

Department of Social Services
2016 Legislative Package Index

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Agency Legislative Proposal - 2016 Session

Document Name: DSS _Cash Value of Life Insurance (1)

State Agency: Department of Social Services (DSS)

Liaison: Krista Ostaszewski

Phone: 860-424-5612

E-mail: Krista.ostaszewski@ct.gov

Lead agency division requesting this proposal: Eligibility, Policy and Program Support

Agency Analyst/Drafter of Proposal: Jessica Carroll and Laura Catarino

Title of Proposal: An Act Concerning the Treatment of the Cash Value of Life Insurance Policies when Evaluating Medicaid Eligibility

Statutory Reference: 17b-261(h)

Proposal Summary

Update CT General Statute 17b-261(h) to remove wording that requires the use of proceeds from a cash surrender of a life insurance policy that has a cash value of ten thousand dollars or less to be used for the individual's institutionalized cost of care.

PROPOSAL BACKGROUND

- **Reason for Proposal**

CMS is not able to approve CT SPA 13-034 because it includes wording that directs individuals to use the proceeds from the policy surrender to pay for the institutionalized individual's services.

Increasing the allowable cash value of an insurance policy is a request called for by the nursing associations and elder bar.

When the statute is passed it will allow individuals' access to LTSS Medicaid while they are reducing the policy. This will allow individuals access to medical treatment and reduce the number of unpaid days incurred by nursing homes.



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- **Origin of Proposal** New Proposal Resubmission

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PROPOSAL IMPACT

- **Agencies Affected**

Agency Name: DSS Agency Contact: Date Contacted: Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

- **Fiscal Impact**

Municipal
State Minimal fiscal impact
Federal
Additional notes on fiscal impact Upon receipt of the proceeds from the surrender of the life insurance policy, the recipient will be



considered over the Medicaid asset limit unless reduced appropriately within thirty days of receipt. The recipient will incur a penalty if the proceeds are transferred and fair market value is not received.

- **Policy and Programmatic Impacts**

AN ACT CONCERNING THE TREATMENT OF THE CASH VALUE OF LIFE INSURANCE POLICIES WHEN EVALUATING MEDICAID ELIGIBILITY

Section 17b-261

(h) To the extent permissible under federal law, an institutionalized individual, as defined in Section 1917 of the Social Security Act, 42 USC 1396p(h)(3), shall not be determined ineligible for Medicaid solely on the basis of the cash value of a life insurance policy worth less than ten thousand dollars provided [(1)] the individual is pursuing the surrender of the policy, and (2) upon surrendering such policy all proceeds of the policy are used to pay for the institutionalized individual's long-term care.]



Agency Legislative Proposal - 2016 Session

Document Name: DSS_AAC Durational Residency

(2)

State Agency: Department of Social Services (DSS)

Liaison: Krista Ostaszewski

Phone: 860-424-5612

E-mail: krista.ostaszewski@ct.gov

Lead agency division requesting this proposal: Office of Legal Counsel, Regulations and Administrative Hearings

Agency Analyst/Drafter of Proposal: Graham Shaffer

Title of Proposal: An Act Concerning Durational-Residency and Pursuit-of-Citizenship Requirements in State-Funded Programs

Statutory Reference: General Statutes §§ 17b-112c, 17b-342, 17b-790a

Proposal Summary

This legislative proposal removes two constitutionally problematic eligibility provisions from statutes governing certain state public assistance programs. The first provision is a six-month waiting period that new residents of the state who are non-citizens must complete before they are eligible to receive benefits from the State-Administered General Assistance program (SAGA), state-funded Temporary Family Assistance program (SF-TFA), state-funded Supplemental Nutrition Assistance program (SF-SNAP), and state-funded home care program for elders. These waiting periods, often referred to as durational residency requirements, are set forth in Connecticut General Statutes sections 17b-112c (SAGA and SF-TFA), 17b-790a (SF-SNAP), and 17b-342 (home care). The second provision, also contained in section 17b-112c, requires all non-citizens, with certain exceptions, to “pursue citizenship to the maximum extent allowed by law as a condition of eligibility” for SAGA and SF-TFA.

With respect to the durational residency requirement, the United States Supreme Court first held that such a restriction on the award of public welfare benefits is unconstitutional in *Shapiro v. Thompson*, 394 U.S. 618 (1969), a case that involved a one-year durational residency requirement enacted by three different U.S. jurisdictions, including Connecticut. The Court concluded that there exists in the Constitution a guaranteed right to travel from one state to another, and that, because durational residency requirements restrict the ability of needy persons to travel from one state to another, they



violate this constitutional right unless the government can demonstrate a compelling interest for the restriction. *Id.* at 635. In particular, the Court held that the government’s stated objective—discouraging an influx of poor families in need of assistance—was constitutionally impermissible and did not constitute a compelling interest. *Id.* at 629. (As a general matter of Constitutional law, a state law that must be justified by a “compelling” or “substantial” governmental interest in order to pass constitutional scrutiny will almost always be struck down as unconstitutional by a reviewing court.)

More recently, the Supreme Court struck down a California law that, for the first year of residency in California, limited new residents to the amount of TANF family cash assistance benefits they would have received in the state of their prior residence, an amount generally lower than that offered in California due to the state’s high cost of living. *Saenz v. Roe*, 526 U.S. 489, 493 (1999). The Court again struck down the durational residency provision as unconstitutional. Notably, the Court reached this decision even though Congress had enacted federal legislation expressly authorizing states to impose the type of residency rules for which California was being challenged. In doing so, the Court held that “Congress may not authorize the States to violate the Fourteenth Amendment.” *Id.* at 507.

Similarly, with respect to the pursuit-of-citizenship requirement found in section 17b-112c, the Supreme Court has long-since held that such laws violate a non-citizen’s right to equal protection under the law, and are therefore unconstitutional. *See Nyquist v. Mauclet*, 432 U.S. 1 (1977).

PROPOSAL BACKGROUND

- Reason for Proposal

- Origin of Proposal New Proposal Resubmission



PROPOSAL IMPACT

- **Agencies Affected**

Agency Name: None Agency Contact: Date Contacted: Approve of Proposal ___ YES ___ NO ___ Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? ___ YES ___ NO

- **Fiscal Impact**

Municipal
State minimal
Federal
Additional notes on fiscal impact

- **Policy and Programmatic Impacts**

See proposal summary for a comprehensive explanation.



AN ACT CONCERNING DURATIONAL-RESIDENCY AND PURSUIT-OF-CITIZENSHIP REQUIREMENTS IN STATE-FUNDED PROGRAMS

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 17b-112c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

“[(a)] Qualified aliens, as defined in Section 431 of Public Law 104-193, who do not qualify for federally-funded cash assistance, other lawfully residing immigrant aliens or aliens who formerly held the status of permanently residing under color of law shall be eligible for solely state-funded temporary family assistance or cash assistance under the state-administered general assistance program, provided other conditions of eligibility are met. [An individual who is granted assistance under this section must pursue citizenship to the maximum extent allowed by law as a condition of eligibility unless incapable of doing so due to a medical problem, language barrier or other reason as determined by the Commissioner of Social Services. Notwithstanding the provisions of this section, any qualified alien or other lawfully residing immigrant alien or alien who formerly held the status of permanently residing under color of law who is a victim of domestic violence or who has intellectual disability shall be eligible for assistance under this section.

(b) Notwithstanding the provisions of subsection (a) of this section: (1) A qualified alien admitted into the United States on or after August 22, 1996, or other lawfully residing immigrant alien determined eligible for temporary family assistance or cash assistance under the state-administered general assistance program prior to July 1, 1997, or other lawfully residing immigrant alien or alien who formerly held the status of permanently residing under color of law, shall remain eligible, and (2) a qualified alien, other lawfully residing immigrant alien admitted into the United States on or after August 22, 1996, other lawfully residing immigrant alien or an alien who formerly held the status of permanently residing under color of law and not determined eligible prior to July 1, 1997, shall be eligible for such assistance subsequent to six months from establishing residency in this state.

(c) Notwithstanding the provisions of this section, a qualified alien or other lawfully residing immigrant alien or alien who formerly held the status of permanently residing under color of law who is a victim of domestic violence or who has intellectual disability shall be eligible for assistance under this section.]”

Sec. 2. Subsection (a) of section 17b-342 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):



“(a) The Commissioner of Social Services shall administer the Connecticut home-care program for the elderly state-wide in order to prevent the institutionalization of elderly persons (1) who are recipients of medical assistance, (2) who are eligible for such assistance, (3) who would be eligible for medical assistance if residing in a nursing facility, or (4) who meet the criteria for the state-funded portion of the program under subsection (i) of this section. For purposes of this section, a long-term care facility is a facility that has been federally certified as a skilled nursing facility or intermediate care facility. The commissioner shall make any revisions in the state Medicaid plan required by Title XIX of the Social Security Act prior to implementing the program. The program shall be structured so that the net cost to the state for long-term facility care in combination with the services under the program shall not exceed the net cost the state would have incurred without the program. The commissioner shall investigate the possibility of receiving federal funds for the program and shall apply for any necessary federal waivers. A recipient of services under the program, and the estate and legally liable relatives of the recipient, shall be responsible for reimbursement to the state for such services to the same extent required of a recipient of assistance under the state supplement program, medical assistance program, temporary family assistance program or supplemental nutrition assistance program. Only a United States citizen or a noncitizen who meets the citizenship requirements for eligibility under the Medicaid program shall be eligible for home-care services under this section, except a qualified alien, as defined in Section 431 of Public Law 104-193, admitted into the United States on or after August 22, 1996, [or] other lawfully residing immigrant alien [determined eligible for services under this section prior to July 1, 1997,] or alien who formerly held the status of permanently residing under color of law shall [remain] be eligible for such services, provided other conditions of eligibility are met. [Qualified aliens or other lawfully residing immigrant aliens not determined eligible prior to July 1, 1997, shall be eligible for services under this section subsequent to six months from establishing residency. Notwithstanding the provisions of this subsection, any qualified alien or other lawfully residing immigrant alien or alien who formerly held the status of permanently residing under color of law who is a victim of domestic violence or who has intellectual disability shall be eligible for assistance pursuant to this section. Qualified aliens, as defined in Section 431 of Public Law 104-193, or other lawfully residing immigrant aliens or aliens who formerly held the status of permanently residing under color of law shall be eligible for services under this section provided other conditions of eligibility are met.]”

Sec. 3. Subsection (a) of section 17b-790a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

“(a) The Commissioner of Social Services, within available appropriations, shall establish a food assistance program for individuals [entering the United States prior to April 1, 1998,] whose immigrant status meets the eligibility requirements of the federal Food and Nutrition Act of 2008, as amended, but who are [no longer] not eligible for supplemental nutrition assistance solely due to their immigrant status under Public Law 104-193. [Individuals who enter the United States after April 1, 1998, must have resided in the state for six months prior to becoming eligible for the state program.] The commissioner may administer such program in accordance



with the provisions of the federal supplemental nutrition assistance program, except those pertaining to the determination of immigrant status under Public Law 104-193.”

Agency Legislative Proposal - 2016 Session

Document Name: DSS_CS Income Withholding	(4)
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State Agency: Department of Social Services (DSS)
Liaison: Krista Ostaszewski Phone: 860-424-5612 E-mail: Krista.Ostaszewski@ct.gov
Lead agency division requesting this proposal: Bureau of Child Support Enforcement
Agency Analyst/Drafter of Proposal: John Dillon – Interim IV-D Director, BCSE

Title of Proposal: An Act Concerning Improvements to Income Withholding for Child Support
Statutory Reference CGS§§: 52-362
Proposal Summary This proposal would: <p style="margin-left: 40px;">Amend subsection (k) of section 52-362 to require that an employer include any income withholding for an employee when sending a referral to a worker’s compensation (WC) carrier.</p>

PROPOSAL BACKGROUND

- **Reason for Proposal**

<p>52-362 Subsection (k) already mandates that employers “notify promptly the dependent or Support Enforcement Services as directed when the obligor terminates employment, makes a claim for workers' compensation benefits...”; however, child support has no means to enforce this requirement or hold employers accountable.</p> <p>Very often SES [of the Judicial Branch] learns that an employee is receiving workers compensation only after the employer withholding payments stops, and child support contacts the employer by mail or phone.</p> <p>When child support learns that an employee is receiving workers compensation through a private insurance carrier, SES must prepare and send a subsequent IWO to the insurance carrier to withhold child support. Very often this process results in a 4-6 week gap in child support payments, sometime more.</p> <p>Requiring that an employer forward income withholding orders (IWOs) to worker’s compensation carriers will prevent delays in the transfer of IWOs and the collection of child support payments.</p>
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- **Origin of Proposal** **New Proposal** **Resubmission**

PROPOSAL IMPACT

- **Agencies Affected**

Agency Name: Judicial Branch Support Enforcement Services
 Agency Contact: Charisse Hutton, Director, (860) 569-6233
 Date Contacted: on going
 Approve of Proposal YES NO Talks Ongoing

Agency Name: Judicial Branch Family Support Magistrate Division
 Agency Contact: Chief FSM John Colella
 Date Contacted: on going
 Approve of Proposal YES NO Talks Ongoing

Agency Name: Judicial Branch- Court Operations
 Agency Contact: Johanna Greenfield, Deputy Director, Family and Support Matters (860) 263-2734
 Date Contacted: on going
 Approve of Proposal YES NO Talks Ongoing-no position

Agency Name: Office of Attorney General
 Agency Contact: Sean Kehoe, Assistant Attorney General, (860) 808-5150
 Date Contacted: on going
 Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments
 The IV-D partners named above discussed and commented on the agency proposal, but lack authority at their level to officially "approve" or "oppose" the proposal.

