii) direct income withholding if the noncustodial parent is employed by a company in another state with the UIFSA direct withholding provision;

(iii) interstate income withholding or request for enforcement of responding state's own local order if the noncustodial parent is employed by a company not doing business in Connecticut and direct income withholding is not appropriate,

(iv) involuntary military allotment if the noncustodial parent is in active military service,

(v) withholding served on designated agent if the noncustodial parent is employed by the federal government,

(vi) registration of order or request for enforcement of responding state's own local order if the noncustodial parent is self-employed or his or her income source is unknown, or

(vii) UIFSA petition to establish a support order if there are no orders entitled to recognition under UIFSA.

(C) Provide information

The responsible agency shall provide the IV-D agency or central registry in the responding state any requested additional information or notify the responding state when the information will be provided within 30 calendar days of receipt of the request for information by submitting an updated form and any necessary additional documentation.

(D) Update information

The responsible agency shall notify the IV-D agency in the responding state within 10 working days of receipt of new information on a case by submitting an updated form and any necessary additional documentation.

(E) Notify petitioner

The responsible agency shall provide the petitioner within five days, excluding weekends and holidays with:

(i) copies of written notice from an initiating, responding or registering tribunal,

(ii) copies of written communication from the respondent or the respondent's attorney, and

(iii) notice if jurisdiction over the respondent cannot be obtained.

(F) Coordinate genetic testing

The responsible agency shall coordinate genetic testing arrangements when ordered by the responding court.

(G) Provide copy of order

The responsible agency shall provide a copy of any support order established or modified, or a notice of determination that there should be no change in the amount of the support order, within 14 days of issuance, to each party and the State Case Registry.

(H) Update CCSES

The responsible agency shall update CCSES upon completion of the responding state action.

(Effective July 31, 1995; amended June 8, 1998, July 10, 2000)

Sec. 17b-179(m)-11. Administration

(a) BCSE or department functions

BCSE, the department, or an entity under contract with the department shall perform the following administrative functions.

(1) Federal reports

Prepare the federal reports required by OCSE for the IV-D program.

(2) Fair hearings

Provide obligors aggrieved by an alleged action or inaction with an opportunity for a fair hearing on matters concerning the withholding of state and federal income tax refunds; placement of liens on real or personal property; reporting overdue support to consumer reporting agencies; withholding of lottery winnings; SED determinations not to pursue motions for modification; certifications for passport denial, revocation, restriction or limitation, and administrative offset of federal payments; and seizure of financial assets.

(3) Oversight

Ensure that the functions delegated to cooperating agencies pursuant to the IV-D state plan are being carried out properly, efficiently and effectively.

(4) CCSES reports

Provide existing reports, and create and provide new reports, that are appropriate and necessary for the administration of the Connecticut IV-D program based on information contained in CCSES.

(5) Labor department cooperative agreement

Maintain a cooperative agreement with the state labor department that defines procedures for serving income withholding orders on the labor commissioner against the unemployment compensation benefits of child support obligors. The cooperative agreement shall also provide for payment of the labor department's costs by the IV-D program.

(6) Access to automated databases

Ensure access by SED to the automated databases of the departments of labor, motor vehicles, correction, and others as available, through CCSES.

(7) Automated interface

Arrange for and maintain an automated interface capability between CCSES and the department's Eligibility Management System for referral and information exchange in assistance and Medicaid cases.

(8) Bad checks

Receive IV-D support checks which have been charged back and returned by financial institutions, establish a bad check recovery disposition on CCSES, and return the original charged back check to the payer with appropriate notification and instructions.

(9) Returned checks

Receive IV-D support checks returned by the post office as undeliverable and re-mail such checks to a more recent valid address if one appears on CCSES. If a more recent valid address does not appear on CCSES, void such checks and invalidate the custodial party's address on CCSES using a unique code.

(10) Refunds

Process all refund requests and respond to all inquiries concerning such refunds other than those related to the preparation of the request itself.

(11) Recovery of retained direct support

Recover child support payments received directly and retained by custodial parties.

(12) Recovery of misapplied child support payments

Recover misapplied child support payments in accordance with section 17b-179(a)-3 of the Regulations of Connecticut State Agencies.

(13) Resolution of inquiries and complaints

Assist in the resolution of inquiries and complaints.

(14) Administrative enforcement inquiries

Accept and respond to initial telephone inquiries regarding the administrative enforcement mechanisms for which BCSE is responsible under subsection (c) of section 17b-179(m)-9 of the Regulations of Connecticut State Agencies.

(15) IV-D management forum

Establish a forum for the cooperating agencies at the managerial level to maintain open communications between the primary agencies involved in the administration of the IV-D program for the State of Connecticut. Such forum shall hold regular meetings for the purpose of identifying and resolving any functional issues not otherwise adequately addressed, maintaining a clear and unified vision of the aims and policies of the IV-D program, and planning for the implementation of any new federal or state requirements.

