

DEPARTMENT OF SOCIAL SERVICES
Notice of Intent to Amend Regulations

In accordance with the provisions of subsection (a) of section 4-168 of the Connecticut General Statutes, as amended, notice is hereby given that the Commissioner of Social Services, under the authority of section 17b-3 of the Connecticut General Statutes, proposes to amend sections 17b-179b-1 and 17b-179-2 of the Regulations of Connecticut State Agencies, to add section 17-179b-3a, and to repeal section 17-179b-3 of the Regulations of Connecticut State Agencies.

Statement of Purpose: (A) The problems, issues or circumstances that the regulation proposes to address: The proposed regulation offers an incentive in the form of state arrearage adjustment, which is contingent on the non-custodial parent (obligor) paying current support to the custodial parent. Through this incentive, DSS anticipates an increase in obligors paying current support, potentially reducing the number of families on state funded programs.

(B) The main provision of the regulation amends sections 17b-179b-1 and 17b-179-2 of the Regulations of Connecticut State Agencies, adds section 17-179b-3a and repeals section 17-179b-3 of the Regulations of Connecticut State Agencies.

(C) The legal effects of the regulation, including all the ways the regulation would change existing regulation or other laws: Under current regulations, a non-custodial parent must meet several restrictive requirements in order to be granted a 15% reduction in his/her arrearage amount. The absentee parent must be 100% compliant in the current child support order for 10 of 12 months in order to receive a 15% adjustment after a year. For each year of compliance, the arrearage is again reduced by 10%.

Under these proposed regulations: 1) a non-custodial parent would be eligible regardless of payment history; 2) he/she must pay 50% or more of current child support order to receive a monthly adjustment; and 3) he/she must maintain payment of 50% in current support payments in order to continue the monthly adjustment. By doing this, an arrearage adjustment of 50% of current support payments would apply.

A copy of the complete text of this regulation is available, at no cost, upon request from the Office of Legal Counsel, Regulations and Administrative Hearings, Department of Social Services, 55 Farmington Avenue, Hartford, Connecticut 06106; email: daniel.butler@ct.gov.

All written comments, questions, and concerns regarding this regulation may be submitted within 30 days of the publication of this notice on the Secretary of State's website to the Department of Social Services, Office of Legal Counsel, Regulations & Administrative Hearings, 55 Farmington Avenue, Hartford, Connecticut, 06106. Attention: Brenda Parrella, Director. A hearing will be scheduled on the proposed regulation if requested by fifteen persons, by a governmental subdivision of an agency or

by an association having not less than fifteen members, if notice of the request is received by the Department within fourteen days after the date of publication of this notice.

When submitting correspondence, please refer to Regulation Control Number 13-05/DB.

IMPORTANT: Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut **REGULATION** of

NAME OF AGENCY

Department of Social Services

Concerning

SUBJECT MATTER OF REGULATION

Child Support Arrearage Adjustment Program

Section 1. Section 17b-179b-1 of the Regulations of the State of Connecticut is amended to read as follows:

Section 17b-179b-1. Definitions

As used in sections 17b-179b-1 through 17b-179b-4, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Arrearage” means either one or a combination of (A) court ordered current support payments which have become due and payable and remain unpaid; and (B) support due for past periods that has been found owing by a court of competent jurisdiction, whether or not presently payable;

(2) “Arrearage adjustment” means a reduction, by the Department of Social Services [or any bureau, division, or agency of the department, or agency under cooperative or purchase of service agreement therewith,] of the total arrearage owed [as of the first day of the qualifying year] as a result of the signing of a voluntary agreement by a noncustodial parent to the State in a child support case in accordance with sections 17b-179b-1 to 17b-179b-4, inclusive, of the Regulations of Connecticut State Agencies, and includes an equivalent reduction of the amount of unreimbursed assistance;

(3) “Arrearage adjustment program” means the system of scheduled arrearage adjustments prescribed by sections 17b-179b-1 to 17b-179b-4, inclusive, of the Regulations of Connecticut State Agencies for the purpose of encouraging the positive involvement of noncustodial parents in the lives of their children and encouraging noncustodial parents to make regular support payments

(4) “Child support case” means one in which the Department of Social Services or any bureau, division, or agency of the department, or agency under cooperative or purchase of service agreement therewith, is providing child support enforcement services under Title IV-D of the federal Social Security Act;

