

*Regulations of Connecticut State Agencies*

TITLE 17b. Social Services

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*Agency*

**Department of Social Services**

*Subject*

**Title IV-D Child Support Enforcement Program**

*Inclusive Sections*

**§§ 17b-179b-1—17b-179b-4**

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**Title IV-D Child Support Enforcement Program**

**Sec. 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 of the total arrearage owed to the State by a noncustodial parent 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 said commissioner’s designee;

(6) “Current child support obligation” means a court ordered amount for the ongoing support of a child, exclusive of arrearage payments, health care coverage and a child care contribution;

(7) “Custodial party” means the individual who has primary physical custody of a child;

(8) “Desk review” means an informal investigation of the automated and paper records of the Department of Social Services pertaining to a noncustodial parent or obligor participating in the arrearage adjustment program;

(9) “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;

(10) “Noncustodial parent” means the parent who does not have primary physical custody of a child;

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

(12) “Parenthood Program” means any project, site or program that meets the

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requirements of section 17b-179b-2 of the Regulations of Connecticut State Agencies;

(13) “Starting arrearage” means the total arrearage owed by a noncustodial parent or obligor to the State of Connecticut in a child support case on the date a voluntary agreement is executed;

(14) “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 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

(15) “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 and the amount of the current child support obligation, if applicable.

(Adopted effective May 24, 2004; Amended April 2, 2015)

**Sec. 17b-179b-2. Parenthood Program requirements**

**(a) Certification**

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

**(b) Program components**

A Parenthood Program seeking certification as a participating program under subsection (a) of this section shall demonstrate to the satisfaction of the commissioner that such program provides a minimum curriculum of at least twenty-four hours of programming over a twelve-week period, and a plan of service to assist male or female noncustodial parents to 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 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;

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- (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 certification as a participating program under subsection (a) of this section shall demonstrate to the satisfaction of the 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-3a, inclusive, of the Regulations of Connecticut State Agencies.

(Adopted effective May 24, 2004; Amended April 2, 2015)

**Sec. 17b-179b-3. Arrearage adjustment program for Parenthood Program participants (Repealed)**

Repealed April 2, 2015.

(Adopted effective May 24, 2004; Repealed April 2, 2015)

**Sec. 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 (15) of section 17b-179b-1 of the Regulations of Connecticut State Agencies; and

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(4) There have been no acts of domestic violence committed by the noncustodial parent or obligor against the custodial party of the child or the child involved in the child support case. For purposes of this subdivision, allegations of domestic violence may be sufficient to establish such acts of domestic violence when the commissioner has no independent, reasonable basis to find the custodial party not credible. The commissioner shall request a custodial party who alleges domestic violence by the noncustodial parent or obligor to provide a sworn statement or to submit any evidence of such violence available to such custodial party. Evidence of domestic violence may include, but is not limited to: (A) Police, government agency or court records; (B) documentation from a shelter worker, legal, medical, clerical or other professional from whom the custodial party has sought assistance in dealing with domestic violence; or (C) a statement from an individual with knowledge of the circumstances which provide the basis for the allegation of domestic violence.

**(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 child support obligation**

**(A) General rule**

An eligible noncustodial parent or obligor who makes payments on the current child 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 child 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 child 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 child 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

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current child 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 child 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 amount 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 at the time such obligor is found eligible for such adjustment. 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 the employment and income information needed to determine the appropriateness and amount of the arrearage adjustment prescribed in subparagraph (A) of this subdivision.

(i) If the eligible obligor who resides with the child has maintained a minimum average 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 average of one hundred and twenty hours employment or fails to provide the commissioner the documentation needed to determine the appropriateness and amount of the arrearage adjustment prescribed in 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.

**(c) Eligibility following termination from program**

An obligor who is terminated from the arrearage adjustment program for Parenthood Program participants pursuant to section 17b-179b-3a(b)(2)(C)(ii) or 17b-179b-3a(b)(3)(C)(ii) may re-apply for such program no earlier than six months following the date of termination. If all other eligibility requirements are met the obligor may again enter into a voluntary agreement and receive adjustments under subsection (b) of this section.

**(d) Notice of action**

The commissioner shall issue a notice of action to the noncustodial parent or obligor not later than thirty calendar days after the date of a determination of eligibility, reinstatement, suspension, termination or adjustment in accordance with this section.

**(e) Desk review**

**(1) Right to review**

The commissioner shall provide a desk review to any noncustodial parent or obligor who is denied eligibility for or reinstatement in the arrearage adjustment program for Parenthood Program participants, suspended or terminated from such program, or who allegedly received an incorrect adjustment amount.

