

State of Connecticut
Regulation of
Department of Social Services
Concerning
Top 100 Most Delinquent Child Support Obligor

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

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

As used in sections 17b-179(a)-1 [through] 17b-179(a)-3; 17b-179(a)-4[, inclusive]; 17b-179(b)-1; 17b-179(b)-2; 17b-179(f)-1; 17b-179(i)-1; 17b-179(l)-1; 17b-179(m)-1 [through]to 17b-179(m)-13, inclusive; 52-362d-1 [through]to 52-362d-5, inclusive; and 52-362e-1 [through]to 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] IV-D support [enforcement] case, as defined in subdivision (13) of subsection (b) of section 46b-231 of the Connecticut General Statutes, 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) “Delinquent child support obligor” has the same meaning as provided in subsection (l) of section 17b-179 of the Connecticut General Statutes.

~~(9)~~(10) “Department” means the Department of Social Services or any bureau, division, or agency of the Department of Social Services.

~~(10)~~(11) “FPLS” means the Federal Parent Locator Service operated by OCSE.

~~(11)~~(12) “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)](13) “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)](14) “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 in a case.

[(14)](15) “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)](16) “Noncustodial parent” means the parent who does not have physical custody of the child receiving IV-D services.

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

[(17)](18) [“SED”]“SES” means [the] Support Enforcement [Division] Services within the Superior Court Operations Division of 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)](19) “SPLS” means the State Parent Locator Service operated by BCSE.

[(19)](20) “Support order” means a judgment, decree[,], or order, whether temporary, final[,], or subject to modification, issued by a court of competent jurisdiction or [an] another state’s 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)](21) “TFA” means the Temporary Family Assistance program established under section 17b-112 of the Connecticut General Statutes.

[(21)](22) “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]46b-213w, inclusive, of the Connecticut General Statutes.

Sec. 2. The Regulations of Connecticut State Agencies are amended by adding section 17b 179(1)-1 as follows:

(NEW) Sec. 17b-179(1)-1. Internet publication of names of the one hundred delinquent child support obligors with the highest delinquencies

(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) Development of lists.

(1) BCSE shall establish, maintain and periodically update a list of all delinquent child support obligors, utilizing information contained in the state case registry. The list shall contain the name, residential address and amount of the delinquent child support owed by the delinquent child support obligors, exclusive of any amount of child support owed for which an appeal is pending.

(2) From the list of all delinquent child support obligors developed in accordance with subdivision

(1) of this subsection, BCSE shall create a separate list of the one hundred delinquent child support obligors with the highest delinquent child support obligations in a IV-D support case, as defined in subdivision (13) of subsection (b) of section 46b-231 of the Connecticut General Statutes. This list of the one hundred delinquent child support obligors shall contain the same information as set forth in subdivision (1) of this subsection.

(c) Notifying the custodial party and custodial party's right to object.

(1) Prior to publishing the list described in subdivision (2) of subsection (b), BCSE shall notify the custodial party associated with the delinquent child support obligor's IV-D support case that the department intends to publish the list described in subdivision (2) of subsection (b) of this section, on the department's website.

(2) The notification required in subdivision (1) of this subsection shall:

(A) cite the legal authority governing the proposed publication;

(B) state the department's intention to publish the delinquent child support obligor's name and other information, pursuant to subdivision (1) of subsection (f) of this section;

(C) identify the delinquent child support obligor, the information the department intends to publish, and the method of publication;

(D) state the overdue support amount;

(E) inform the custodial party of its opportunity to object to the publication; and

(F) explain the conditions under which an objection may be submitted at a later time, after the list has been published.

(3) The department shall include with the notification an objection form and a self-addressed return envelope for use by the custodial party if he or she chooses to object to publication of the delinquent child support obligor's name and information pursuant to subdivision (1) of subsection (f) of this section.

(A) The form shall be signed and postmarked not more than 30 days from the date on the notice to the custodial party.

(B) The custodial party shall state the basis for his or her objection to the publication. There must be a genuine concern for the safety or well-being of the custodial party, a child, or any other person if this information were to be published, including, but not limited to, the existence of prior or current threats of violence against the custodial party, a child or any other person. The custodial party shall provide an affidavit or other documentation to support the basis for his or her genuine concern for the safety or well-being of the custodial party, a child, or any other person.

(C) Upon review of the basis for and documentation supporting the custodial party's objection to the department publishing the individual's information on the list, the department may, in its discretion, decide not to publish the information described in subdivision (2) of subsection (b) of this section. Except as provided in subsections (d) and (e) of this section, if the custodial party does not object to the publication of such information for the delinquent child support obligor, the information shall be published on the department's website pursuant to subdivision (1) of subsection (f) of this section.

(D) The custodial party may object to the publication of the delinquent child support obligor's name and information, in writing, at any time after the list is published. BCSE will consider all objections, and in its discretion, may remove an already published obligor from the published list if BCSE finds that a genuine concern for the safety or well-being of the custodial party, a child or any other person exists.

(E) The department shall inform the custodial party of its decision regarding publication within 10 days of receiving the custodial party's objection. The department's decision is not subject to any further review.

(d) Notifying the delinquent child support obligor and the right to contest publication.