Will there need to be further negotiation? YES NO

- **Fiscal Impact**

Municipal
State
Federal
Additional notes on fiscal impact

- **Policy and Programmatic Impacts**

Income withholding is the most effective means of enforcing court-ordered child support. In SFY 2015, 65% of the \$298 million collected through the Title IV-D program was obtained by means of income withholding directly from employers and other payers of income. The additional procedures and remedies proposed herein will close some loopholes in the existing process, expediting payments to families and saving personnel and other resources within the state agencies involved in the child support program.

**AN ACT CONCERNING IMPROVEMENTS TO INCOME WITHHOLDING FOR CHILD
SUPPORT**

1 Be it enacted by the Senate and House of Representatives in General Assembly convened:

2 Sec. 4. Subsection (k) of section 52-362 of the general statutes is repealed and the following is
3 substituted in lieu thereof (*Effective January 1, 2016*):

4 (k) The employer shall notify promptly the dependent or Support Enforcement Services as
5 directed when the obligor terminates employment, makes a claim for workers' compensation
6 benefits or makes a claim for unemployment compensation benefits and shall provide the
7 obligor's last-known address and the name and address of the obligor's new employer, if known.
8 When the obligor makes a claim for workers' compensation benefits, the employer shall include
9 a copy of any order for withholding received for the obligor with the employer's first report of
10 occupational illness or injury to the employer's workers' compensation benefits carrier, and such
11 benefits carrier shall withhold funds pursuant to the withholding order and pay any sums
12 withheld as required by subsection (f) of this section.

13

Agency Legislative Proposal - 2016 Session

Document Name: DSS_ AAC Modification of Support Orders in IV-D Cases	(5)
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State Agency: Department of Social Services (DSS)
Liaison: Krista Ostaszewski Phone: 860-424-5612 E-mail: Krista.Ostaszewski@ct.gov
Lead agency division requesting this proposal: Bureau of Child Support Enforcement
Agency Analyst/Drafter of Proposal: John Dillon – Interim IV-D Director, BCSE

Title of Proposal: An Act Concerning Modification of Support Orders in IV-D Cases
Statutory Reference: CGS§§: 46b-215 and 46b-231
Proposal Summary This proposal would: <ol style="list-style-type: none">(1) Eliminate the need for a full judicial proceeding where IV-D program/SES of the Judicial Branch can attest, in an affidavit filed with the court, to the criteria warranting a modification under 46b-215e and there is no objection by the custodial party.(2) Create an expedited process to modify a child support order for obligors who are incarcerated, avoid accumulating charges and arrears, decrease the amount of overall child support debt, and improve CT IV-D performance with federal performance and incentive measures.(3) Create an expedited process to reinstate a child support order after the obligor is released from incarceration and put the responsibility on the formerly incarcerated obligor to object and/or request relief.

PROPOSAL BACKGROUND

- Reason for Proposal

- (1) The current modification process requires a full judicial hearing, service of process, preparation of documents, judicial authority, clerk, court room monitors, SES and/or Assistant Attorney General presence in court, as well as CTDOC logistics and procedures to make the secured inmate available for a modification hearing.
- (2) IV-D cases require about 16 inmate modification dockets/ calendars each month, handling approximately 75 cases each month: these dockets are heard in multiple judicial districts and utilize video conferencing equipment to connect with CTDOC and conduct the hearings.
- (3) CT law and policy is clearly articulated in 46b-215e, the limited exceptions are defined and can be researched and or verified by IV-D.
- (4) There is no statutory mechanism to re-establish a modified support obligation: most modified orders require a subsequent modification and judicial proceeding upon the obligor's release, further requiring IV-D, Assistant Attorney General, and Judicial Branch resources.
- (5) Child support orders for inmates that are not modified and not collected result in accruing child support delinquencies and balances. Both items negatively impact IV-D performance categories and federal incentive funding.
- (6) Research shows that accruing child support delinquencies and balances harm an obligor's relationship with his or her child, create uncollectable debt, conflict with CT fatherhood principles, and complicate the re-entry of released inmates into society by creating an additional legal barrier.
- (7) Although IV-D/ SES performs outreach to inmates about child support, not every incarcerated child support obligor requests a review or seeks modification of his or her child support order. Most requests come from parents with longer sentences: e.g. parents incarcerated for less than 2 years do not always receive outreach and may not modify support orders.
- (8) Proposed federal legislation will require all states to implement IV-D procedures to expand modifications services to child support obligors incarcerated for more than 90 days. Published in the Federal Register on November 17, 2014 (Vol. 79 FR No. 221 68548) - <http://www.gpo.gov/fdsys/pkg/FR-2014-11-17/pdf/2014-26822.pdf>

- **Origin of Proposal** **New Proposal** **Resubmission**

Expediting the support order modification process for incarcerated or institutionalized obligors in IV-D support cases will:

- (1) Provide increased Judicial Branch access to justice for incarcerated parents and implement the existing policy objectives embodied in 46b-215e
- (2) Support the Executive Branch and Governor’s policy initiatives of Second Chance Society, by reducing the unnecessary accumulation of child support arrears and eliminate a potential barrier to a former inmate’s successful re-entry.
- (3) Supports the Governor’s policy initiatives for Lean Processes to create greater cost savings through development of a quasi-administrative judicial process
- (4) Conserve Attorney General Office, Judicial Branch and CTDOC personnel and resources
- (5) Increase the percentage of child support collected, by reducing the amount of unmodified and uncollected child support debt, and potentially increase CT’s IV-D annual federal financial incentive payment
- (6) Prepare CT to meet and satisfy the requirements in the proposed federal legislation

PROPOSAL IMPACT

- **Agencies Affected**

Agency Name: Judicial Branch Support Enforcement Services

Agency Contact: Charisse Hutton, Director, (860) 569-6233

Date Contacted: on going

Approve of Proposal YES NO Talks Ongoing

Agency Name: Judicial Branch Family Support Magistrate Division

Agency Contact: Chief FSM John Colella

Date Contacted: on going

Approve of Proposal YES NO Talks Ongoing

Agency Name: Judicial Branch- Court Operations

Agency Contact: Johanna Greenfield (860) 263-2734

Date Contacted: on going

Approve of Proposal YES NO Talks Ongoing

Agency Name: Office of Attorney General

Agency Contact: Sean Kehoe, Assistant Attorney General, (860) 808-5150

Date Contacted: on going

Approve of Proposal YES NO Talks Ongoing

Will there need to be further negotiation? ___ YES X NO

- **Fiscal Impact**

Municipal
State Implementing the outlined proposal will require some initial expenditure within existing resources, but will eventually reduce processing time associated with inmate modifications and reinstating such obligations, and result in a savings for such agencies over time. The proposed process will require the Judicial Branch to develop forms and procedures to implement. Because the proposal only affects IV-D cases, all expenditures are eligible for federal financial participation (FFP) and 66% reimbursement from OCSE. BCSE believes the proposed process will also help increase the percentage of child support collected, by quickly reducing un-collectable child support orders for incarcerated obligors. Increasing this percentage will increase CT's performance with federal performance measures and potentially increase CT's federal incentive payments.
Federal
Additional notes on fiscal impact

- **Policy and Programmatic Impacts**

Provide increased Judicial Branch access to justice for incarcerated parents and implement the existing policy objectives behind 46b-215e Increase the percentage of child support collections and potentially increase federal incentive payments. Support the Executive Branch and Governor's policy initiatives of Second Chance Society, by reducing the accumulation of child support arrears and eliminate a potential barrier to successful re-entry. Ensure CT is in compliance with proposed federal regulations (anticipated 2016)

AN ACT CONCERNING MODIFICATION OF SUPPORT ORDERS IN IV-D CASES

1 Be it enacted by the Senate and House of Representatives in General Assembly convened:

2
3 Section 1. Section 46b-215e of the general statutes is repealed and the following is substituted in
4 lieu thereof (*Effective October 1, 2016*):

5
6 (a) Notwithstanding any provision of the general statutes, whenever a child support obligor is
7 institutionalized or incarcerated, the Superior Court or a family support magistrate shall establish
8 an initial order for current support, or modify an existing order for current support, upon proper
9 motion, based upon the obligor's present income and substantial assets, if any, in accordance
10 with the child support guidelines established pursuant to section 46b-215a. Downward
11 modification of an existing support order based solely on a loss of income due to incarceration or
12 institutionalization shall not be granted in the case of a child support obligor who is incarcerated
13 or institutionalized for an offense against the custodial party or the child subject to such support
14 order.

15
16 (b) In IV-D support cases, as defined in subdivision (13) of subsection (b) of section 46b-231,
17 when the child support obligor is institutionalized or incarcerated for more than ninety days, any
18 existing support order, as defined in subdivision (14) of subsection (b) of section 46b-231, shall
19 be modified to zero dollars effective upon the date that a support enforcement officer files an
20 affidavit in the Family Support Magistrate Division, which provides: (1) the beginning and
21 expected end dates of such obligor's institutionalization or incarceration; and (2) a statement by
22 such officer: (A) that a diligent search failed to identify any income or assets that could be used
23 to satisfy the child support order while the obligor is incarcerated or institutionalized, (B) that the
24 offense for which the obligor is institutionalized or incarcerated was not an offense against the
25 custodial party or the child subject to such support order, and (C) that a notice in accordance with
26 subsection (d) of this section was provided to the custodial party, and an objection form was not
27 received.

28
29 (c) A support order that is modified in accordance with subsection (b) of this section shall be
30 reinstated to the prior support amount ninety days after the obligor is released from such
31 institutionalization or incarceration, provided that a support enforcement officer files an affidavit
32 in the Family Support Magistrate Division, which provides: (1) the date such obligor was no
33 longer institutionalized or incarcerated; and (2) a statement by such officer that notice in
34 accordance with subsection (e) of this section was provided to the child support obligor, and an
35 objection form was not received.

36
37 (d) Prior to filing an affidavit under subsection (b) of this section, the support enforcement
38 officer shall provide notice to the custodial party in accordance with section 52-57 or by certified
39 mail, return receipt requested, which notice shall state in clear and simple language that: (1) such
40 child support order will be modified unless the custodial party objects within fifteen calendar
41 days to such modification on the grounds that: (A) the obligor has sufficient income or assets to

42 comply with the support order or (B) the obligor is incarcerated or institutionalized for an
43 offense against the custodial party or the child subject to such support order; and (2) the custodial
44 party may object to the proposed modification by delivering a signed objection form, or other
45 written notice or motion, indicating the nature of the objection or grounds of the motion, to the
46 support enforcement officer within fifteen calendar days of the mailing or service date of such
47 notice. On receipt of any objection or motion, the support enforcement officer shall promptly
48 arrange with the clerk of the Family Support Magistrate Division to enter the appearance of the
49 custodial party, set the matter for a hearing, send a file-stamped copy of the objection or motion
50 to the IV-D agency of the state to whom the support order is payable, and notify all parties of the
51 hearing date set. The court or family support magistrate shall promptly hear the objection or
52 motion and determine whether the child support order should be modified in accordance with
53 subsection (a) of this section.

54
55 (e) Prior to filing an affidavit under subsection (c) of this section, the support enforcement officer
56 shall provide notice to the child support obligor in accordance with section 52-57 or by certified
57 mail, return receipt requested, or by regular mail to the Connecticut correctional facility in which
58 the obligor is incarcerated, which notice shall state in clear and simple language that: (1) such
59 child support order will be reinstated to the prior support amount effective ninety days after the
60 obligor's release unless the obligor objects prior to the ninetieth day to such reinstatement on the
61 grounds that the obligor has insufficient income or assets to comply with the support order; and
62 (2) the obligor may object to the proposed reinstatement by delivering a signed objection form,
63 or other written motion, indicating the nature of the objection or the grounds for the motion, to
64 the support enforcement officer prior to the ninetieth day after the obligor's release date. On
65 receipt of the objection or motion, the support enforcement officer shall promptly arrange with
66 the clerk of the Family Support Magistrate Division to enter the appearance of the obligor, set
67 the matter for a hearing, send a file-stamped copy of the objection or motion to the IV-D agency
68 of the state to whom the support order is payable, and notify all parties of the hearing date set.
69 The court or family support magistrate shall promptly hear the objection or motion and
70 determine whether the child support order should be reinstated or otherwise modified in
71 accordance with the child support guidelines established pursuant to section 46b-215a. Any
72 objection filed in accordance with this section shall constitute a proper motion to modify a child
73 support order.

74 ***Statement of Purpose:***

75 To expedite the support order modification process for incarcerated or institutionalized obligors
76 in IV-D support cases.



