

**Sec. 17b-179(a)-2. Publication of names of delinquent obligors**

**(a) Definitions**

The definitions in sections 17b-179(a)-1 and 52-362d-1 of the Regulations of Connecticut State Agencies shall apply to this section.

**(b) Developing a pre-publication list**

The department may develop a pre-publication list consisting of randomly selected obligors whose cases meet the following criteria.

**(1) IV-D case**

The obligor's case is subject to the Title IV-D state plan.

**(2) Court order**

The obligor's overdue support accrued under a court order to pay current and/or past-due support

**(3) CCSES obligation**

The IV-D obligation has been monitored through CCSES for at least 180 days prior to development of the pre-publication list.

**(4) Duration of non-payment**

The obligor made no payments on any CCSES obligations within 180 days immediately preceding the development of the pre-publication list. For the purpose of this subdivision, collections received as a result of any of the following actions shall not be considered as payments made by the obligor:

(A) release of a lien on the obligor's property in accordance with section 52-362d-2 of the Regulations of Connecticut State Agencies;

(B) withholding of an obligor's lottery winnings in accordance with section 52-362d-4 of the Regulations of Connecticut State Agencies;

(C) seizure of financial assets in accordance with section 52-362d-5 of the Regulations of Connecticut State Agencies;

(D) withholding of an obligor's federal income tax refund in accordance with section 52-362e-2 of the Regulations of Connecticut State Agencies; or

(E) withholding of an obligor's state income tax refund in accordance with section 52-362e-3 of the Regulations of Connecticut State Agencies.

**(5) Overdue support amount**

The obligor's total overdue support on all CCSES obligations for a single case is at least \$5,000.

**(6) Custodial party's address**

The custodial party's address, according to CCSES records, is known and valid.

**(c) Obtaining the custodial party's consent**

The name of the delinquent obligor shall not be publicized without the signed written consent of the custodial party. BCSE shall use the following procedures to obtain the custodial party's consent.

**(1) Identify custodial parties**

BCSE shall identify the custodial parties associated with the obligors included on the pre-publication list developed in accordance with subsection (b) of this section.

**(2) Mail consent request**

BCSE shall prepare and mail to the custodial parties identified in subdivision (1) of this

subsection a letter requesting such parties' consent to publication of the name of the delinquent obligor. The letter shall:

- (A) cite the regulatory authority governing the proposed publicity;
- (B) state the department's intent to publicize the obligor's name and other information, as provided in subdivision (g) (1) of this section, provided all requirements of this section are met, including the department's receipt within 30 days of a signed custodial party consent document;
- (C) identify the delinquent obligor, the information the department intends to publicize, and the method or methods of publication that may be used;
- (D) state the overdue support amount and the date of last payment;
- (E) request the custodial party's consent to such publicity, and explain that the custodial party is not required to provide such consent as a condition of receiving IV-D services, and that the granting of consent does not ensure publication;
- (F) explain the conditions under which consent may be withdrawn; and
- (G) request a recent photograph of the obligor, if available, and a physical description of the obligor, if the custodial party consents to the proposed publicity.

(3) Consent documentation

The request for consent letter shall be accompanied by a consent document and a self-addressed return envelope. If a signed consent document is not received within 30 days of the request, BCSE shall delete the obligor from the pre-publication list.

(4) Withdrawal of consent

The custodial party may withdraw consent in writing at any time. If consent is withdrawn within 60 days of the signing of the consent document, BCSE shall exclude the obligor's name from the publication list. If consent is withdrawn later than 60 days after the signing of the consent document, BCSE shall exclude or delete the obligor's name from the publication list, or cease publicizing the obligor's name, only if administratively feasible.

**(d) Notifying obligors**

The department shall notify the obligor of the proposed publication and provide an opportunity for the obligor to challenge such publication at a fair hearing held by the department. BCSE shall use the following procedures to notify the obligor.