(1) Prior to publishing the list described in subdivision (2) of subsection (b), BCSE shall notify each of the one hundred individuals having the highest delinquent child support obligations of the department's statutory obligation to publish such individual's name and other information on the department's website pursuant to subdivision (1) of subsection (f) of this section, and of his or her right to contest the department's decision.

(2) The notice in subdivision (1) of this subsection shall:

(A) cite the legal authority governing the proposed publication;

(B) explain the department's statutory obligation to publish the delinquent child support obligor's name and other information, pursuant to subdivision (1) of subsection (f) of this section, and the method of publication;

(C) state the delinquent support amount, including, as appropriate, the amount of child support that exceeds 90 days of periodic payments on a current child support or arrearage order;

(D) inform the delinquent child support obligor of the opportunity to contest publication and request a hearing if the department denies the request by the delinquent child support obligor not to publish his or her name and other information; and

(E) explain that the individual may contest the publication of the delinquent child support obligor's name and other information at a later time, after the list has been published, and may request a hearing if the department decides to publish the information even after the delinquent child support obligor has contested it.

(3) The department shall include with the notice a form and a self-addressed return envelope for use by the delinquent child support obligor to contest the publication of his or her name and information described in subdivision (2) of subsection (b) of this section. The delinquent child support obligor shall:

(A) sign the form and mail it no more than 30 days from the date on the notice to the delinquent child support obligor; and

(B) state the basis for his or her contesting publication of his or her name and information described in subdivision (2) of subsection (b) of this section.

(4) BCSE, in its discretion, may remove the delinquent child support obligor from the list of the one hundred individuals having the highest delinquent child support obligations if the individual establishes, through an affidavit or other documentation, that:

(A) there is a mistaken identity situation and the person who received the notice is not the individual who BCSE had identified as one of the one hundred individuals having the highest delinquent child support obligations;

(B) there is no court order against the individual or there is no delinquent child support accruing after the entry of a court order, in an amount that exceeds 90 days of periodic payments on a current child support or arrearage payment order, as of the date on the notice issued pursuant to subdivision (1) of this subsection;

(C) there is a consistent record of substantial payments under the child support or arrearage payment order on which the delinquency exists during a reasonable period of time immediately prior to receipt of the notice of intent issued in accordance with subsection (d) of this section; or

(D) the delinquent child support obligor cannot pay the court-ordered amount because he or she:

(i) is receiving federal, state, or local public assistance;

(ii) is permanently disabled and unable to work;

(iii) is incarcerated;

(iv) is institutionalized; or

(v) has a present ability to pay, as calculated under the child support and arrearage guidelines, that is significantly less than the court-ordered amount.

(5) The department shall review the submission contesting publication of the delinquent child

support obligor's name and information, and shall notify him or her of its decision in response to the submission within 10 days of receipt. If the department decides that it will go forward with publication of the delinquent child support obligor's name and information, pursuant to subdivision (1) of subsection (f) of this section, it will include instructions about how to request a hearing and a hearing request form.

(e) Right to a hearing.

(1) If the delinquent child support obligor does not agree with the department's decision made in accordance with subdivision (5) of subsection (d) of this section, he or she may request a hearing in accordance with section 17b-60 of the Connecticut General Statutes.

(2) The delinquent child support obligor shall submit its request for a hearing within 60 days of the date of the department's decision in accordance with subdivision (1) of subsection (e) of this section.

(f) Publishing and updating the list of the one hundred delinquent child support obligors with the highest delinquencies

(1) BCSE shall publish the list of the one hundred delinquent child support obligors with the highest delinquencies who are notified in accordance with subdivision (1) of subsection (d) of this section and who:

(A) do not contest publication in accordance with subdivision (3) of subsection (d) of this section; or

(B) have contested publication in accordance with subdivision (3) of subsection (d) of this section and receive notice in accordance with subdivision (5) of subsection (d) of this section that they have failed to establish sufficient grounds to forego publication, and fail to request a hearing within 60 days of the date on such notice.

(2) BCSE shall publish and periodically update the data described in subdivision (2) of subsection (b) of this section, on the department's Internet web site.

Sec. 3. Section 17b-179(a)-2 of the Regulations of Connecticut State Agencies is repealed.

Statement of Purpose

The purpose of the regulation is to update the definitions in section 17b-179(a)-1 of the Regulations of Connecticut State Agencies as necessary and to implement subsection (l) of section 17b-179 of the Connecticut General Statutes by setting forth the policies and procedures for publishing the names, residential addresses and amounts of the delinquent child support owed for the one hundred delinquent child support obligors having the highest delinquent child support obligations. The main provisions of the regulation include, but are not limited to, updating definitions as necessary and explaining how the Department of Social Services' Bureau of Child Support Enforcement (BCSE) will (1) develop a list of the one hundred delinquent child support obligors with the highest delinquent child support obligations; (2) notify the custodial parties associated with the delinquent child support obligors of the Department's intent to publish such list and provide the custodial parties with an opportunity to object; (3) notify the delinquent child support obligors of the Department's intent to publish their information and provide an opportunity for the delinquent child support obligors to contest such publication; (4) provide a fair hearing for delinquent child support obligors who request such; and (5) publish and update the names, residential addresses and amounts of the delinquent child support owed for the one hundred delinquent child support obligors having the highest delinquent child support obligations.