Agency Legislative Proposal - 2016 Session

Document Name: DSS_ Caregiver Agreements (6)

State Agency: Department of Social Services (DSS)

Liaison: Krista Ostaszewski

Phone: 860-240-5612

E-mail: krista.ostaszewski@ct.gov

Lead agency division requesting this proposal: Eligibility Policy and Program Support

Agency Analyst/Drafter of Proposal: Laura Catarino and Jessica Carroll 860-424-5503 and 860-424-5721
Laura.Catarino@ct.gov and Jessica.Carroll@ct.gov

Title of Proposal: An Act Concerning Caregiver Agreements

Statutory Reference:

Proposal Summary

To limit the use of caregiver agreements to those agreements that actually result in keeping an individual out of a nursing home, or delays the need for home and community-based services provided under a Medicaid waiver, due to the care provided, and to prohibit the use of a caregiver agreement to divest assets in order to gain Medicaid eligibility sooner than would otherwise occur. The bill proposes requirements that must be met in order for a caregiver agreement to avoid being considered a transfer of assets that will result in a penalty period and affect Medicaid eligibility for payment of long term services and supports.

PROPOSAL BACKGROUND

- **Reason for Proposal**

Due to the implementation of the Deficit Reduction Act, caregiver agreements are proliferating as a means to transfer assets to family members.

This proposal would assist DSS eligibility staff in evaluating caregiver contract and avoid improper transfers of assets. The proposal would also defer institutional Medicaid payments by DSS and allow those individuals who truly are caring for a relative some monetary compensation for the services they provide without causes a bar to eligibility.



- **Origin of Proposal** **New Proposal** **Resubmission**

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PROPOSAL IMPACT

- **Agencies Affected**

Agency Name: DSS Agency Contact: Date Contacted: Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

- **Fiscal Impact**

Municipal
State Potential for savings. The proposal would lessen the potential for individuals to improperly divest assets to family members as caregiver agreements with the intention of receiving Medicaid eligibility sooner than what would otherwise occur.
Federal
Additional notes on fiscal impact



- **Policy and Programmatic Impacts**

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AN ACT CONCERNING CAREGIVER AGREEMENTS

- (a) For purposes of determining eligibility for the payment of long-term services and supports under the Medicaid program, no penalty shall be imposed on an applicant or recipient based on the existence of a personal service agreement that provide for the transfer of an asset in exchange for the provision of services to the applicant or recipient, if the agreement is (1) executed more than 12 months prior to the date that the applicant or recipient entered a nursing home or applied for home care assistance; (2) in writing; (3) signed and dated by the applicant or recipient and the provider of services; and (4) notarized.
- (b) In addition to the requirements in subsection (a) of this section, the personal service agreement must:
 - (1) Include, in detail, the type, frequency, location and duration of services that will be provided to the applicant or recipient;
 - (2) Provide for payment to the provider of services on a weekly, biweekly or monthly basis for services received during the previous period and prohibit prepayment, retroactive or deferred payment for services;
 - (3) Provide for payment for services at the rate published by the Office of Policy and Management and prohibit flat or fixed fees;
 - (4) Allow for modification of the agreement only by written, mutual agreement by the parties and termination of the agreement by either party at any time and only in writing;
 - (5) Require the provider of services to maintain contemporaneous records of services performed and to submit the records, under oath, to the Department of Social Services, upon request;
 - (6) Include only those services that are supplemental to other services the applicant or recipient receives and are not duplicative of services provided by others;
 - (7) Provide that no payment shall be allowed for social activities or companionship, for services performed while the applicant or recipient is in a nursing home or other health care facility or for travel by the provider of services to or from the applicant or recipient's residence; and



- (8) Require the applicant or recipient to document that (A) the provider of services reported any payments received for services performed as income on the provider's federal and state income tax returns; (B) the applicant or recipient, when required, withheld social security and other payroll taxes from payment made to the provider.
- (c) In addition to the requirements in subsections (a) and (b) of this section, the applicant or recipient or the provider of services must establish to the Department's satisfaction that the personal service agreement enabled the applicant or recipient to avoid or delay (1) placement in a nursing facility or (2) the need for home and community –based services provided under a Medicaid waiver.

Agency Legislative Proposal - 2016 Session

Document Name: DSS_BCSE Name Change	(7)
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State Agency: Department of Social Services (DSS)
Liaison: Krista Ostaszewski Phone: 860-424-5612 E-mail: Krista.Ostaszewski@ct.gov
Lead agency division requesting this proposal: Bureau of Child Support Enforcement
Agency Analyst/Drafter of Proposal: John Dillon – Interim IV-D Director, BCSE

Title of Proposal: An Act Concerning Renaming the Bureau of Child Support Enforcement to Office of Child Support Services
Statutory Reference: CGS§§: 1-24; 4a-12; 17b-93; 17b-179; 29-1g; 46b-88; 46b-130; 46b-172; 46b-213d; 46b-213f; 46b-213w; 46b-218; 46b-231; 52-362; 52-362f; 52-362i
Proposal Summary This proposal would amend all references throughout the general statutes to the lead IV-D agency’s present name “Bureau of Child Support Enforcement”. The proposal is to change the name to “Office of Child Support Services”.

PROPOSAL BACKGROUND

- **Reason for Proposal**

<p>There is no federal or state requirement mandating this name change; however, clearly the mission of the lead IV-D agency, located within the Department of Social Services, has expanded to include many more services than “enforcement”. In fact, although the agency still engages in administrative enforcement, employing many advanced techniques to collect tens of millions of dollars every year on behalf of Connecticut’s children, court-based enforcement is primarily the responsibility of the agency’s cooperative partner in the Judicial Branch, Support Enforcement Services within the Court Operations Division. Also, the agency’s federal oversight agency within the Administration for Children and Families, the Office of Child Support Enforcement, has emphasized in recent years the benefits to children and families of expanding the vision of the child support program to include assisting fathers and noncustodial parents in general to participate more fully in their children’s lives, which tends to go hand in hand with increased support payments.</p>

- **Origin of Proposal** **New Proposal** **Resubmission**

Proposed last year and became SB 894, had unanimous bi-partisan support in the house with income withholding attached, but died on last day of the session.

PROPOSAL IMPACT

- **Agencies Affected**

Agency Name: Judicial Branch, Court Operations, Support Enforcement Services, Family Support Magistrates
 Agency Contact: Johanna Greenfield, Deputy Director, Family and Support Matters 860/263-3056; Charisse Hutton, Director, Support Enforcement Services, 860/569-6233 x 3361; John Colella, Chief Family Support Magistrate
 Date Contacted: Ongoing – Proposal discussed at 7/21/15 meeting with all IV-D partners
 Approve of Proposal YES NO Talks Ongoing

Agency Name: Office of the Attorney General, Collections/Child Support Unit
 Agency Contact: Sean Kehoe, Assistant Attorney General, Department Head of the Collections and Child Support Unit, 860/808-5150.
 Date Contacted: Ongoing – Proposal discussed at 7/21/15 meeting with all IV-D partners
 Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency’s Comments

The IV-D partners named above discussed and commented on the agency proposal, but lack authority at their level to officially “approve” or “oppose” the proposal.

- **Fiscal Impact**

Municipal
State Some printed and electronic media will require revision within existing resources.
Federal
Additional notes on fiscal impact

- **Policy and Programmatic Impacts**

The focus on “Enforcement” in the IV-D agency name is not adequate to fully describe the services the lead IV-D agency provides to the public and our internal and external partners, both state and federal. In addition, the designation “Bureau” is antiquated and not used elsewhere within the Department of Social Services. The services provided by the IV-D agency include those offered within the John S. Martinez Fatherhood Initiative of Connecticut, which focus on changing the systems that can improve fathers’ ability to be fully and positively involved in the lives of their children. They also include case initiation; location of parents; establishment of legal paternity; establishment of financial and medical support orders; collection, distribution and disbursement of child support payments in IV-D and Non-IV-D cases; and administrative functions such as State Plan maintenance, legislative and regulatory program direction, oversight of cooperating agencies, and state and federal audit compliance.

**AN ACT CONCERNING RENAMING THE BUREAU OF CHILD SUPPORT
ENFORCEMENT TO THE OFFICE OF CHILD SUPPORT SERVICES.**

1 Be it enacted by the Senate and House of Representatives in General Assembly convened:

2 Section 1. Section 1-24 of the 2014 supplement to the general statutes, as amended by section
3 1 of Public Act No. 14-207, is repealed and the following is substituted in lieu thereof (*Effective*
4 *January 1, 2016*):

5 The following officers may administer oaths: (1) The clerks of the Senate, the clerks of the
6 House of Representatives and the chairpersons of committees of the General Assembly or of
7 either branch thereof, during its session; (2) state officers, as defined in subsection (t) of section
8 9-1, judges and clerks of any court, family support magistrates, judge trial referees, justices of
9 the peace, commissioners of the Superior Court, notaries public, town clerks and assistant town
10 clerks, in all cases where an oath may be administered, except in a case where the law otherwise
11 requires; (3) commissioners on insolvent estates, auditors, arbitrators and committees, to parties
12 and witnesses, in all cases tried before them; (4) assessors and boards of assessment appeals, in
13 cases coming before them; (5) commissioners appointed by governors of other states to take the
14 acknowledgment of deeds, in the discharge of their official duty; (6) the moderator of a school
15 district meeting, in such meeting, to the clerk of such district, as required by law; (7) the first
16 selectman, in any matter before the board of selectmen; (8) the Chief Medical Examiner, Deputy
17 Medical Examiner and assistant medical examiners of the Office of the Medical Examiner, in
18 any matter before them; (9) registrars of vital statistics, in any matter before them; (10) any chief
19 inspector or inspector appointed pursuant to section 51-286; (11) registrars of voters, deputy
20 registrars, assistant registrars, and moderators, in any matter before them; (12) special assistant
21 registrars, in matters provided for in subsections (b) and (c) of section 9-19b and section 9-19c;
22 (13) the Commissioner of Emergency Services and Public Protection and any sworn member of
23 any local police department or the Division of State Police within the Department of Emergency
24 Services and Public Protection, in all affidavits, statements, depositions, complaints or reports
25 made to or by any member of any local police department or said Division of State Police or any
26 constable who is under the supervision of said commissioner or any of such officers of said
27 Division of State Police and who is certified under the provisions of sections 7-294a to 7-294e,
28 inclusive, and performs criminal law enforcement duties; (14) judge advocates of the United
29 States Army, Navy, Air Force and Marine Corps, law specialists of the United States Coast
30 Guard, adjutants, assistant adjutants, acting adjutants and personnel adjutants, commanding
31 officers, executive officers and officers whose rank is lieutenant commander or major, or above,
32 of the armed forces, as defined in section 27-103, to persons serving with or in the armed forces,
33 as defined in said section, or their spouses; (15) investigators, deputy investigators, investigative
34 aides, secretaries, clerical assistants, social workers, social worker trainees, paralegals and
35 certified legal interns employed by or assigned to the Public Defender Services Commission in
36 the performance of their assigned duties; (16) bail commissioners, intake, assessment and referral
37 specialists, family relations counselors, support enforcement officers, chief probation officers
38 and supervisory judicial marshals employed by the Judicial Department in the performance of
39 their assigned duties; (17) juvenile matter investigators employed by the Division of Criminal
40 Justice in the performance of their assigned duties; (18) the chairperson of the Connecticut Siting

41 Council or the chairperson's designee; (19) the presiding officer at an agency hearing under
42 section 4-177b; (20) investigators employed by the Department of Social Services [Bureau of
43 Child Support Enforcement,] Office of Child Support Services in the performance of their
44 assigned duties; (21) the chairperson, vice-chairperson, members and employees of the Board of
45 Pardons and Paroles, in the performance of their assigned duties; (22) the Commissioner of
46 Correction or the commissioner's designee; (23) sworn law enforcement officers, appointed
47 under section 26-5, within the Department of Energy and Environmental Protection, in all
48 affidavits, statements, depositions, complaints or reports made to or by any such sworn law
49 enforcement officer; and (24) sworn motor vehicle inspectors acting under the authority of
50 section 14-8.

51 Sec. 2. Subsection (c) of section 4a-12 of the general statutes is repealed and the following is
52 substituted in lieu thereof (*Effective January 1, 2016*):

53 (c) For purposes of this section, “liable relative” means the husband or wife of any person
54 receiving public assistance or aided, cared for or treated in a state humane institution, as defined
55 in said section 17b-222, and the father and mother of any such person under the age of eighteen
56 years, but shall not include the parent or parents whose financial liability for a child is
57 determined by the [Bureau of Child Support Enforcement] Office of Child Support Services
58 under subsection (b) of section 17b-179. The Commissioner of Administrative Services, in
59 consultation with the Secretary of the Office of Policy and Management, shall adopt regulations
60 in accordance with the provisions of chapter 54 establishing: (1) A uniform contribution scale for
61 liable relatives based upon ability to pay and the administrative feasibility of collecting such
62 contributions, provided no such liable relative shall contribute an amount in excess of twelve per
63 cent of the remainder, if any, after the state median income, adjusted for family size, has been
64 deducted from such liable relative’s taxable income for federal income tax purposes, or if such
65 federal income tax information is unavailable, from such relative’s taxable income, as calculated
66 from other sources, including, but not limited to, information pertaining to wages, salaries and
67 commissions as provided by such relative’s employer; (2) the manner in which the Department
68 of Administrative Services shall determine and periodically reinvestigate the ability of such
69 liable relatives to pay; and (3) the manner in which the department shall waive such
70 contributions upon determination that such contribution would pose a significant financial
71 hardship upon such liable relatives.