(5) “Commissioner” means the commissioner of the Department of Social Services or such commissioner’s designee;

[(5)] (6) “Current child support obligation” means a court ordered amount for the ongoing support of a child, [and does not include payments on an] exclusive of arrearage [;] payments, health care coverage and a child care contribution;

[(6)] (7) “Custodial party” means the individual who has primary physical custody of a child[, or, in foster care cases, the commissioner of the Department of Children and Families];

[(7)] (8) “Domestic violence” means (A) physical acts that result in or are threatened to result in physical or bodily injury; (B) sexual abuse; (C) sexual activity involving a child in the home; (D) forced participation in nonconsensual sexual acts or activities; (E) threats of or attempts at physical or sexual abuse; (F) mental abuse; or (G) neglect or deprivation of medical care;

[(9) “Parenthood Program” means any project, site or program that meets the requirements of section 17b-179b-2 of the Regulations of Connecticut State Agencies[, and shall include the research and demonstration projects established under subsection (d) of section 1 of Public Act 99-193;]

[(8)] (9) “Noncustodial parent” means the parent who does not have primary physical custody of a child;

[(9)] (10) “Obligor” means the individual required to make payments under a current child support or arrearage obligation;

[(10) “Qualifying year” means the twelve-month period beginning with the date a noncustodial parent enters into a voluntary agreement to participate in the arrearage adjustment program;]

(11) “Parenthood Program” means any project, site or program that meets the requirements of section 17b-179b-2 of the Regulations of Connecticut State Agencies;

(12) “Starting arrearage” means the total arrearage owed[,as of the first day of the qualifying year, to the State of Connecticut] by a noncustodial parent or obligor to the State of Connecticut in a child support case on the date a voluntary agreement is executed; [and]

(13) “Unreimbursed assistance” means the portion that has not been repaid to the State of Connecticut of the total assistance provided under the aid to families with dependent children, state-administered general assistance or temporary family assistance programs to or [in] on behalf of either parent, such parent’s spouse, or such parent’s child; such portion being the subject of the State’s claim under section 17b-93 of the Connecticut General Statutes;[.] and

(14) “Voluntary Agreement” means a document signed by the noncustodial parent or obligor and the commissioner, which;

(A) states the rights and responsibilities of the noncustodial parent or obligor under the arrearage adjustment program.

(B) defines the activities required for participation in the arrearage adjustment program.

(C) specifies the outcomes expected from successful participation in the arrearage adjustment program, and

(D) states the total arrearage amount that may be subject to adjustment.

Sec. 2. Section 17b-179-2 of the Regulations of the State of Connecticut is amended to read as follows:

Section 17b-179b-2. Parenthood Program requirements

[(a) **In general**]

[(1)] (a) **Certification**

Participants in a Parenthood Program shall be eligible for an arrearage adjustment under section [17b-179b-3] 17b-179b-3a of the Regulations of Connecticut State Agencies only if such program is [designated initially and] certified [annually] by the [Commissioner of Social Services] commissioner as a participating program [that] which provides services that promote the positive involvement and interaction of noncustodial parents with their children.

[(2) Exception

Notwithstanding subdivision (1) of this subsection, the research and demonstration projects established under subsection (d) of section 1 of Public Act 99-193 shall not require certification to participate in the arrearage adjustment program.]

(b) **Program components**

A Parenthood Program seeking [designation or] certification as a participating program under subsection (a) of this section shall demonstrate to the satisfaction of the [Commissioner of Social Services] commissioner that such program provides a minimum curriculum of at least twenty-four hours of programming over [an eight] a twelve week period, and a plan of service to assist male or female noncustodial parents to [identify and resolve problems,] build healthy relationships with their children[,] and establish or strengthen collaborative co-parenting alliances with the custodial party. To meet these requirements, a participating program shall provide services directly and by referral in at least the following areas:

- (1) education, training and employment [placement] readiness;
- (2) parenting education and services to strengthen the parent-child relationship;
- (3) counseling, support and self-help;
- (4) legal assistance and court advocacy;
- (5) mental health and substance abuse services;
- (6) housing;
- (7) transportation;
- (8) domestic violence services;
- (9) conflict resolution and anger management;
- (10) mentoring;
- (11) relationship and co-parenting mediation; and
- (12) pregnancy prevention.