(b) **SED functions**

SED shall perform the following administrative functions.

(1) Interstate correspondence

Cooperate with BCSE in responding to any requests for information or services received from IV-D agencies in other jurisdictions.

(2) Financial statements

Submit to BCSE for the purpose of federal financial participation a quarterly statement of costs incurred in the performance of its responsibilities under the IV-D state plan no later than twenty days from the last day of each quarter, in accordance with an agreed cost allocation plan and the annual personnel plan consisting of the number of positions by job classification and a budget for the cost of services provided. Indirect costs shall be submitted annually no later than the second quarter of the state fiscal year, and calculated utilizing the statewide cost allocation plan and the standard indirect cost rate.

(3) Statistical reports

Submit monthly statistical reports to BCSE as required for the implementation of the IV-D state plan, subject to the availability of staffing and electronic data processing resources.

(4) Oversight

Assist BCSE in its monitoring responsibilities in accordance with the self-assessment plan issued by BCSE pursuant to federal IV-D program requirements to ensure that the IV-D agency remains in compliance with federal regulations and OCSE audit guidelines.

(5) Record retention

Retain all records for cases closed for a minimum of three years from the date of closure.

(6) Bad checks

Assist BCSE in the recovery of bad checks issued to the State of Connecticut in non-assistance cases when a payer fails to provide restitution to the department. SED assistance shall be limited to notifying the court of the existence of a bad check in the automated enforcement process and remitting any recovery to BCSE for proper credit.

(7) Refund requests

Investigate and prepare requests for refunds of child support monies to obligors and custodial parties, and refer such requests to the department for processing. Respond to inquiries concerning such refunds that are related to the preparation of the request itself. Refer to the department or the State Disbursement Unit, as appropriate, cases associated with problems resulting from operator error or systemic failure for completing the refund request.

(8) Resolution of inquiries and complaints

Maintain a unit of judicial branch employees referred to as the child support information and problem resolution unit whose responsibilities shall include:

responding to requests for child support program information, responding to questions and inquiries related to the child support enforcement program, and resolving case-related problems that require extensive, detailed research or time.

(9) Payment processing

(A) Transfer child support payments or other funds received by SED field offices to the State Disbursement Unit by electronic fund transfer, check or other automated process when appropriate. Such transfers shall be made in accordance with state and federal laws and regulations.

(B) Prepare and fax to the State Disbursement Unit a transmittal, which contains the appropriate detail, related to each payment received by SED and transferred to the State Disbursement Unit.

(C) Notify the State Disbursement Unit of misapplied or missing payments that are discovered by SED and document such payments in CCSES or on an appropriate form to ensure resolution.

(D) Assist the State Disbursement Unit in the resolution of non-disbursed funds due to a “not valid address” indicator in CCSES.

(E) Assist the State Disbursement Unit in the resolution of returned checks (not deliverable by the post office) by performing the following activities, as resources permit:

(i) locate activities as appropriate,

(ii) case closure,

(iii) termination of income withholding, if appropriate, and

(iv) notifying BCSE of action taken.

(F) Assist the State Disbursement Unit in contacting employers who are not in compliance with an income withholding order.

(10) Non-IV-D cases

(A) Process income withholding order forms from non-IV-D litigants or their attorneys.

(B) Enter the required information for non-IV-D cases in the state case registry. (Effective July 31, 1995; amended June 8, 1998, July 10, 2000)

Sec. 17b-179(m)-12. Case closure

BCSE, in pre-obligation cases, and SED, in obligation cases, shall close cases in accordance with this section. The agency responsible for case closure shall also be responsible for verifying the circumstances justifying closure.

(a) **Criteria**

In order to be eligible for closure, a IV-D case must meet at least one of the following criteria:

(1) There is no longer a current support order and arrearages are under \$150 if owed to the state, under \$500 if owed to the custodial party, or unenforceable under state law.

(2) The noncustodial parent or putative father is deceased and no further action, including a levy against the estate, can be taken.

(3) Paternity cannot be established because:

(A) the child is at least 18 years old and action to establish paternity is barred by section 46b-160 of the Connecticut General Statutes,

(B) a genetic test or a court or administrative process has excluded the putative father and no other putative father can be identified,

(C) the department has determined that it would not be in the best interests of the child to establish paternity in a case involving incest or forcible rape, or in any case where legal proceedings for adoption are pending, or

(D) The identity of the biological father is unknown and cannot be identified after diligent efforts, including at least one interview by the IV-D agency with the recipient of services.

(4) The noncustodial parent's location is unknown, and BCSE or a cooperating agency has made diligent efforts using multiple sources, in accordance with section 17b-179(m)-2 of the Regulations of Connecticut State Agencies, all of which have been unsuccessful, to locate the noncustodial parent:

(A) Over a three-year period when there is sufficient information to initiate an automated locate effort, or

(B) Over a one-year period when there is not sufficient information to initiate an automated locate effort.