72 Sec. 3. Subsection (d) of section 17b-93 of the general statutes is repealed and the following is
73 substituted in lieu thereof (*Effective January 1, 2016*):

74 (d) Notwithstanding any provision of the general statutes, whenever funds are collected
75 pursuant to this section or section 17b-94, and the person who otherwise would have been
76 entitled to such funds is subject to a court-ordered current or arrearage child support payment
77 obligation in a IV-D support case, such funds shall first be paid to the state for reimbursement of
78 Medicaid funds granted to such person for medical expenses incurred for injuries related to a
79 legal claim by such person which was the subject of the state’s lien and such funds shall then be
80 paid to the [Bureau of Child Support Enforcement] Office of Child Support Services for
81 distribution pursuant to the federally mandated child support distribution system implemented
82 pursuant to subsection (j) of section 17b-179. The remainder, if any, shall be paid to the state for

83 payment of previously provided assistance through the state supplement program, medical
84 assistance program, aid to families with dependent children program, temporary family
85 assistance program or state-administered general assistance program.

86 Sec. 4. Subsections (a) to (h), inclusive, of section 17b-179 of the general statutes are repealed
87 and the following is substituted in lieu thereof (*Effective January 1, 2016*):

88 (a) There is created within the Department of Social Services the [Bureau of Child Support
89 Enforcement] Office of Child Support Services. The [bureau] office shall be administered by a
90 director and shall act as the single and separate organizational unit to coordinate, plan and
91 publish the state child support enforcement plan for the implementation of Title IV-D of the
92 Social Security Act, as amended, as required by federal law and regulations. The [bureau] office
93 shall provide for the development and implementation of all child support services, including the
94 administration of withholding of earnings, in accordance with the provisions of Title IV-D of the
95 Social Security Act, as amended.

96 (b) (1) The Commissioner of Social Services shall investigate the financial condition of the
97 parent or parents of: (A) Any child applying for or receiving assistance under (i) the temporary
98 family assistance program pursuant to section 17b-112, which may be referred to as “TFA” for
99 the purposes of this section, or (ii) the Medicaid program pursuant to section 17b-261, (B) any
100 child seeking IV-D child support enforcement services pursuant to subdivision (1) of subsection
101 (h) of this section, and (C) any child committed to the care of the Commissioner of Children and
102 Families who is receiving payments in the foster care program and for whom a referral to the
103 [Bureau of Child Support Enforcement] Office of Child Support Services is made under section
104 46b-130, and shall determine the financial liability of such parent or parents for the child.

105 (2) The [Bureau of Child Support Enforcement] Office of Child Support Services may, upon
106 notice to the obligor and obligee, redirect payments for the support of all such children to either
107 the state of Connecticut or the present custodial party, as their interests may appear, provided
108 neither the obligor nor the obligee objects in writing within ten business days from the mailing
109 date of such notice. Any such notice shall be sent by first class mail to the most recent address of
110 such obligor and obligee, as recorded in the state case registry pursuant to section 46b-218, and a
111 copy of such notice shall be filed with the court or family support magistrate if both the obligor
112 and obligee fail to object to the redirected payments within ten business days from the mailing
113 date of such notice. All payments shall be distributed as required by Title IV-D of the Social
114 Security Act.

115 (3) Notwithstanding subdivision (2) of this subsection or subparagraph (F) of subdivision (1)
116 of subsection (u) of section 46b-231, the [Bureau of Child Support Enforcement] Office of Child
117 Support Services or a support enforcement agency under cooperative agreement with the [Bureau
118 of Child Support Enforcement] Office of Child Support Services shall redirect payments for the
119 support of children described in subparagraphs (A)(i) and (C) of subdivision (1) of this
120 subsection to the state of Connecticut effective on the date of the assistance grant. Upon such
121 redirection, the [Bureau of Child Support Enforcement] Office of Child Support Services or
122 support enforcement agency shall notify the obligor and obligee as described in subdivision (2)
123 of this subsection if assistance is being received by a new custodial party on behalf of such child

124 and, if an objection to redirection is received in accordance with said subdivision (2), shall
125 refund to the obligee of the support order any money retained by the state during the period of
126 redirection that is due such obligee.

127 (c) The [Bureau of Child Support Enforcement] Office of Child Support Services shall enter
128 into cooperative agreements with appropriate officials of the Judicial Branch and law
129 enforcement officials to assist in administering the child support enforcement plan and with
130 respect to other matters of common concern in the area of child support enforcement. Officers of
131 the Judicial Branch and law enforcement officials authorized and required to enter into
132 cooperative agreements with the [Bureau of Child Support Enforcement] Office of Child Support
133 Services include, but are not limited to, officials of the Superior Court and the office of the
134 Attorney General. Such cooperative agreements shall contain performance standards to address
135 the mandatory provisions of both state and federal laws and federal regulations concerning child
136 support.

137 (d) The [Bureau of Child Support Enforcement] Office of Child Support Services shall have
138 authority to determine on a periodic basis whether any individuals who owe child support
139 obligations are receiving unemployment compensation. In IV-D cases, the [bureau] such office
140 may authorize the collection of any such obligations owed by an individual receiving
141 unemployment compensation through an agreement with the individual or a court order pursuant
142 to section 52-362, under which a portion of the individual's unemployment compensation is
143 withheld and forwarded to the state acting by and through the IV-D agency. As used in this
144 section, "unemployment compensation" means any compensation payable under chapter 567,
145 including amounts payable by the administrator of the unemployment compensation law
146 pursuant to an agreement under any federal law providing for compensation, assistance or
147 allowances with respect to unemployment.

148 (e) The [Bureau of Child Support Enforcement] Office of Child Support Services shall enter
149 into purchase of service agreements with other state officials, departments and agencies which do
150 not have judicial or law enforcement authority, including, but not limited to, the Commissioner
151 of Administrative Services, to assist in administering the child support enforcement plan. The
152 [Bureau of Child Support Enforcement] Office of Child Support Services shall have authority to
153 enter into such agreements with the Labor Commissioner and to withhold unemployment
154 compensation pursuant to subsection (d) of this section and section 31-227.

155 (f) The [Bureau of Child Support Enforcement] Office of Child Support Services shall have
156 the sole responsibility to make referrals to the federal Parent Locator Service established
157 pursuant to 88 Stat. 2353 (1975), 42 USC 653, as amended, for the purpose of locating deserting
158 parents.

159 (g) The [Bureau of Child Support Enforcement] Office of Child Support Services shall have
160 the sole responsibility to make recommendations to the Governor and the General Assembly for
161 needed program legislation to ensure implementation of Title IV-D of the Social Security Act, as
162 amended.

163 (h) (1) The [Bureau of Child Support Enforcement] Office of Child Support Services shall
164 provide, or arrange to provide through one or more of the state officials, departments and
165 agencies, the same services for obtaining and enforcing child support orders in cases in which
166 children are not beneficiaries of TFA, Medicaid or foster care as in cases where children are the
167 beneficiaries of TFA, Medicaid or foster care. Such services shall also be made available to
168 residents of other states on the same terms as to residents of this state. Support services in cases
169 other than TFA, Medicaid or foster care will be provided upon application to the [Bureau of
170 Child Support Enforcement] Office of Child Support Services by the person seeking to enforce a
171 child support obligation and the payment of an application fee, pursuant to the provisions of
172 subsection (i) of this section.

173 (2) In addition to the application fee, the [Bureau of Child Support Enforcement] Office of
174 Child Support Services may assess costs incurred for the establishment, enforcement or
175 modification of a support order in cases other than TFA, Medicaid or foster care. Such
176 assessment shall be based on a fee schedule adopted by the Department of Social Services
177 pursuant to chapter 54. The fee schedule to be charged in such cases shall be made available to
178 any individual upon request. The [Bureau of Child Support Enforcement] Office of Child
179 Support Services shall adopt procedures for the notification of Superior Court judges and family
180 support magistrates when a fee has been assessed upon an obligee for support services and a
181 Superior Court judge or a family support magistrate shall order the obligor to pay any such
182 assessment to the [Bureau of Child Support Enforcement] Office of Child Support Services. In
183 cases where such order is not entered, the obligee shall pay an amount based on a sliding scale
184 not to exceed the obligee's ability to pay. The Department of Social Services shall adopt such
185 sliding scale pursuant to chapter 54.

186 (3) The [Bureau of Child Support Enforcement] Office of Child Support Services shall also, in
187 the case of an individual who never received temporary assistance for needy families and for
188 whom the state has collected at least five hundred dollars of support in a one-year period, impose
189 an annual fee of twenty-five dollars for each case in which services are furnished.

190 Sec. 5. Subsection (l) of section 17b-179 of the general statutes, as amended by Public Act
191 14-177, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2016*):

192 (l) The [Bureau of Child Support Enforcement] Office of Child Support Services shall arrange
193 to provide a single centralized automated system for the reporting of collections on all accounts
194 established for the collection of all IV-D support orders. Such reporting shall be made available
195 to the Family Support Magistrate Division and to all state agencies which have a cooperative
196 agreement with the IV-D agency. Such automated system shall include a state case registry
197 which complies with federal law and regulations. The state case registry shall contain
198 information on each support order established or modified in this state. The [Bureau of Child
199 Support Enforcement] Office of Child Support Services, utilizing information contained in the
200 state case registry, shall establish, maintain and periodically update a list of all delinquent child
201 support obligors. The list shall, at a minimum, contain the name, residential address and amount
202 of the delinquent child support owed by a child support obligor, exclusive of any amount of child
203 support owed for which an appeal is pending. The [Bureau of Child Support Enforcement]
204 Office of Child Support Services shall publish on the Department of Social Services' Internet

205 web site, the names, residential addresses and amounts of delinquent child support owed by the
206 one hundred individuals having the highest delinquent child support obligations. For purposes of
207 this subsection, "delinquent child support obligor" means an obligor who (1) owes overdue child
208 support, accruing after the entry of a court order, in an amount which exceeds ninety days of
209 periodic payments on a current child support or arrearage payment order, or (2) has failed to
210 make court ordered medical or dental insurance coverage available within ninety days of the
211 issuance of a court order or fails to maintain such coverage pursuant to a court order for a period
212 of ninety days.

213 Sec. 6. Section 29-1g of the general statutes is repealed and the following is substituted in lieu
214 thereof (*Effective January 1, 2016*):

215 The Commissioner of Emergency Services and Public Protection may appoint not more than
216 six persons nominated by the Commissioner of Social Services as special policemen in the
217 [Bureau of Child Support Enforcement] Office of Child Support Services of the Department of
218 Social Services for the service of any warrant or *capias mittimus* issued by the courts on child
219 support matters. Such appointees, having been sworn, shall serve at the pleasure of the
220 Commissioner of Emergency Services and Public Protection and, during such tenure, shall have
221 all the powers conferred on state policemen and state marshals.

222 Sec. 7. Subdivision (1) of subsection (a) of section 46b-88 of the general statutes is repealed
223 and the following is substituted in lieu thereof (*Effective January 1, 2016*):

224 (1) "Issuing agency" means an agency providing child support enforcement services, as
225 defined in subsection (b) of section 46b-231, and includes the [Bureau of Child Support
226 Enforcement] Office of Child Support Services within the Department of Social Services and
227 Support Enforcement Services within Judicial Branch Court Operations; and

228 Sec. 8. Section 46b-130 of the general statutes is repealed and the following is substituted in
229 lieu thereof (*Effective January 1, 2016*):

230 The parents of a minor child for whom care or support of any kind has been provided under
231 the provisions of this chapter shall be liable to reimburse the state for such care or support to the
232 same extent, and under the same terms and conditions, as are the parents of recipients of public
233 assistance. Upon receipt of foster care maintenance payments under Title IV-E of the Social
234 Security Act by a minor child, the right of support, past, present and future, from a parent of such
235 child shall, by this section, be assigned to the Commissioner of Children and Families, and the
236 parents shall assist the commissioner in pursuing such support. On and after October 1, 2008,
237 such assignment shall apply only to such support rights as accrue during the period of assistance,
238 not to exceed the total amount of assistance provided to the child under Title IV-E. Referral by
239 the commissioner shall promptly be made to the [Bureau of Child Support Enforcement] Office
240 of Child Support Services of the Department of Social Services for pursuit of support for such
241 minor child in accordance with the provisions of section 17b-179. Any child who reimburses the
242 state under the provisions of subsection (l) of section 46b-129 for any care or support such child
243 received shall have a right of action to recover such payments from such child's parents.

244 Sec. 9. Subdivision (3) of subsection (b) of section 46b-172 of the general statutes is repealed
245 and the following is substituted in lieu thereof (*Effective January 1, 2016*):

246 (3) Payments under such agreement shall be made to the petitioner, except that in IV-D
247 support cases, as defined in subsection (b) of section 46b-231, payments shall be made to the
248 [Bureau of Child Support Enforcement] Office of Child Support Services or its designated
249 agency and distributed as required by Title IV-D of the Social Security Act. In IV-D support
250 cases, the IV-D agency or a support enforcement agency under cooperative agreement with the
251 IV-D agency may, upon notice to the obligor and obligee, redirect payments for the support of
252 any child receiving child support enforcement services either to the state of Connecticut or to the
253 present custodial party, as their interests may appear, provided neither the obligor nor the obligee
254 objects in writing within ten business days from the mailing date of such notice. Any such notice
255 shall be sent by first class mail to the most recent address of such obligor and obligee, as
256 recorded in the state case registry pursuant to section 46b-218, and a copy of such notice shall be
257 filed with the court or family support magistrate if both the obligor and obligee fail to object to
258 the redirected payments within ten business days from the mailing date of such notice.