**(2) When held**

A desk review under this subsection shall be provided upon written request of the noncustodial parent or obligor received not later than thirty calendar days after the date of a notice of action issued under subsection (d) of this section. A desk review based on an alleged incorrect adjustment amount shall be provided no more than once each calendar year.

**(3) Notice of results**

Notice of the results of a desk review shall be issued to the noncustodial parent or obligor by the commissioner not later than sixty calendar days after the date of receipt of a timely written request for such review.

(Effective April 2, 2015)

**Sec. 17b-179b-4. Arrearage liquidation**

**(a) Definitions**

As used in this section:

(1) “Arrearage liquidation” means an arrearage adjustment, as defined in section 17b-179b-1 of the Regulations of Connecticut State Agencies, of one hundred percent in accordance with this section based on a lump sum payment by the noncustodial parent of a specified percentage of the existing arrearage;

(2) “Liquidation percentage” means the portion of a noncustodial parent’s total arrearage that may be accepted by the Commissioner of Social Services in full satisfaction of the

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support arrearage owed to the State of Connecticut.

**(b) Eligibility**

A noncustodial parent or obligor shall be eligible for arrearage liquidation of state-owed arrearages if the requirements of this subsection are met.

**(1) State-owed arrearage**

There is an arrearage owed to the State in a child support case that would take the obligor at least five years to pay in full at the rate of payment calculated in accordance with the Arrearage Guidelines established in section 46b-215a-4a of the Regulations of Connecticut State Agencies.

**(2) Obligations to custodial party**

**(A) Current support**

If there is a current child support obligation payable to the custodial party:

(i) payments shall be current, or

(ii) any payments owed to the custodial party shall be paid prior to or at the time of the arrearage liquidation.

**(B) Arrearage**

Any arrearage payable to the custodial party shall be paid in full prior to or at the time of the arrearage liquidation.

**(c) Liquidation percentage**

The liquidation percentage for State-owed arrearages shall be determined with reference to the following “Arrearage Liquidation Table”, to be used in conjunction with the liquidation percentage factors set forth in subsection (d) of this section:

<b>ARREARAGE LIQUIDATION TABLE</b>		
<i>If it would take the obligor the following number of years to pay the arrearage in full:</i>	<i>the liquidation percentage shall be . . .</i>	
	<i>at least . . .</i>	<i>but no more than . . .</i>
5	70%	85%
6	68%	83%
7	66%	81%
8	64%	79%
9	62%	77%
10	60%	75%
11	58%	73%
12	56%	71%
13	54%	69%
14	52%	67%



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<b>ARREARAGE LIQUIDATION TABLE</b>		
<i>If it would take the obligor the following number of years to pay the arrearage in full:</i>	<i>the liquidation percentage shall be . . .</i>	
	<i>at least . . .</i>	<i>but no more than . . .</i>
15	50%	65%
16	48%	63%
17	46%	61%
18	44%	59%
19	42%	57%
20 or more	40%	55%

**(d) Liquidation percentage factors**

**(1) Specific**

The applicable liquidation percentage shall be reduced by three percent from the higher percentage listed in the table set forth in subsection (c) of this section for each of the following factors:

(A) The obligor is presently living with the child or has made regular support payments for the past three months.

(B) The obligor has paid at least twenty-five percent of the child's college or private secondary school tuition for one semester.

(C) The obligor has satisfactorily completed a Parenthood Program, as defined in section 17b-179b-1 of the Regulations of Connecticut State Agencies.

(D) The obligor was not present at a court hearing held to determine the obligor's initial arrearage, and the court used a standard other than the obligor's actual past ability to pay to determine at least six months of such arrearage.

(E) At least six months of the obligor's arrearage accrued while the obligor was incarcerated or unemployed.

(F) The obligor has received a disability determination from the federal Social Security Administration.

**(2) Non-specific**

If full payment of the arrearage would take twenty years or more, the applicable liquidation percentage shall be reduced by the following percentages from the higher percentage listed in the table set forth in subsection (c) of this section:

(A) Three percent if full payment of the arrearage at the guidelines rate would take twenty-five years or more.

(B) Six percent if full payment of the arrearage at the guidelines rate would take thirty years or more.

(C) Nine percent if full payment of the arrearage at the guidelines rate would take thirty-five years or more.

(D) Twelve percent if full payment of the arrearage at the guidelines rate would take

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forty years or more.

(3) Limitation

The combined percentage reductions applied pursuant to subdivisions (1) and (2) of this subsection shall not reduce the applicable liquidation percentage below the lower percentage listed in the table set forth in subsection (c) of this section.

(Adopted effective May 24, 2004)