(1) Compile notice list

BCSE shall compile a notice list of the delinquent obligors with respect to whom the department has received the consent of the custodial party pursuant to subsection (c) of this section.

(2) Mail notice

BCSE shall prepare and mail to the delinquent obligors identified in subdivision (1) of this subsection, at their last known address as reflected in the department's records, a notice of intent to publicize the obligor's name. The notice shall:

- (A) state the regulatory authority governing the proposed publicity;
- (B) state the department's intent to publicize the obligor's name and other information, as provided in subdivision (g) (1) of this section;
- (C) state the overdue support amount and the date of last payment;
- (D) list the defenses available to the obligor to challenge the proposed action, as specified in subsection (e) of this section; and

(E) inform the obligor of the method and timeframe for requesting a fair hearing.

(e) **Providing a fair hearing**

The department shall provide a fair hearing, in accordance with section 17b-60 of the Connecticut General Statutes, to any obligor who challenges the publication of his name under this section, provided the request is made within 60 days of the mailing date of the notice of intent in accordance with subsection (d) of this section. The obligor's available defenses shall include, but not be limited to, the following:

(1) Mistaken identity

The obligor is not the individual identified by the department as a non-payer of child support.

(2) No court order

There is no child support order against the alleged obligor.

(3) Overdue support less than \$5,000

The obligor's total overdue support on the case is less than \$5,000 on the date of the notice issued under subsection (d) of this section.

(4) Inability to pay

During the 180 days of non-payment monitored by CCSES and used as the basis for development of the pre-publication list, the obligor was unable to pay any amount on the court order(s) for any of the following reasons:

(A) The obligor was receiving a federal, state, or local public assistance grant.

(B) The obligor was disabled as defined in section 2530.05 of the department's Uniform Policy Manual, or incapacitated as defined in section 8530.10 of the department's Uniform Policy Manual.

(C) The obligor was incarcerated.

(D) The obligor was institutionalized.

(E) The income of the obligor was such that application of the child support guidelines, section 46b-215a-2 of the Regulations of Connecticut State Agencies, would have resulted in a recommended support amount of zero.

(f) **Compiling the publication list**

BCSE may compile a publication list which shall be based on the following criteria:

(1) Fair hearing opportunity

The list shall be limited to those obligors who fail to request a fair hearing within 60 days after the mailing date of the notice of intent or who receive an adverse fair hearing decision and fail to appeal such decision to the superior court in a timely manner.

(2) Obligor not receiving assistance

The list shall be limited to obligors who are not current recipients of public assistance from the State of Connecticut or public assistance from the town of the obligor's residence in this state, if known.

(3) Custodial party's request

The department may consider, in the compilation of any initial or amended publication list, the custodial party's request to publicize the name of an obligor who is the noncustodial parent in his or her IV-D case provided:

(A) the obligor's name was included on the pre-publication list developed in accordance with subsection (b) of this section or otherwise selected by the department on the basis of

non-payment of child support, and

(B) all requirements other than those included in subsection (b) of this section are met.

(g) **Publicizing names**

Publicizing the names of the obligors included on the publication list compiled in accordance with subsection (f) of this section may proceed as follows:

(1) Data publicized

The data to be publicized shall include, but not be limited to, the following:

- (A) the obligor's name and date of birth;
- (B) the obligor's town of residence, and street address, if known;
- (C) the total amount of overdue support as of a date certain; and
- (D) the date of last payment.

The department may, in its discretion, also publicize the obligor's photograph and physical description.

(2) Publication methods

The department may use any publication methods, subject to available appropriations.

The methods may include, but shall not be limited to, the following:

- (A) news releases and advertisements;
- (B) radio and television public service announcements;
- (C) utility and cable television bill inserts;
- (D) billboards;
- (E) posters;
- (F) transit advertising;
- (G) radio and television public affairs shows; and
- (H) other state IV-D agencies.

(Effective August 3, 1995; Amended June 8, 1998)