259 Sec. 10. Subsection (a) of section 46b-213d of the general statutes is repealed and the
260 following is substituted in lieu thereof (*Effective January 1, 2016*):

261 (a) The [Bureau of Child Support Enforcement] Office of Child Support Services of the
262 Department of Social Services or its designated collection agent, and any tribunal shall disburse
263 promptly any amounts received pursuant to a support order, as directed by the order. The
264 [bureau] office, agent or tribunal shall furnish to a requesting party or tribunal of another state a
265 certified statement by the custodian of the record of the amounts and dates of all payments
266 received.

267 Sec. 11. Subsection (b) of section 46b-213f of the general statutes is repealed and the
268 following is substituted in lieu thereof (*Effective January 1, 2016*):

269 (b) Upon receipt of the documents, Support Enforcement Services, with the assistance of the
270 [Bureau of Child Support Enforcement] Office of Child Support Services within the Department
271 of Social Services, as appropriate, without initially seeking to register the order, shall consider
272 and, if appropriate, use any administrative procedure authorized by the law of this state to
273 enforce a support order or an income withholding order, or both. If the obligor does not contest
274 administrative enforcement, the order need not be registered. If the obligor contests the validity
275 or administrative enforcement of the order, the support enforcement agency shall file the order
276 with Support Enforcement Services of the Superior Court to be recorded in the registry of
277 support orders of the Family Support Magistrate Division.

278 Section 12. Subdivisions (5) and (6) of subsection (c) of section 46b-213w of the general
279 statutes are repealed and the following is substituted in lieu thereof (*Effective January 1, 2016*):

280 (5) Notice of the right to seek the assistance of the [Bureau of Child Support Enforcement]
281 Office of Child Support Services of the Department of Social Services and the toll-free telephone
282 number at which [the bureau] such office can be contacted;

283 (6) A claim form which shall include (A) a list of the most common defenses and exemptions
284 to such income withholding order in a manner which allows the obligor to check any of the
285 defenses and exemptions which apply; (B) a space where the obligor may briefly explain the
286 obligor’s claim or defense; (C) a space where the obligor may initiate a request for services to
287 modify the support order, and the address of the [Bureau of Child Support Enforcement] Office
288 of Child Support Services of the Department of Social Services to which such request may be
289 sent; (D) a space for the obligor to provide the obligor’s address and the name of the town in
290 which the obligor principally conducts the obligor’s work for the employer; (E) a space for the
291 obligor to sign the obligor’s name; (F) the address of Support Enforcement Services to which the
292 claim form is to be sent in order to contest the validity or enforcement of the income withholding
293 order; and (G) space for the employer to state the date upon which the form was actually
294 delivered to the obligor.

295 Section 13. Subsection (m) of section 46b-213w of the general statutes is repealed and the
296 following is substituted in lieu thereof (*Effective January 1, 2016*):

297 (m) If the claim form requests services to modify the support order, the [Bureau of Child
298 Support Enforcement] Office of Child Support Services shall assist the obligor to file a motion
299 for modification with the appropriate tribunal of the state of continuing exclusive jurisdiction in
300 accordance with the law of that jurisdiction. The receipt of the request for modification shall
301 constitute a request for Title IV-D services, but [the bureau] such office may require the making
302 of a formal application. Such assistance shall include, but is not limited to, providing the obligor
303 with information about how such a motion is filed, contacting the state of continuing exclusive
304 jurisdiction on behalf of the obligor to obtain appropriate forms, and transmitting such forms and
305 applicable information to the appropriate tribunal in such state.

306 Sec. 14. Subsection (3) of subsection (a) of section 46b-218 of the general statutes is repealed
307 and the following is substituted in lieu thereof (*Effective January 1, 2016*):

308 (3) “State case registry” means the database included in the automated system established and
309 maintained by the [Bureau of Child Support Enforcement] Office of Child Support Services
310 under subsection (1) of section 17b-179 which database shall contain information on each support
311 order established or modified in the state.

312 Sec. 15. Subdivision (4) of subsection (b) of section 46b-231 of the general statutes is repealed
313 and the following is substituted in lieu thereof (*Effective January 1, 2016*):

314 (4) [“Bureau of Child Support Enforcement”] “Office of Child Support Services” means a
315 division within the Department of Social Services established pursuant to section 17b-179;

316 Sec. 16. Subdivision (12) of subsection (b) of section 46b-231 of the general statutes is
317 repealed and the following is substituted in lieu thereof (*Effective January 1, 2016*):

318 (12) “IV-D agency” means the [Bureau of Child Support Enforcement] Office of Child
319 Support Services within the Department of Social Services, established pursuant to section 17b-

320 179 and authorized to administer the child support program mandated by Title IV-D of the Social
321 Security Act;

322 Sec. 17. Subdivision (4) of subsection (s) of section 46b-231 of the general statutes is repealed
323 and the following is substituted in lieu thereof (*Effective January 1, 2016*):

324 (4) Review child support orders (A) in non-TFA IV-D support cases (i) at the request of either
325 parent or custodial party subject to a support order, or (ii) upon receipt of information indicating
326 a substantial change in circumstances of any party to the support order, (B) in TFA cases, at the
327 request of the [Bureau of Child Support Enforcement] Office of Child Support Services, or (C)
328 as necessary to comply with federal requirements for the child support enforcement program
329 mandated by Title IV-D of the Social Security Act, and initiate an action before a family support
330 magistrate to modify such support order if it is determined upon such review that the order
331 substantially deviates from the child support guidelines established pursuant to section 46b-215a.
332 A requesting party under subparagraph (A)(i) or (B) of this subdivision shall have a right to such
333 review every three years without proving a substantial change in circumstances, but more
334 frequent reviews shall be made only if such requesting party demonstrates a substantial change in
335 circumstances. There shall be a rebuttable presumption that any deviation of less than fifteen per
336 cent from the child support guidelines is not substantial and any deviation of fifteen per cent or
337 more from the guidelines is substantial. Modification may be made of such support order without
338 regard to whether the order was issued before, on or after May 9, 1991. In determining whether
339 to modify a child support order based on a substantial deviation from such child support
340 guidelines, consideration shall be given to the division of real and personal property between the
341 parties set forth in any final decree entered pursuant to chapter 815j and the benefits accruing to
342 the child as the result of such division. No order for periodic payment of support may be subject
343 to retroactive modification, except that the family support magistrate may order modification
344 with respect to any period during which there is a pending motion for modification of a support
345 order from the date of service of notice of such pending motion to the opposing party pursuant to
346 section 52-50.

347 Sec. 18. Subdivision (1) of subsection (a) of section 52-362 of the general statutes is repealed
348 and the following is substituted in lieu thereof (*Effective January 1, 2016*):

349 (1) “Dependent” means a spouse, former spouse or child entitled to payments under a support
350 order, provided Support Enforcement Services of the Superior Court or the state acting under an
351 assignment of a dependent’s support rights or under an application for child support enforcement
352 services shall, through an officer of Support Enforcement Services or the [Bureau of Child
353 Support Enforcement] Office of Child Support Services within the Department of Social
354 Services or an investigator of the Department of Administrative Services or the Attorney
355 General, take any action which the dependent could take to enforce a support order;

356 Sec. 19. Subsection (e) of section 52-362 of the general statutes is repealed and the following
357 is substituted in lieu thereof (*Effective January 1, 2016*):

358 (e) A withholding order shall issue in the amount necessary to enforce a support order against
359 only such nonexempt income of the obligor as exceeds the greater of (1) eighty-five per cent of

360 the first one hundred forty-five dollars per week of disposable income, or (2) the amount exempt
361 under Section 1673 of Title 15 of the United States Code, or against any lesser amount which the
362 court or family support magistrate deems equitable. Subject to subsection (d) of section 46b-88,
363 the withholding order shall secure payment of past and future amounts due under the support
364 order and an additional amount computed in accordance with the child support guidelines
365 established in accordance with section 46b-215a, to be applied toward liquidation of any
366 arrearage accrued under such order, unless contested by the obligor after a notice has been served
367 pursuant to subsection (c) of this section, in which case the court or family support magistrate
368 may determine the amount to be applied toward the liquidation of the arrearage found to have
369 accrued under prior order of the court or family support magistrate. In no event shall such
370 additional amount be applied if there is an existing arrearage order from the court or family
371 support magistrate in a IV-D support case, as defined in subdivision (13) of subsection (b) of
372 section 46b-231. Any investigator or other authorized employee of the [Bureau of Child Support
373 Enforcement] Office of Child Support Services within the Department of Social Services, or any
374 officer of Support Enforcement Services of the Superior Court, may issue a withholding order
375 entered by the Superior Court or a family support magistrate pursuant to subsection (b) of this
376 section, and shall issue a withholding order pursuant to this subsection when the obligor becomes
377 subject to withholding under subsection (c) of this section. On service of the order of
378 withholding on an existing or any future employer or other payer of income, and until the
379 support order is fully satisfied or modified, the order of withholding is a continuing lien and levy
380 on the obligor's income as it becomes due.

381 Sec. 20. Subsection (h) of section 52-362 of the general statutes is repealed and the following
382 is substituted in lieu thereof (*Effective January 1, 2016*):

383 (h) Service of any process under this section, including any notice, may be made in
384 accordance with section 52-57, or by certified mail, return receipt requested. If service is made
385 on behalf of the state, it may be made by an authorized employee of Support Enforcement
386 Services, by an investigator or other officer of the [Bureau of Child Support Enforcement] Office
387 of Child Support Services within the Department of Social Services, by an investigator of the
388 Department of Administrative Services or by the Attorney General. Service of income
389 withholding orders by Support Enforcement Services or by an investigator or other officer of
390 [said bureau] the Office of Child Support Services upon an employer under this section may be
391 made in accordance with section 52-57, by certified mail, return receipt requested, by first class
392 mail or electronically, provided the employer agrees to accept service made electronically.

393 Sec. 21. Subsection (p) of section 52-362 of the general statutes is repealed and the following
394 is substituted in lieu thereof (*Effective January 1, 2016*):

395 (p) All withholding orders issued under this section shall be payable to the state disbursement
396 unit established and maintained by the Commissioner of Social Services in accordance with
397 subsection (j) of section 17b-179. The state disbursement unit shall insure distribution of all
398 money collected under this section to the dependent, the state and the support enforcement
399 agencies of other states, as their interests may appear, within two business days. Each dependent
400 who is not receiving child support enforcement services, as defined in subsection (b) of section
401 46b-231, shall be notified upon the issuance of a withholding order pursuant to this section, that

402 such services are offered free of charge by the State of Connecticut upon application to the
403 [Bureau of Child Support Enforcement] Office of Child Support Services within the Department
404 of Social Services.

405 Sec. 22. Subdivision (1) of subsection (a) of section 52-362f of the general statutes is repealed
406 and the following is substituted in lieu thereof (*Effective January 1, 2016*):

407 (1) “Agency” means the [Bureau of Child Support Enforcement] Office of Child Support
408 Services within the Department of Social Services of this state and, when the context requires,
409 means either the court or agency of any other jurisdiction with functions similar to those defined
410 in this section, including the issuance and enforcement of support orders.

411 Sec. 23. Subsection (g) of section 52-362f of the general statutes is repealed and the following
412 is substituted in lieu thereof (*Effective January 1, 2016*):

413 (g) An income withholding order under this section shall direct payment to the [Bureau of
414 Child Support Enforcement] Office of Child Support Services or its designated collection agent.
415 [The bureau] Such office or its designated agent shall promptly distribute payments received
416 pursuant to an income withholding order or garnishment based on a support order of another
417 jurisdiction entered under this section to the agency or person designated pursuant to subdivision
418 (5) of subsection (a) of section 46b-213h. A support order entered pursuant to subsection (d) of
419 this section does not nullify and is not nullified by a support order made by a court of this state
420 pursuant to any other section of the general statutes or a support order made by a court of any
421 other state. Amounts collected by any withholding of income shall be credited against the
422 amounts accruing or accrued for any period under any support orders issued either by this state
423 or by another jurisdiction.

424 Sec. 24. Sec. 52-362i of the general statutes is repealed and the following is substituted in lieu
425 thereof (*Effective January 1, 2016*):

426 If the court or family support magistrate finds that (1) an obligor is delinquent on payment of
427 child support, and (2) future support payments are in jeopardy, or (3) the obligor has exhibited or
428 expressed an intention not to pay any such support, the court or family support magistrate may
429 order the obligor to provide a cash deposit not to exceed the amount of four times the current
430 monthly support and arrearage obligation, to be held in escrow by the [Bureau of Child Support
431 Enforcement] Office of Child Support Services or Support Enforcement Services. Any funds
432 from such cash deposit may be disbursed by the [Bureau of Child Support Enforcement] Office
433 of Child Support Services or Support Enforcement Services to the custodial parent upon a
434 determination by [said bureau] the Office of Child Support Services or Support Enforcement
435 Services that the obligor has failed to pay the full amount of the monthly support obligation.
436 Payment shall be in an amount that, when combined with the obligor’s payment, would not
437 exceed the monthly support obligation. Payment from such cash deposit shall not preclude a
438 finding of delinquency during the period of time in which the obligor failed to pay current
439 support.

