

Regulations of Connecticut State Agencies

TITLE 17b. Social Services

Agency

Department of Social Services

Subject

Title IV-D Child Support Enforcement Program

Inclusive Sections

§§ 17b-179(a)-1—17b-179(a)-4

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Title IV-D Child Support Enforcement Program

Sec. 17b-179(a)-1. Definitions for the Title IV-D program

As used in sections 17b-179(a)-1 through 17b-179(a)-4, inclusive; 17b-179(b)-1; 17b-179(b)-2; 17b-179(f)-1; 17b-179(i)-1; 17b-179(m)-1 through 17b-179(m)-13, inclusive; 52-362d-1 through 52-362d-5, inclusive; and 52-362e-1 through 52-362e-3, inclusive:

(1) “AGO” means the Connecticut Attorney General’s office, or any assistant attorney general within such office who is responsible for performing any IV-D function in accordance with the cooperative agreement between the department and such office.

(2) “Assistance case” means one in which the recipient of IV-D services is receiving benefits under the TFA or foster care programs, or the federal waiver granted under section 1115 of the Social Security Act.

(3) “BCSE” means the Bureau of Child Support Enforcement established within the department by section 17b-179 of the Connecticut General Statutes as the IV-D agency for the State of Connecticut.

(4) “Case record” means the automated and paper files of BCSE and its cooperating agencies relating to a particular child support enforcement case, which shall include all information and documents pertaining to the case, as well as all relevant facts, dates, actions taken, contacts made, and results in the case.

(5) “CCSES” means the Connecticut Child Support Enforcement System, the automated system used by BCSE and its cooperating agencies to collect and distribute child support and maintain related records.

(6) “Commissioner” means the commissioner of the Department of Social Services, a designee, or authorized representative.

(7) “Cooperating agency” means any Connecticut state agency under cooperative or purchase of service agreement with BCSE to provide IV-D services or perform IV-D functions as specified in federal or state statutes or regulations.

(8) “Custodial party” means the individual who has physical custody of a child, or, in foster care cases, the Commissioner of the Department of Children and Families.

(9) “Department” means the Department of Social Services or any bureau, division, or agency of the Department of Social Services.

(10) “FPLS” means the Federal Parent Locator Service operated by OCSE.

(11) “IV-D” means the child support enforcement program mandated by Title IV-D of the federal Social Security Act and implementing OCSE regulations, as implemented in Connecticut under section 17b-179 of the Connecticut General Statutes and related statutes and regulations.

(12) “IV-D agency” means the single and separate organizational unit within state government that has the responsibility for administering or supervising the administration of the IV-D state plan.

(13) “Location” means information concerning the physical whereabouts of the noncustodial parent, the noncustodial parent’s employer(s), and other sources of income or assets, as appropriate, which is sufficient and necessary to take the next appropriate action

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in a case.

(14) “Non-assistance case” means one in which the recipient of IV-D services applied for such services, is a Medicaid recipient, or is receiving continuation of services following discontinuance of an assistance or Medicaid case.

(15) “Noncustodial parent” means the parent who does not have physical custody of the child receiving IV-D services.

(16) “OCSE” means the federal Office of Child Support Enforcement within the Department of Health and Human Services, Administration for Children and Families.

(17) “SED” means the Support Enforcement Division within the Connecticut Judicial Branch, an agency under cooperative agreement with BCSE to assist in administering the IV-D program for the State of Connecticut.

(18) “SPLS” means the State Parent Locator Service operated by BCSE.

(19) “Support order” means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or of the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement, and which may include related costs and fees, interest and penalties, income withholding, attorneys’ fees, and other relief.

(20) “TFA” means the Temporary Family Assistance program established under section 17b-112 of the Connecticut General Statutes.

(21) “UIFSA” means the Uniform Interstate Family Support Act, model legislation approved and recommended for enactment in all the states by the National Conference of Commissioners on Uniform State Laws and adopted in Connecticut as sections 46b-212 to 46b-213v, inclusive, of the Connecticut General Statutes.