(5) The noncustodial parent cannot pay support for the duration of the child's minority because the parent has been institutionalized in a psychiatric facility, is incarcerated with no chance for parole, or has a medically verified total and permanent disability with no evidence of support potential, and no income or assets available which could be levied or attached for support.

(6) The noncustodial parent is a citizen of, and lives in, a foreign country, does not work for the federal government or a company with headquarters or offices in the United States, and has no reachable domestic income or assets; and Connecticut has been unable to establish reciprocity with such country.

(7) In a non-assistance case,

(A) BCSE or SED is unable to contact the recipient of services within a 60 calendar day period despite an attempt by at least one letter sent by first class mail to the recipient's last known address, or

(B) BCSE or SED documents the circumstances of the recipient of services noncooperation and an action by the recipient of services is essential for the next step in providing IV-D services.

(8) BCSE or SED documents failure by the initiating state to take an action which is essential for the next step in providing services.

(9) BCSE has provided location-only services as requested pursuant to section 17b-179(f)-1 of the Regulations of Connecticut State Agencies.

(10) The non-assistance recipient of services requests closure of a case in writing and there is no assignment to the state of medical support or arrearages which accrued under a support order.

(11) The client has been determined exempt from cooperation requirements in accordance with subsection (c) of section 17b-179(a)-4 of the Regulations of Connecticut State Agencies and the department has determined that support enforcement may not proceed without risk of harm to the child or custodial party.

(b) Notice of closure

In cases meeting the criteria in subdivisions (1) through (8) of subsection (a) of this section, BCSE, in pre-obligation cases, and SED, in obligation cases, shall notify the recipient of services, or in an interstate case meeting the criteria for closure under subdivision (a)(8) of this section, the initiating state, in writing 60 calendar days prior to closure of the state's intent to close the case. The case shall be kept open if the recipient of services or the initiating state supplies information in response to the notice which could lead to the establishment of paternity or a support order or enforcement of an order or, in the instance of subparagraph (a)(7)(A) of this section, if contact is reestablished with the recipient of services. If the case is closed, the former recipient of services may request at a later date that the case be reopened if there is a change in circumstances which could lead to the establish-

ment of paternity or a support order or enforcement of an order by completing a new application for IV-D services and paying any applicable application fee in accordance with section 17b-179(i)-1 of the Regulations of Connecticut State Agencies.

(c) **Retention of case records**

BCSE and cooperating agencies shall retain all records for cases closed pursuant to this section for a minimum of three years.

(Effective July 31, 1995; amended June 8, 1998, July 10, 2000)

Sec. 17b-179(m)-13. Substantial compliance

(a) **Definition**

(1) 90% standard

Substantial compliance with the standards established in

(A) subparagraph (a)(1)(A) and subdivisions (b)(1) through (b)(3) of section 17b-179(m)-1, and

(B) section 17b-179(m)-12

shall be defined as achievement of the given standard in at least 90% of the cases requiring the action regulated by such standard.

(2) 75% standard

Except as provided in subsection (c) of section 17b-179(m)-4 and subsection (d) of section 17b-179(m)-5 of the Regulations of Connecticut State Agencies, substantial compliance with the standards established in sections 17b-179(m)-1 (exclusive of those subject to the standard established in subdivision (1) of this subsection) through 17b-179(m)-11, inclusive, shall be defined as achievement of the given standard in at least 75% of the cases requiring the action regulated by such standard.

(b) **How determined**

Substantial compliance shall be determined separately for each case activity described in sections 17b-179 (m)-1 through 17b-179 (m)-12, to the extent of the monitoring capabilities of CCSES.

(c) **Notice of deficiency**

The department may issue a notice of deficiency to any cooperating agency determined to be not in substantial compliance with any of sections 17b-179 (m)-1 through 17b-179 (m)-12. The notice shall identify the specific deficiencies and how they were determined, and shall specify the date by which a corrective action plan shall be submitted.

(d) **Corrective action plan**

(1) Submittal

Any agency to which a notice of deficiency has been issued shall prepare, in consultation with the director of BCSE and any other appropriate department officials, a corrective action plan detailing the steps such agency will take to achieve compliance. The plan shall be submitted to the department within 45 calendar days of the issuance date of the notice of deficiency.

(2) Review

The department shall review a cooperating agency's corrective action plan within 90 calendar days of its submittal date. The results of such review shall be reported to the cooperating agency within 30 calendar days.

(3) Implementation

The department shall review a cooperating agency's implementation of any corrective action plan a minimum of 180 calendar days from the date of approval of such plan. The results of such review shall be reported to the cooperating agency within

30 calendar days. Any deficiencies remaining at the time of the review shall be noted in the annual report of BCSE to the judiciary and human services committees of the general assembly, as required by subsection (n) of section 17b-179 of the Connecticut General Statutes.

(Effective September 26, 1996; amended July 10, 2000)