440 *Statement of Purpose:*

441 To change the name of the Bureau of Child Support Enforcement within the Department of
442 Social Services to the Office of Child Support Services to characterize more accurately and
443 completely the mission of the IV-D agency for clients and the public.



Agency Legislative Proposal - 2016 Session

Document Name : DSS_Technical Changes to HUSKY Plus

(8)

State Agency: Department of Social Services (DSS)

Liaison: Krista Ostaszewski

Phone: 860-424-5612

E-mail: Krista.Ostaszewski@ct.gov

Lead agency division requesting this proposal: Division of Health Services, Integrated Care Unit

Agency Analyst/Drafter of Proposal: Patricia McCooley

Title of Proposal: An Act Concerning Technical Changes to HUSKY Plus

Statutory Reference PA 15-69, Section 26

Proposal Summary

This proposal clarifies the language for the HUSKY Plus (HPP) program and makes it congruent with the current program by:

- (1) removing provisions and requirements that have not been in practice for at least 12 years: removes advisory committee & requirement that services need to be consistent with Title V services;
- (2) simplify eligibility language to: "HUSKY B members whose intensive medical needs cannot be accommodated within the regular HUSKY B package of services";
- (3) aligning HPP appeals with those of HUSKY B as HPP is a supplemental program

PROPOSAL BACKGROUND

- **Reason for Proposal**

This proposal is not in response to any federal or state laws or regulation change. This proposal just clarifies and makes legislation current with the program.



- Origin of Proposal New Proposal Resubmission

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PROPOSAL IMPACT

- Agencies Affected

Agency Name: Department of Public Health Agency Contact: Mark Keenan & Ann Gionet Title V and CYSHCNs Date Contacted: 9/25/15 and 10/29/15 Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Need to send them text.
Summary of Affected Agency's Comments DPH is in agreement.
Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

- Fiscal Impact

Municipal
State
Federal
Additional notes on fiscal impact



- **Policy and Programmatic Impacts**

AN ACT CONCERNING TECHNICAL CHANGES TO HUSKY PLUS

Section 17b-294a of the General Statutes, as amended by Section 26 of Public Act 15-69, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The commissioner shall, within available appropriations, establish a supplemental health program to be known as HUSKY Plus for HUSKY B members [of the subsidized portions of HUSKY B] whose medical needs cannot be accommodated within the basic benefit package offered to members. The HUSKY Plus program shall supplement coverage for those medically eligible members with intensive physical health needs.

(b) Within available appropriations, the commissioner shall contract with one or more entities to administer and operate the HUSKY Plus program. [Such entities shall be the same entities that the Department of Public Health contracts with to administer and operate the program under Title V of the Social Security Act. The advisory committee established by the Department of Public Health for Title V of the Social Security Act shall be the steering committee for such program, except that such committee shall include representatives of the Departments of Social Services and Children and Families.]

(c) [The acuity standards or diagnostic eligibility criteria, or both, the service benefits package and the provider network for the HUSKY Plus program shall be consistent with that of Title V of the Social Security Act. Such] The service benefit package shall be supplemental to HUSKY B services and shall include powered wheelchairs. If a provider is not enrolled in the medical assistance program, the provider must accept the medical assistance program rates as payment in full and such other conditions as the commissioner may specify.

(d) The commissioner shall adopt regulations, in accordance with chapter 54, to establish a procedure for the appeal of a denial of coverage under the HUSKY Plus program. [Such regulations shall provide that (1) an appeal of a denial of coverage for a medically eligible member shall be taken to the steering committee and (2) a medically eligible member may appeal the decision of any such steering committee to the commissioner.]

(e) The commissioner shall, within available appropriations, contract for an external quality review of the HUSKY Plus program.



(f) On and after the date on which any medically eligible member begins receiving benefits under the HUSKY Plus program, such member shall not be eligible for services under Title V of the Social Security Act, with the exception of respite services.

(g) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish criteria and specify services for the HUSKY Plus program. Such regulations shall state that the HUSKY Plus program shall give priority in such program to members with household incomes at or below two hundred forty-nine per cent of the federal poverty level.

(h) As used in this section, "medically eligible member" means any member with intensive physical health needs [who] whose medical needs cannot be met within the HUSKY B benefits offered to members. [meets the acuity standards or diagnostic eligibility criteria adopted by the commissioner regarding the acuity, diagnosis, functional impairment and intensive service needs of the member.]

Agency Legislative Proposal - 2016 Session

Document Name: DSS_AAC the Comm for CS Guidelines	(9)
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State Agency: Department of Social Services (DSS)
Liaison: Krista Ostaszewski Phone: 860-424-5612 E-mail: Krista.Ostaszewski@ct.gov
Lead agency division requesting this proposal: Bureau of Child Support Enforcement
Agency Analyst/Drafter of Proposal: John Dillon – Interim IV-D Director, BCSE

Title of Proposal: An Act Concerning the Commission for Child Support Guidelines
Statutory Reference: CGS 46b-215a
Proposal Summary <p>This proposal would increase the membership of the Commission for Child Support Guidelines to thirteen from the present eleven, by adding the Child Advocate or the Child Advocate’s designee to the list of members, and an additional appointment of the Governor of whom represents the best interest of the child. In addition, the proposal would require the Commissioner of Social Services to provide staffing for the administrative and regulatory responsibilities of the commission and funding for economic studies required by the commission within available appropriations. This correlates with current practice.</p>

PROPOSAL BACKGROUND

- **Reason for Proposal**

<p>The proposed membership adjustments are intended to ensure that the interests of children, low-income custodial and noncustodial parents, and the state are protected during the guidelines review process. Present commission membership includes designees to protect the rights and interests of parents, but a member specifically to address rights and interests of children is lacking.</p> <p>Present law is unclear as to responsibility for staffing and funding the work of the commission. Following the regulatory process is difficult if appropriate experienced practitioners are not available to assist. Economic analysis is required to determine the costs of raising children, and a funding mechanism for such analysis, which has always been contracted out is not specified in the law. The proposal seeks to provide clarity with regard to staffing and funding of economic studies required by the commission, requiring DSS support for future commission guidelines reviews.</p>
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- **Origin of Proposal** **New Proposal** X **Resubmission**

This proposal was submitted last session as HB 6688 and had unanimous bi-partisan support in house. The proposal originated from DSS because the Department of Social Services is the agency within which the lead Title IV-D agency for the State of Connecticut is placed. The lead agency is the Bureau of Child Support Enforcement, which is responsible for maintenance of the Title IV-D State Plan. One of the State Plan requirements is to have statewide child support guidelines, subject to certain federal mandates, which must be reviewed and updated every four years under federal law and regulation, as well as state law. While the Child Support and Arrearage Guidelines regulations are the responsibility of the Commission for Child Support Guidelines, there is a strong DSS/BCSE interest in ensuring the commission's success, since failure to maintain an approved IV-D State Plan can result in a loss of funding for the child support program, for which the state is reimbursed 66% of its administrative costs.

PROPOSAL IMPACT

- **Agencies Affected**

Agency Name: Judicial Branch Support Enforcement Services
 Agency Contact: Charisse Hutton, Director (860) 569-6233
 Date Contacted: on going
 Approve of Proposal YES NO Talks Ongoing

Agency Name: Judicial Branch Family Support Magistrate Division
 Agency Contact: Chief FSM John Colella
 Date Contacted: on going
 Approve of Proposal YES NO Talks Ongoing

Agency Name: Judicial Branch- Court Operations
 Agency Contact: Johanna Greenfield, Deputy Director, Family and Support Matters (860) 263-2734
 Date Contacted: on going
 Approve of Proposal YES NO Talks Ongoing-no position

Agency Name: Office of Attorney General
 Agency Contact: Sean Kehoe, Assistant Attorney General, (860) 808-5150
 Date Contacted: on going
 Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments
 The IV-D partners named above discussed and commented on the agency proposal, but lack authority at their level to officially "approve" or "oppose" the proposal.

Will there need to be further negotiation? YES NO
 Unknown; not certain who will oppose.

- **Fiscal Impact**

Municipal
<p>State</p> <p>The cost of a guidelines economic study has approximated \$20,000, to be expended at most once every four years. The cost has been absorbed by the DSS budget in past review cycles and has historically received 66% federal reimbursement under the lead IV-D agency. Staffing the regulatory process could be done within existing appropriations, since the review process typically begins no earlier than four years after issuance of updated guidelines.</p>
Federal
Additional notes on fiscal impact

- **Policy and Programmatic Impacts**

<p>This proposal would help ensure that interests of children, low-income custodial and noncustodial parents, and the state are adequately addressed during the guidelines review process. It will also clarify responsibility for staffing the guidelines regulatory process and funding the economic study required to determine appropriate levels of support for children.</p>
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AN ACT CONCERNING THE COMMISSION FOR CHILD SUPPORT GUIDELINES

1 Be it enacted by the Senate and House of Representatives in General Assembly convened:

2 Section 1. Section 46b-215a of the general statutes is repealed and the following is substituted
3 in lieu thereof (*Effective October 1, 2015*):

4 (a) The Commission for Child Support Guidelines is established to issue child support and
5 arrearage guidelines to ensure the appropriateness of criteria for the establishment of child
6 support awards and to review and issue updated guidelines every four years. Such guidelines
7 shall ensure, subject to section 46b-215c, that current support, health care coverage, child care
8 contribution and orders of payment on any arrearage and past due support shall be based on the
9 income of both parents and the obligor's ability to pay. Such guidelines shall also ensure the
10 appropriateness of periodic payment orders on arrearages when the obligor (1) is the child's legal
11 guardian and resides with the child, or (2) is not the child's legal guardian but has resided with
12 the child either for at least six months immediately preceding the order of payment on the
13 arrearage or for at least six months of the twelve months immediately preceding such order. In
14 such cases, the commission shall consider exemptions similar to those in the uniform
15 contribution scale adopted pursuant to section 4a-12. Updated arrearage guidelines shall be
16 issued at the same time as the child support guidelines.

17 (b) The commission shall consist of [~~eleven~~] thirteen members as follows:

18 (1) The Chief Court Administrator, or the Chief Court Administrator's designee;

19 (2) The Commissioner of Social Services, or the commissioner's designee;

20 (3) The Attorney General, or the Attorney General's designee;

21 (4) The chairpersons and ranking members of the joint standing committee on judiciary, or
22 their designees;

23 (5) The Child Advocate or the Child Advocate's designee;

24 [~~(7)~~] (6) A representative of the Connecticut Bar Association, designated by the Connecticut
25 Bar Association; and

26 [~~(8)~~] (7) [Three] four members appointed by the Governor, one of whom represents an agency
27 that delivers legal services to the poor, one of whom represents the financial concerns of child
28 support obligors and one of whom represents the Permanent Commission on the Status of
29 Women, and one of whom represents the rights and best interests of children.

30 (c) The Commissioner of Social Services shall convene the commission whenever a review is
31 required to issue updated guidelines pursuant to subsection (a) of this section, and shall provide
32 staffing for the administrative and regulatory responsibilities of the commission and funding for
33 economic studies required by the commission within available appropriations.

34 (d) The chairperson of the commission shall be elected by the members of the commission. A
35 vacancy on the commission at any time shall not invalidate any actions taken by the commission
36 during such vacancy, provided at least nine members of the commission are serving at the time
37 of such action.

38 *Statement of Purpose:*

39 To provide representation for children, low-income families and the state Title IV-D agency
40 on the Commission for Child Support Guidelines and to ensure adequate staffing for the
41 commission's statutory responsibilities.



Agency Legislative Proposal - 2016 Session

Document Name: DSS_Funeral Benefits

(10)

State Agency: Department of Social Services (DSS)

Liaison: Krista Ostaszewski

Phone: 860-424-5612

E-mail: Krista.ostaszewski@ct.gov

Lead agency division requesting this proposal: Quality Assurance

Agency Analyst/Drafter of Proposal: Graham Shaffer

Title of Proposal: An Act Concerning Payment of Funeral and Burial Expenses by the Department of Social Services

Statutory Reference: General Statutes §§ 17b-84, 17b-131, 17b-198

Proposal Summary

This legislative proposal amends two statutes governing funeral benefits issued by the Department of Social Services (DSS): (1) section 17b-84, which authorizes DSS to pay for the cost of a funeral and burial on behalf of any decedent who was receiving State Supplement or Temporary Family Assistance (TFA) benefits at the time of death, and (2) section 17b-131, which authorizes such a payment on behalf of any decedent who was receiving State-Administered General Assistance (SAGA) benefits at the time of death, or who died while indigent and without a legally liable relative capable of paying for a proper funeral and burial. The proposal amends the statutes in the following ways:

First, language is added to both statutes to explicitly authorize DSS to reduce a funeral payment by the net value of all liquid assets that are part of the decedent's estate. Occasionally, a decedent will leave behind a modest checking or savings account that is known to DSS. Historically, DSS has reduced the funeral payment by any known amount remaining in such a banking account, thinking that this amount should be applied to the cost of the decedent's funeral and burial. This legislative change memorializes this practice in statute. DSS believes the reduction in its payment is appropriate, particularly because the funeral home or crematory that provides services for the decedent will have priority over all other creditors and claimants when the decedent's estate is probated. See Conn. Gen. Stat. § 45a-365.