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

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

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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

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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

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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:

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(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)

Sec. 17b-179(a)-3. Recovery of misapplied child support payments

(a) **Definitions**

(1) The definitions of "BCSE", "CCSES", "cooperating agency", "custodial party", "department", "IV-D", "non-assistance case", and "SED" in section 17b-179(a)-1 of the Regulations of Connecticut State Agencies and the definitions of "fair hearing", "obligor", and "past-due support" in section 52-362d-1 of the Regulations of Connecticut State Agencies shall apply to this section.

(2) As used in this section:

(A) "Child support collection" means child and spousal support received from an obligor by BCSE, SED, or the state disbursement unit, as defined in subdivision (a)(3) of section 17b-179(m)-6 of the Regulations of Connecticut State Agencies, pursuant to operation of the IV-D program or the state disbursement unit.

(B) "Misapplied payment" means a child support collection or refund posted to the account of the wrong obligor or obligee, or the amount of which exceeds that due the obligor or obligee.

(C) "Misapplied payment recipient" means the custodial party in a non-assistance IV-D case or a case in which payments are directed to the state disbursement unit pursuant to subsection (p) of section 52-362 of the Connecticut General Statutes, to whose account a misapplied payment has been posted or an obligor who has received a misapplied payment in the form of a refund.

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(D) “Repayment agreement” means a document signed by the misapplied payment recipient which shall state the amount of the misapplied payment, the repayment schedule established in accordance with subdivision (d)(2) of this section, and a statement that failure to abide by such schedule shall result in the establishment of a wrong account posting.

(E) “Wrong account posting” means a CCSES entry that results in the automatic interception of all or a part of any future child support collections made in behalf of the misapplied payment recipient for the purpose of repayment of such misapplied payment.

(b) Notice of misapplied payment

BCSE shall provide written notice to the misapplied payment recipient which notice shall contain, at a minimum, the following information:

- (1) the alleged amount of the misapplied payment;
- (2) a demand for repayment;
- (3) a description of the available methods for repayment;
- (4) a statement of the department’s intent to establish a wrong account posting or make a referral to the Department of Administrative Services if such recipient fails or refuses to cooperate in the voluntary repayment of the misapplied payment;
- (5) a statement of such recipient’s right to request a fair hearing, and the method and timeframe for doing so; and
- (6) a list of possible reasons for requesting a fair hearing.

(c) Right to a fair hearing

An individual who receives notice of a misapplied payment shall have the right to a fair hearing. Reasons for requesting a hearing, and defenses which may be raised at a hearing, include, but are not limited to, the following:

- (1) the individual who received the notice is not the person identified as having received the misapplied payment;
- (2) the alleged amount of the misapplied payment is incorrect; and
- (3) the misapplied payment was not received.

(d) Recovery methods

BCSE, a cooperating agency, or the State Disbursement Unit shall attempt to recover a misapplied payment from the misapplied payment recipient using the methods described in this subsection.

(1) Lump sum recovery

Recovery by lump sum repayment equal to the full amount of the misapplied payment shall be attempted first.

(2) Repayment agreement

(A) In general

If the misapplied payment recipient fails or refuses to repay the full amount of such payment in one lump sum, such recipient shall be given an opportunity to sign a repayment agreement. Such repayment agreement shall specify either the establishment of a wrong account posting or regular installment payments in the amount specified in subparagraph (B) in this subdivision.

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(B) Amount

The amount of the installment payments shall be not less than three percent (3%) but not more than ten percent (10%) of the sum of the amounts described in subparagraphs (B) (i) and (B) (ii) of this subdivision. The following factors shall be considered in determining the appropriate percentage: the total liquid assets available to the misapplied payment recipient, shelter costs relative to such recipient's household income, unreimbursable medical expenses, and support or alimony payments regularly made by such recipient.

(i) The first amount is "net income" as defined in subdivision (15) of section 46b-215a-1 of the Regulations of Connecticut State Agencies.

(ii) The second amount is the average periodic payment, as determined over the preceding thirteen week or three month period, of any current or past-due child support received by the misapplied payment recipient.

(C) Exception

The installment payment may exceed the amounts specified in subparagraph (B) of this subdivision at the sole option of the misapplied payment recipient.

(3) Wrong account posting

BCSE shall establish a wrong account posting pursuant to the terms of a repayment agreement or in the case of any individual who fails to respond to the notice of misapplied payment, or fails or refuses to abide by the terms of a repayment agreement. The wrong account posting shall be established no earlier than 60 days after the mailing date of the notice of misapplied payment.