(c) Administrative requirements

A Parenthood Program seeking designation or certification as a participating program under subsection (a) of this section shall demonstrate to the satisfaction of the [Commissioner of Social Services] commissioner that such program has and will use the forms and procedures prescribed by such commissioner to administer the provisions of sections 17b-179b-1 to [17b-179b-4] 17b-179b-3a, inclusive, of the Regulations of Connecticut State Agencies.

Sec. 3. The Regulations of the Connecticut State Agencies are amended by adding section 17b-179b-3a as follows:

(NEW) Section 17b-179b-3a. Arrearage adjustment program for Parenthood Program participants

(a) Eligibility for program

A noncustodial parent or obligor shall be eligible for the arrearage adjustment program for Parenthood Program participants if the Department of Social Services determines, based on information provided by a participating program or otherwise available to the department, that the requirements of this subsection are met.

(1) The noncustodial parent or obligor is participating and making satisfactory progress in a Parenthood Program, as demonstrated by quantifiable achievements that facilitate positive involvement with the child or the participant's ability to provide support, such as (A) signing a paternity acknowledgment, (B) signing a voluntary support agreement, (C) signing a co-parenting or mediation agreement, (D) attending one or more child development classes or (E) registering with the Department of Labor for skills training;

(2) The noncustodial parent meets program goals for appropriate involvement and interaction with the child or children and (A) has an active child support case where an arrearage is owed to the State of

Connecticut and there is a current payment due to the custodial party or (B) is an obligor who now resides with the child or children to whom support is owed;

(3) The noncustodial parent or obligor applies for an arrearage adjustment and enters into a voluntary agreement as defined in subdivision (14) of section 17b-179b-1 of the Regulations of Connecticut State Agencies; and

(4) The noncustodial parent or obligor has no convictions for domestic violence, as known or reported to the Department of Social Services or attested by such parent or obligor. Conviction for such while a participant of the program will result in immediate termination from the arrearage adjustment program. A noncustodial parent or obligor who is denied an arrearage adjustment on the basis of only an allegation of domestic violence shall be entitled to a desk review of the denial by the commissioner.

(b) Adjustment amounts

(1) Completes Parenthood Program

An eligible noncustodial parent or obligor who successfully completes a parenthood program shall receive a one-time arrearage adjustment of ten percent of the starting arrearage.

(2) Pays current support obligation

(A) General Rule

An eligible noncustodial parent or obligor who makes payments on the current support obligation identified in the voluntary agreement shall receive arrearage adjustments in the amount of fifty percent of the dollar amount paid on such current support obligation, subject to subparagraph (B) of this subsection. Such adjustments may be received during participation in the Parenthood Program and after successful completion of such program.

(B) Annual review of payment record

At the end of each year of eligibility the commissioner shall review the eligible obligor's payment record. Based on such review the commissioner shall take action in accordance with clauses (i) and (ii) of this subparagraph.

(i) If the eligible obligor has paid fifty percent or more of the current support obligation identified in the voluntary agreement, arrearage adjustments in accordance with subparagraph (A) shall continue until the next review.

(ii) If the eligible obligor has paid less than fifty percent of the current support obligation identified in the voluntary agreement the commissioner shall suspend arrearage adjustments for a period of six months after which the commissioner shall conduct a compliance review of the obligor's payment record in accordance with subparagraph (C) of this subsection.

(C) Compliance Review

At the end of the six month suspension required under clause (ii) of subparagraph (B) of this subdivision the commissioner shall again review the obligor's payment record, and:

(i) During the suspension period, if the obligor has paid fifty percent or more of the current support obligation identified in the voluntary agreement the commissioner shall reinstate arrearage adjustments for a six month period after which the commissioner shall conduct the regularly scheduled annual review of the obligor's payment record for compliance.

(ii) During the suspension period, if the obligor has paid less than fifty percent of the current support obligation identified in the voluntary agreement the commissioner shall terminate arrearage adjustments in the child support case identified in the voluntary agreement.

(3) Resides with the child

(A) General Rule

An eligible obligor who resides with the child and is employed a minimum of one hundred twenty hours per month shall receive arrearage adjustments at the end of each calendar quarter subject to subparagraphs (B) and (C) of this subdivision. The amount of such adjustment shall be fifty percent of the presumptive current support calculated under the child support and arrearage guidelines adopted pursuant to section 46b-215c of the Connecticut General Statutes, based solely on the eligible obligor's net income. Such adjustment may be received during participation in the Parenthood Program and after successful completion of such program.