Second, the proposal adds language to section 17b-84 authorizing DSS to reduce the funeral benefit by the amount of any contribution in excess of \$3200 from any source other than those already



enumerated in the statute. Such language already exists in section 17b-131, and there is no good reason to authorize a larger payment on behalf of a decedent who dies while receiving State Supplement or TFA benefits than on behalf of a decedent who dies while indigent or receiving SAGA benefits.

Third, the proposal adds a subsection (b) to both statutes, which explicitly authorizes DSS to promulgate regulations governing payment of funeral benefits. Currently, General Statutes § 17b-198 provides DSS with generalized authority to promulgate regulations governing the funeral benefit established under section 17b-131. The proposal transfers this authority to section 17b-131, where it is more appropriate, and creates similar authority in section 17b-84. It also explicitly states that this authority includes the ability to promulgate regulations governing the type of funeral and burial services and items for which DSS will pay, and the maximum amount that will be paid for each such service or item. DSS has occasionally received itemized bills from funeral homes and crematories that include unusual services or uncharacteristically expensive items, such as designer urns costing in excess of \$700. DSS is seeking express statutory authority to promulgate regulations that establish reasonable standards governing these matters.

Finally, an “or” is being changed to an “and” in the first sentence of section 17b-131 to correct what appears to be a drafting error.

PROPOSAL BACKGROUND

- Reason for Proposal

- Origin of Proposal New Proposal Resubmission



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PROPOSAL IMPACT

• **Agencies Affected**

Agency Name: None Agency Contact: Date Contacted: Approve of Proposal ___ YES ___ NO ___ Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? ___ YES ___ NO

• **Fiscal Impact**

Municipal
State
Federal
Additional notes on fiscal impact



- **Policy and Programmatic Impacts**

See proposal summary for a comprehensive explanation.

AN ACT CONCERNING PAYMENT OF FUNERAL AND BURIAL EXPENSES BY THE DEPARTMENT OF SOCIAL SERVICES

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 17b-84 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

“(a) Upon the death of any beneficiary under the state supplement or the temporary family assistance program, the Commissioner of Social Services shall order the payment of a sum not to exceed one thousand four hundred dollars as an allowance toward the funeral and burial expenses of such [deceased] decedent. The payment for funeral and burial expenses shall be reduced by (1) the amount in any revocable or irrevocable funeral fund, (2) any prepaid funeral contract, [or] (3) the face value of any life insurance policy owned by the [recipient. Contributions may be made by any person for the cost of the funeral and burial expenses of the deceased over and above the sum established under this section without thereby diminishing the state's obligation.] decedent, (4) the net value of all liquid assets in the decedent’s estate, and (5) contributions in excess of three thousand two hundred dollars toward such funeral and burial expenses from all other sources, including friends, relatives and all other persons, organizations, veterans’ and other benefit programs and other agencies.

(b) The Commissioner of Social Services may adopt regulations, in accordance with chapter 54, to implement the provisions of this section, including regulations governing the types of funeral and burial services and items for which payment will be issued, and the maximum amount that will be issued for each such service or item.”

Sec. 2. Section 17b-131 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

“When a person in any town, or sent from such town to any licensed institution or state humane institution, dies or is found dead therein and does not leave sufficient estate [or] and has no legally liable relative able to pay the cost of a proper funeral and burial, or upon the death of any beneficiary under the state-administered general assistance program, the Commissioner of Social Services shall give to such person a proper funeral and burial, and shall pay a sum not exceeding one thousand four hundred dollars as an allowance toward the funeral expenses of such [deceased, said] decedent. Said sum [to be] shall be paid, upon submission of a proper bill, to the funeral director, cemetery or crematory, as the case may be. Such payment for funeral and burial expenses shall be reduced by (1) the amount in any revocable or irrevocable funeral fund, (2) any prepaid funeral contract, (3) the face value of any life insurance policy owned by the decedent,



[and] (4) the net value of all liquid assets in the decedent's estate, and (5) contributions in excess of three thousand two hundred dollars toward such funeral and burial expenses from all other sources including friends, relatives and all other persons, organizations, veterans' and other benefit programs and other agencies.

(b) The Commissioner of Social Services may adopt regulations, in accordance with chapter 54, to implement the provisions of this section, including regulations governing the types of funeral and burial services and items for which payment will be issued, and the maximum amount that will be issued for each such service or item."

Sec. 3. Section 17b-198 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

"The Commissioner of Social Services shall adopt regulations, in accordance with the provisions of chapter 54, to implement policies and procedures necessary to carry out the purposes of sections [17b-131,] 17b-191 to 17b-194, inclusive, and 17b-197. The Commissioner of Social Services shall implement such policies and procedures while in the process of adopting such policies and procedures as regulations, or amending existing regulations provided notice of intent to adopt or amend the regulations is published [in the Connecticut Law Journal] on the eRegulations System within twenty days of implementation, and such policies and procedures shall be valid until the time final regulations are effective. The commissioner shall also amend any regulations in existence on August 20, 2003 to conform to the provisions of this section and sections [17b-131,] 17b-191 to 17b-194, inclusive, and 17b-197."

Agency Legislative Proposal - 2016 Session

Document Name Leg. Proposal – BCSE Name Change 10-2015

State Agency: Department of Social Services
Liaison: Krista Ostaszewski Phone: 860-424-5612 E-mail: Krista.Ostaszewski@ct.gov
Lead agency division requesting this proposal: Bureau of Child Support Enforcement
Agency Analyst/Drafter of Proposal: John Dillon – Interim IV-D Director, BCSE

Title of Proposal An Act Concerning Renaming the Bureau of Child Support Enforcement to Office of Child Support Services
Statutory Reference CGS§§: 1-24; 4a-12; 17b-93; 17b-179; 29-1g; 46b-88; 46b-130; 46b-172; 46b-213d; 46b-213f; 46b-213w; 46b-218; 46b-231; 52-362; 52-362f; 52-362i
Proposal Summary This proposal would amend all references throughout the general statutes to the lead IV-D agency’s present name “Bureau of Child Support Enforcement”. The proposal is to change the name to “Office of Child Support Services”.

PROPOSAL BACKGROUND

- **Reason for Proposal**

There is no federal or state requirement mandating this name change; however, clearly the mission of the lead IV-D agency, located within the Department of Social Services, has expanded to include many more services than “enforcement”. In fact, although the agency still engages in administrative enforcement, employing many advanced techniques to collect tens of millions of dollars every year on behalf of Connecticut’s children, court-based enforcement is primarily the responsibility of the agency’s cooperative partner in the Judicial Branch, Support Enforcement Services within the Court Operations Division. Also, the agency’s federal oversight agency within the Administration for Children and Families, the Office of Child Support Enforcement, has emphasized in recent years the benefits to children and families of expanding the vision of the child support program to include assisting fathers and noncustodial parents in general to participate more fully in their children’s lives, which tends to go hand in hand with increased support payments.
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- **Origin of Proposal** ___ **New Proposal** X **Resubmission**

Proposed last year and became SB 894, had unanimous bi-partisan support in the house with income withholding attached, but died on last day of the session.

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: Judicial Branch, Court Operations, Support Enforcement Services, Family Support Magistrates Agency Contact (name, title, phone): Johanna Greenfield, Deputy Director, Family and Support Matters 860/263-3056; Charisse Hutton, Director, Support Enforcement Services, 860/569-6233 x 3361; John Colella, Chief Family Support Magistrate
Date Contacted: Ongoing – Proposal discussed at 7/21/15 meeting with all IV-D partners Approve of Proposal ___ YES ___ NO _ Talks Ongoing

Agency Name: **Office of the Attorney General, Collections/Child Support Unit**
Agency Contact (name, title, phone): **Sean Kehoe, Assistant Attorney General, Department Head of the Collections and Child Support Unit, 860/808-5150.**

Date Contacted: Ongoing – Proposal discussed at 7/21/15 meeting with all IV-D partners
Approve of Proposal ___ YES ___ NO ___ Talks Ongoing

Summary of Affected Agency’s Comments

The IV-D partners named above discussed and commented on the agency proposal, but lack authority at their level to officially “approve” or “oppose” the proposal.

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation) None
State Some printed and electronic media will require revision within existing resources.
Federal None
Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

The focus on “Enforcement” in the IV-D agency name is not adequate to fully describe the services the lead IV-D agency provides to the public and our internal and external partners, both state and federal. In addition, the designation “Bureau” is antiquated and not used elsewhere within the Department of Social Services. The services provided by the IV-D agency include those offered within the John S. Martinez Fatherhood Initiative of Connecticut, which focus on changing the systems that can improve fathers’ ability to be fully and positively involved in the lives of their children. They also include case initiation; location of parents; establishment of legal paternity; establishment of financial and medical support orders; collection, distribution and disbursement of child support payments in IV-D and Non-IV-D cases; and administrative functions such as State Plan maintenance, legislative and regulatory program direction, oversight of cooperating agencies, and state and federal audit compliance.

**AN ACT CONCERNING RENAMING THE BUREAU OF CHILD SUPPORT
ENFORCEMENT TO THE OFFICE OF CHILD SUPPORT SERVICES.**

1 Be it enacted by the Senate and House of Representatives in General Assembly convened:

2 Section 1. Section 1-24 of the 2014 supplement to the general statutes, as amended by section
3 1 of Public Act No. 14-207, is repealed and the following is substituted in lieu thereof (*Effective*
4 *January 1, 2016*):

5 The following officers may administer oaths: (1) The clerks of the Senate, the clerks of the
6 House of Representatives and the chairpersons of committees of the General Assembly or of
7 either branch thereof, during its session; (2) state officers, as defined in subsection (t) of section
8 9-1, judges and clerks of any court, family support magistrates, judge trial referees, justices of
9 the peace, commissioners of the Superior Court, notaries public, town clerks and assistant town
10 clerks, in all cases where an oath may be administered, except in a case where the law otherwise
11 requires; (3) commissioners on insolvent estates, auditors, arbitrators and committees, to parties
12 and witnesses, in all cases tried before them; (4) assessors and boards of assessment appeals, in
13 cases coming before them; (5) commissioners appointed by governors of other states to take the
14 acknowledgment of deeds, in the discharge of their official duty; (6) the moderator of a school
15 district meeting, in such meeting, to the clerk of such district, as required by law; (7) the first
16 selectman, in any matter before the board of selectmen; (8) the Chief Medical Examiner, Deputy
17 Medical Examiner and assistant medical examiners of the Office of the Medical Examiner, in
18 any matter before them; (9) registrars of vital statistics, in any matter before them; (10) any chief
19 inspector or inspector appointed pursuant to section 51-286; (11) registrars of voters, deputy
20 registrars, assistant registrars, and moderators, in any matter before them; (12) special assistant
21 registrars, in matters provided for in subsections (b) and (c) of section 9-19b and section 9-19c;
22 (13) the Commissioner of Emergency Services and Public Protection and any sworn member of
23 any local police department or the Division of State Police within the Department of Emergency
24 Services and Public Protection, in all affidavits, statements, depositions, complaints or reports
25 made to or by any member of any local police department or said Division of State Police or any
26 constable who is under the supervision of said commissioner or any of such officers of said
27 Division of State Police and who is certified under the provisions of sections 7-294a to 7-294e,
28 inclusive, and performs criminal law enforcement duties; (14) judge advocates of the United
29 States Army, Navy, Air Force and Marine Corps, law specialists of the United States Coast
30 Guard, adjutants, assistant adjutants, acting adjutants and personnel adjutants, commanding
31 officers, executive officers and officers whose rank is lieutenant commander or major, or above,
32 of the armed forces, as defined in section 27-103, to persons serving with or in the armed forces,
33 as defined in said section, or their spouses; (15) investigators, deputy investigators, investigative
34 aides, secretaries, clerical assistants, social workers, social worker trainees, paralegals and
35 certified legal interns employed by or assigned to the Public Defender Services Commission in
36 the performance of their assigned duties; (16) bail commissioners, intake, assessment and referral
37 specialists, family relations counselors, support enforcement officers, chief probation officers
38 and supervisory judicial marshals employed by the Judicial Department in the performance of
39 their assigned duties; (17) juvenile matter investigators employed by the Division of Criminal
40 Justice in the performance of their assigned duties; (18) the chairperson of the Connecticut Siting

41 Council or the chairperson's designee; (19) the presiding officer at an agency hearing under
42 section 4-177b; (20) investigators employed by the Department of Social Services [Bureau of
43 Child Support Enforcement,] Office of Child Support Services in the performance of their
44 assigned duties; (21) the chairperson, vice-chairperson, members and employees of the Board of
45 Pardons and Paroles, in the performance of their assigned duties; (22) the Commissioner of
46 Correction or the commissioner's designee; (23) sworn law enforcement officers, appointed
47 under section 26-5, within the Department of Energy and Environmental Protection, in all
48 affidavits, statements, depositions, complaints or reports made to or by any such sworn law
49 enforcement officer; and (24) sworn motor vehicle inspectors acting under the authority of
50 section 14-8.