(4) Referral to the Department of Administrative Services

(A) Agreement and purpose

Referral under this subdivision shall be made to the Department of Administrative Services, Collection Services Business Center, for the purpose of debt collection or Governor's cancellation, as appropriate, provided an agreement is reached in accordance with subdivision (a) (4) of section 4a-12 of the Connecticut General Statutes.

(B) Referral criteria

Cases referred under this subdivision shall be limited to those in which the misapplied payment recipient has failed or refused to repay the misapplied payment and in whose case either (i) or (ii) applies:

(i) No payments have been applied to the wrong account posting for a period of at least six months.

(ii) The establishment of a wrong account posting is inappropriate.

(Effective November 27, 1996; Amended June 8, 1998; Amended May 24, 2004)

Sec. 17b-179(a)-4. Cooperation with the child support program

(a) **Definitions**

(1) The definitions of "BCSE", "cooperating agency", "department", and "IV-D agency" in section 17b-179(a)-1 of the Regulations of Connecticut State Agencies shall apply to this section.

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(2) As used in this section:

(A) “Child” means one for whom TFA, Medicaid, SAGA or child care assistance has been applied or received;

(B) “Child care assistance” means a subsidy for child care expenses authorized under the child care assistance program in accordance with sections 17b-749-01 to 17b-749-23, inclusive, of the Regulations of Connecticut State Agencies;

(C) “Client” means an applicant or recipient of TFA, Medicaid, SAGA or child care assistance;

(D) “Medicaid” means the medical assistance program funded under Title XIX of the Social Security Act;

(E) “SAGA” means the State Administered General Assistance program established under section 17b-111 of the Connecticut General Statutes; and

(F) “TFA” means the Temporary Family Assistance program for cash assistance to families funded under the Temporary Assistance to Needy Families block grant.

(b) Cooperation requirements

(1) In general

Except as provided in subsection (c) of this section, each client shall be required to cooperate in good faith with the department in the following efforts on behalf of each child for whom assistance is applied or received:

(A) locating the child’s noncustodial parent;

(B) establishing the child’s legal paternity;

(C) establishing, modifying, or enforcing a monetary support order; and

(D) establishing, modifying, or enforcing a medical support order.

Cooperation for the purposes of this section shall include the activities described in subdivisions (2) through (5) of this subsection.

(2) Providing information

The activity required under this subdivision is providing the department with information with respect to the noncustodial parent of each child. The purpose of gathering this information is to enable the department to confirm the identity of the noncustodial parent and to locate such parent for service of process. The minimum information required is described in the following subparagraphs.

(A) Name

The first or given name and the last or surname of the noncustodial parent shall be required.

(B) Social security number

The information required under this subparagraph is the social security number of the noncustodial parent, if available. If unavailable, the client shall provide either the information required under subparagraph (C) or the information required under two of the subparagraphs (D) to (I), inclusive of this subdivision.

(C) Current or former employer

The information required under this subparagraph is the name and location of a current

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or former employer of the noncustodial parent. Such information shall be provided with sufficient specificity to enable the department to contact the employer by mail or telephone.

(D) Date and place of birth

The information required under this subparagraph is the exact date and the town and state or foreign country of the birth of the noncustodial parent. If such information is not provided, an approximate age and all of the information listed in one of the following items (i)-(iii) may be substituted.

- (i) mother's and father's full names and, if still living, their address(es),
- (ii) make, model, and approximate year of any motor vehicle owned, or
- (iii) license plate number of any motor vehicle owned.

(E) Schools attended

The information required under this subparagraph is the name, the town, and the state of any secondary or postsecondary educational institution attended by the noncustodial parent and the year or years of attendance.

(F) Trade or profession

The information required under this subparagraph is all of the information specified in at least one of the following items (i)-(ii):

- (i) the name and location or telephone number of any union or trade association of which the noncustodial parent is currently or was within the last five years a member, or
- (ii) the name of any licensed profession or occupation in which the noncustodial parent is currently or was within the last five years engaged, and the jurisdiction in which the noncustodial parent is currently or was within the last five years licensed.