(B) Quarterly compliance review

The eligible obligor who resides with the child shall provide the commissioner quarterly documentation of employment and income required under subparagraph (A) of this subdivision.

(i) If the eligible obligor who resides with the child has maintained a minimum of one hundred twenty hours employment per month during the three month quarterly review period, arrearage adjustments in accordance with subparagraph (A) of this subdivision shall be made for the completed quarter.

(ii) If the eligible obligor who resides with the child has not maintained a minimum of one hundred and twenty hours employment or fails to provide the commissioner documentation as required under subparagraph (A) of this subdivision, arrearage adjustments for the eligible obligor shall be suspended for the completed quarter but such obligor shall be eligible for an arrearage adjustment for the following quarter subject to subparagraph (C) of this subdivision.

(C) Reinstatement and termination from the program

(i) If the eligible obligor who resides with the child becomes employed and provides the commissioner documentation in accordance with subparagraph (B) of this subdivision during the quarter following the suspension period, the eligible obligor shall receive an arrearage adjustment in accordance with subparagraph (A) of this subdivision for the completed quarter.

(ii) If the eligible obligor who resides with the child fails to meet the requirements of subparagraphs (A) and (B) of this subdivision for two consecutive quarterly review periods, the commissioner shall terminate the eligible obligor from the arrearage adjustment program.

Sec. 4. Section 17-179b-3 of the Regulations of Connecticut State Agencies is repealed.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

The proposed regulation offers an incentive in the form of state arrearage adjustment, which is contingent on the non-custodial parent (obligor) paying current support to the custodial parent. Through this incentive, DSS anticipates an increase in obligors paying current support, potentially reducing the number of families on state funded programs.

CERTIFICATION

This certification statement must be completed in full, including items 3 and 4, if they are applicable.

- 1) I hereby certify that the above (check one) Regulations Emergency Regulations
- 2) are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)
 - a. Connecticut General Statutes section(s) _____.
 - b. Public Act Number(s) _____.
(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)
- 3) And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the **Connecticut Law Journal** on _____;
(Insert date of notice publication if publication was required by CGS Section 4-168.)
- 4) And that a public hearing regarding the proposed regulations was held on _____;
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)
- 5) And that said regulations are **EFFECTIVE** (check one, and complete as applicable)
 - When filed with the Secretary of the State
 - OR on (insert date) _____

DATE	SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED
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APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended

DATE	SIGNED (Attorney General or AG's designated representative)	OFFICIAL TITLE, DULY AUTHORIZED
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*Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.*

(For Regulation Review Committee Use ONLY)

- Approved Rejected without prejudice
- Approved with technical corrections Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)
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Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for his/her determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Sections 4-168 and 4-170 as amended by Public Act 11-150, Sections 18 and 19.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in brackets []. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The Certification Statement portion of the form must be completed, including all applicable information regarding *Connecticut Law Journal* notice publication date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the statement)

1. Indicate whether the regulation is a regular or an emergency regulation adopted under the provisions of CGS Section 4-168(f).
2.
 - a) Indicate whether the regulations contains newly adopted sections, amendments to existing sections, and/or repeals existing sections. Check all cases that apply.
 - b) Indicate the specific legal authority that authorizes or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
3. Except for emergency regulations adopted under CGS 4-168(f), and technical amendments to an existing regulation adopted under CGS 4-168(g), an agency must publish notice of its intent to adopt a regulation in the *Connecticut Law Journal*. Enter the date of notice publication.
4. CGS Section 4-168(a)(7) prescribes requirements for the holding of an agency public hearing regarding proposed regulations. Enter the date(s) of the hearing(s) held under that section, if any; also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law.
5. As applicable, enter the effective date of the regulation here, or indicate that it is effective upon filing with the Secretary of the State. Please note the information below.

Regulations are effective upon filing with the Secretary of the State or at a later specified date. See CGS Section 4-172(b) which provides that each regulation is effective upon filing, or, if a later date is required by statute or specified in the regulation, the later date is the effective date. An effective date may not precede the effective date of the public act requiring or permitting the regulation. Emergency regulations are effective immediately upon filing with the Secretary of the State, or at a stated date less than twenty days thereafter.