(G) Arrest or incarceration

The information required under this subparagraph is all of the information specified in at least one of the following items (i)-(ii):

- (i) the approximate date and the town and state of any arrest of the noncustodial parent within the last five years, or
- (ii) the approximate dates and the name and state of the correctional institution in which the noncustodial parent was incarcerated within the last five years.

(H) Military service

The information required under this subparagraph is the branch and the approximate dates of any military service of the noncustodial parent.

(I) Other information

The information required under this subparagraph is any other information which can be verified by the department and could reasonably be expected to lead to the determination of the parent's social security number.

(3) Assisting in court actions and other proceedings

The client shall assist in court actions and other proceedings as necessary to establish the paternity of, or to establish, modify, or enforce a medical or monetary support order for, any child receiving assistance by participating in the following activities:

- (A) appearing as a witness in court, before a family support magistrate, or at a fair

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hearing;

(B) assisting an attorney representing the interests of the IV-D agency in the preparation or conduct of a court action;

(C) appearing at interviews as requested by a representative of the department or a cooperating agency; and

(D) providing the department or a cooperating agency with information or documentation in addition to that specifically identified in subdivision (2) of this subsection to the extent it is known to, possessed by, or reasonably obtainable by such client.

(4) Submitting to genetic tests

The client shall submit to genetic tests and shall submit the child to genetic tests pursuant to an order of a court or family support magistrate or as required by the IV-D agency pursuant to subsection (a) of section 46b-168a of the Connecticut General Statutes and section 46b-168a-1 of the regulations of Connecticut State Agencies.

(5) Turning over support payments

A recipient of TFA only, not medicaid, SAGA, or child care assistance, shall turn over to the department any support payments received directly from the noncustodial parent for a child receiving such assistance. Any such payment that is not turned over shall result in an overpayment.

(c) Exemptions from cooperation requirements

(1) Domestic violence

A client who is a past or present victim of domestic violence, as defined in section 17b-112a of the Connecticut General Statutes, or who is at risk of further domestic violence shall be exempt from all cooperation requirements of subsection (b) of this section provided the department determines that fulfilling such requirements would result in the inability or increased difficulty of such client to escape or prevent such domestic violence.

(2) Deceitful noncustodial parent

A client shall be exempt from providing information under subdivision (2) of subsection (b) of this section to the extent such client provides evidence and the department determines that the noncustodial parent was deceitful concerning such information and the required information is unavailable to the client.

(3) Mental impairment

A client shall be exempt from providing information under subdivision (2) of subsection (b) of this section if the department determines that such client suffers from a permanent or temporary mental illness or disability which impairs memory or otherwise impedes the client's ability to obtain such information.

(4) Other good faith reason

A client shall be exempt from providing information under subdivision (2) of subsection (b) of this section if the department determines that such client has any other good faith reason for not being able to provide such information.

(5) Exceptional circumstances

A client shall be excused from discrete acts such as but not limited to the keeping of

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scheduled appointments as required under subdivisions (3) and (4) of subsection (b) of this section, but shall not be exempt from otherwise cooperating under such subdivisions, if such client demonstrates and the department determines that a good faith effort was made to cooperate and that circumstances beyond the client's control prevented cooperation.

(6) Documentation

A client who is claiming an exemption under subdivisions (1) through (4), inclusive of this subsection shall be required to submit a sworn statement describing the circumstances justifying the claimed exemption. The department shall inform such client of the following potential penalties prior to requesting such statement:

(A) penalties for false statement under sections 53a-157b and 17b-97 of the Connecticut General Statutes,

(B) penalties for larceny under sections 53a-122 and 53a-123 of the Connecticut General Statutes, and

(C) penalties for perjury under federal law.

(d) **Cooperation determination by the department**

(1) General rule

BCSE shall make all cooperation determinations pursuant to this section, except as provided in subdivision (2) of this subsection.

(2) Exceptions

(A) Minimum information obtained

BCSE shall not be required to make a determination of cooperation where the minimum information required under subdivision (2) of subsection (b) of this section is provided by the client at application or redetermination.

(B) Domestic violence claimed

Exemption determinations on the basis of a claim of domestic violence pursuant to subdivision (1) of subsection (c) of this section shall be made by departmental staff who are not assigned to BCSE.

(Adopted effective December 24, 1997; Amended June 8, 1998; Amended July 10, 2000; Amended May 24, 2004)