51 Sec. 2. Subsection (c) of section 4a-12 of the general statutes is repealed and the following is
52 substituted in lieu thereof (*Effective January 1, 2016*):

53 (c) For purposes of this section, “liable relative” means the husband or wife of any person
54 receiving public assistance or aided, cared for or treated in a state humane institution, as defined
55 in said section 17b-222, and the father and mother of any such person under the age of eighteen
56 years, but shall not include the parent or parents whose financial liability for a child is
57 determined by the [Bureau of Child Support Enforcement] Office of Child Support Services
58 under subsection (b) of section 17b-179. The Commissioner of Administrative Services, in
59 consultation with the Secretary of the Office of Policy and Management, shall adopt regulations
60 in accordance with the provisions of chapter 54 establishing: (1) A uniform contribution scale for
61 liable relatives based upon ability to pay and the administrative feasibility of collecting such
62 contributions, provided no such liable relative shall contribute an amount in excess of twelve per
63 cent of the remainder, if any, after the state median income, adjusted for family size, has been
64 deducted from such liable relative’s taxable income for federal income tax purposes, or if such
65 federal income tax information is unavailable, from such relative’s taxable income, as calculated
66 from other sources, including, but not limited to, information pertaining to wages, salaries and
67 commissions as provided by such relative’s employer; (2) the manner in which the Department
68 of Administrative Services shall determine and periodically reinvestigate the ability of such
69 liable relatives to pay; and (3) the manner in which the department shall waive such
70 contributions upon determination that such contribution would pose a significant financial
71 hardship upon such liable relatives.

72 Sec. 3. Subsection (d) of section 17b-93 of the general statutes is repealed and the following is
73 substituted in lieu thereof (*Effective January 1, 2016*):

74 (d) Notwithstanding any provision of the general statutes, whenever funds are collected
75 pursuant to this section or section 17b-94, and the person who otherwise would have been
76 entitled to such funds is subject to a court-ordered current or arrearage child support payment
77 obligation in a IV-D support case, such funds shall first be paid to the state for reimbursement of
78 Medicaid funds granted to such person for medical expenses incurred for injuries related to a
79 legal claim by such person which was the subject of the state’s lien and such funds shall then be
80 paid to the [Bureau of Child Support Enforcement] Office of Child Support Services for
81 distribution pursuant to the federally mandated child support distribution system implemented
82 pursuant to subsection (j) of section 17b-179. The remainder, if any, shall be paid to the state for

83 payment of previously provided assistance through the state supplement program, medical
84 assistance program, aid to families with dependent children program, temporary family
85 assistance program or state-administered general assistance program.

86 Sec. 4. Subsections (a) to (h), inclusive, of section 17b-179 of the general statutes are repealed
87 and the following is substituted in lieu thereof (*Effective January 1, 2016*):

88 (a) There is created within the Department of Social Services the [Bureau of Child Support
89 Enforcement] Office of Child Support Services. The [bureau] office shall be administered by a
90 director and shall act as the single and separate organizational unit to coordinate, plan and
91 publish the state child support enforcement plan for the implementation of Title IV-D of the
92 Social Security Act, as amended, as required by federal law and regulations. The [bureau] office
93 shall provide for the development and implementation of all child support services, including the
94 administration of withholding of earnings, in accordance with the provisions of Title IV-D of the
95 Social Security Act, as amended.

96 (b) (1) The Commissioner of Social Services shall investigate the financial condition of the
97 parent or parents of: (A) Any child applying for or receiving assistance under (i) the temporary
98 family assistance program pursuant to section 17b-112, which may be referred to as “TFA” for
99 the purposes of this section, or (ii) the Medicaid program pursuant to section 17b-261, (B) any
100 child seeking IV-D child support enforcement services pursuant to subdivision (1) of subsection
101 (h) of this section, and (C) any child committed to the care of the Commissioner of Children and
102 Families who is receiving payments in the foster care program and for whom a referral to the
103 [Bureau of Child Support Enforcement] Office of Child Support Services is made under section
104 46b-130, and shall determine the financial liability of such parent or parents for the child.

105 (2) The [Bureau of Child Support Enforcement] Office of Child Support Services may, upon
106 notice to the obligor and obligee, redirect payments for the support of all such children to either
107 the state of Connecticut or the present custodial party, as their interests may appear, provided
108 neither the obligor nor the obligee objects in writing within ten business days from the mailing
109 date of such notice. Any such notice shall be sent by first class mail to the most recent address of
110 such obligor and obligee, as recorded in the state case registry pursuant to section 46b-218, and a
111 copy of such notice shall be filed with the court or family support magistrate if both the obligor
112 and obligee fail to object to the redirected payments within ten business days from the mailing
113 date of such notice. All payments shall be distributed as required by Title IV-D of the Social
114 Security Act.

115 (3) Notwithstanding subdivision (2) of this subsection or subparagraph (F) of subdivision (1)
116 of subsection (u) of section 46b-231, the [Bureau of Child Support Enforcement] Office of Child
117 Support Services or a support enforcement agency under cooperative agreement with the [Bureau
118 of Child Support Enforcement] Office of Child Support Services shall redirect payments for the
119 support of children described in subparagraphs (A)(i) and (C) of subdivision (1) of this
120 subsection to the state of Connecticut effective on the date of the assistance grant. Upon such
121 redirection, the [Bureau of Child Support Enforcement] Office of Child Support Services or
122 support enforcement agency shall notify the obligor and obligee as described in subdivision (2)
123 of this subsection if assistance is being received by a new custodial party on behalf of such child

124 and, if an objection to redirection is received in accordance with said subdivision (2), shall
125 refund to the obligee of the support order any money retained by the state during the period of
126 redirection that is due such obligee.

127 (c) The [Bureau of Child Support Enforcement] Office of Child Support Services shall enter
128 into cooperative agreements with appropriate officials of the Judicial Branch and law
129 enforcement officials to assist in administering the child support enforcement plan and with
130 respect to other matters of common concern in the area of child support enforcement. Officers of
131 the Judicial Branch and law enforcement officials authorized and required to enter into
132 cooperative agreements with the [Bureau of Child Support Enforcement] Office of Child Support
133 Services include, but are not limited to, officials of the Superior Court and the office of the
134 Attorney General. Such cooperative agreements shall contain performance standards to address
135 the mandatory provisions of both state and federal laws and federal regulations concerning child
136 support.

137 (d) The [Bureau of Child Support Enforcement] Office of Child Support Services shall have
138 authority to determine on a periodic basis whether any individuals who owe child support
139 obligations are receiving unemployment compensation. In IV-D cases, the [bureau] such office
140 may authorize the collection of any such obligations owed by an individual receiving
141 unemployment compensation through an agreement with the individual or a court order pursuant
142 to section 52-362, under which a portion of the individual's unemployment compensation is
143 withheld and forwarded to the state acting by and through the IV-D agency. As used in this
144 section, "unemployment compensation" means any compensation payable under chapter 567,
145 including amounts payable by the administrator of the unemployment compensation law
146 pursuant to an agreement under any federal law providing for compensation, assistance or
147 allowances with respect to unemployment.

148 (e) The [Bureau of Child Support Enforcement] Office of Child Support Services shall enter
149 into purchase of service agreements with other state officials, departments and agencies which do
150 not have judicial or law enforcement authority, including, but not limited to, the Commissioner
151 of Administrative Services, to assist in administering the child support enforcement plan. The
152 [Bureau of Child Support Enforcement] Office of Child Support Services shall have authority to
153 enter into such agreements with the Labor Commissioner and to withhold unemployment
154 compensation pursuant to subsection (d) of this section and section 31-227.

155 (f) The [Bureau of Child Support Enforcement] Office of Child Support Services shall have
156 the sole responsibility to make referrals to the federal Parent Locator Service established
157 pursuant to 88 Stat. 2353 (1975), 42 USC 653, as amended, for the purpose of locating deserting
158 parents.

159 (g) The [Bureau of Child Support Enforcement] Office of Child Support Services shall have
160 the sole responsibility to make recommendations to the Governor and the General Assembly for
161 needed program legislation to ensure implementation of Title IV-D of the Social Security Act, as
162 amended.

163 (h) (1) The [Bureau of Child Support Enforcement] Office of Child Support Services shall
164 provide, or arrange to provide through one or more of the state officials, departments and
165 agencies, the same services for obtaining and enforcing child support orders in cases in which
166 children are not beneficiaries of TFA, Medicaid or foster care as in cases where children are the
167 beneficiaries of TFA, Medicaid or foster care. Such services shall also be made available to
168 residents of other states on the same terms as to residents of this state. Support services in cases
169 other than TFA, Medicaid or foster care will be provided upon application to the [Bureau of
170 Child Support Enforcement] Office of Child Support Services by the person seeking to enforce a
171 child support obligation and the payment of an application fee, pursuant to the provisions of
172 subsection (i) of this section.

173 (2) In addition to the application fee, the [Bureau of Child Support Enforcement] Office of
174 Child Support Services may assess costs incurred for the establishment, enforcement or
175 modification of a support order in cases other than TFA, Medicaid or foster care. Such
176 assessment shall be based on a fee schedule adopted by the Department of Social Services
177 pursuant to chapter 54. The fee schedule to be charged in such cases shall be made available to
178 any individual upon request. The [Bureau of Child Support Enforcement] Office of Child
179 Support Services shall adopt procedures for the notification of Superior Court judges and family
180 support magistrates when a fee has been assessed upon an obligee for support services and a
181 Superior Court judge or a family support magistrate shall order the obligor to pay any such
182 assessment to the [Bureau of Child Support Enforcement] Office of Child Support Services. In
183 cases where such order is not entered, the obligee shall pay an amount based on a sliding scale
184 not to exceed the obligee's ability to pay. The Department of Social Services shall adopt such
185 sliding scale pursuant to chapter 54.

186 (3) The [Bureau of Child Support Enforcement] Office of Child Support Services shall also, in
187 the case of an individual who never received temporary assistance for needy families and for
188 whom the state has collected at least five hundred dollars of support in a one-year period, impose
189 an annual fee of twenty-five dollars for each case in which services are furnished.

190 Sec. 5. Subsection (l) of section 17b-179 of the general statutes, as amended by Public Act
191 14-177, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2016*):

192 (l) The [Bureau of Child Support Enforcement] Office of Child Support Services shall arrange
193 to provide a single centralized automated system for the reporting of collections on all accounts
194 established for the collection of all IV-D support orders. Such reporting shall be made available
195 to the Family Support Magistrate Division and to all state agencies which have a cooperative
196 agreement with the IV-D agency. Such automated system shall include a state case registry
197 which complies with federal law and regulations. The state case registry shall contain
198 information on each support order established or modified in this state. The [Bureau of Child
199 Support Enforcement] Office of Child Support Services, utilizing information contained in the
200 state case registry, shall establish, maintain and periodically update a list of all delinquent child
201 support obligors. The list shall, at a minimum, contain the name, residential address and amount
202 of the delinquent child support owed by a child support obligor, exclusive of any amount of child
203 support owed for which an appeal is pending. The [Bureau of Child Support Enforcement]
204 Office of Child Support Services shall publish on the Department of Social Services' Internet

205 web site, the names, residential addresses and amounts of delinquent child support owed by the
206 one hundred individuals having the highest delinquent child support obligations. For purposes of
207 this subsection, "delinquent child support obligor" means an obligor who (1) owes overdue child
208 support, accruing after the entry of a court order, in an amount which exceeds ninety days of
209 periodic payments on a current child support or arrearage payment order, or (2) has failed to
210 make court ordered medical or dental insurance coverage available within ninety days of the
211 issuance of a court order or fails to maintain such coverage pursuant to a court order for a period
212 of ninety days.

213 Sec. 6. Section 29-1g of the general statutes is repealed and the following is substituted in lieu
214 thereof (*Effective January 1, 2016*):

215 The Commissioner of Emergency Services and Public Protection may appoint not more than
216 six persons nominated by the Commissioner of Social Services as special policemen in the
217 [Bureau of Child Support Enforcement] Office of Child Support Services of the Department of
218 Social Services for the service of any warrant or *capias mittimus* issued by the courts on child
219 support matters. Such appointees, having been sworn, shall serve at the pleasure of the
220 Commissioner of Emergency Services and Public Protection and, during such tenure, shall have
221 all the powers conferred on state policemen and state marshals.

222 Sec. 7. Subdivision (1) of subsection (a) of section 46b-88 of the general statutes is repealed
223 and the following is substituted in lieu thereof (*Effective January 1, 2016*):

224 (1) "Issuing agency" means an agency providing child support enforcement services, as
225 defined in subsection (b) of section 46b-231, and includes the [Bureau of Child Support
226 Enforcement] Office of Child Support Services within the Department of Social Services and
227 Support Enforcement Services within Judicial Branch Court Operations; and

228 Sec. 8. Section 46b-130 of the general statutes is repealed and the following is substituted in
229 lieu thereof (*Effective January 1, 2016*):

230 The parents of a minor child for whom care or support of any kind has been provided under
231 the provisions of this chapter shall be liable to reimburse the state for such care or support to the
232 same extent, and under the same terms and conditions, as are the parents of recipients of public
233 assistance. Upon receipt of foster care maintenance payments under Title IV-E of the Social
234 Security Act by a minor child, the right of support, past, present and future, from a parent of such
235 child shall, by this section, be assigned to the Commissioner of Children and Families, and the
236 parents shall assist the commissioner in pursuing such support. On and after October 1, 2008,
237 such assignment shall apply only to such support rights as accrue during the period of assistance,
238 not to exceed the total amount of assistance provided to the child under Title IV-E. Referral by
239 the commissioner shall promptly be made to the [Bureau of Child Support Enforcement] Office
240 of Child Support Services of the Department of Social Services for pursuit of support for such
241 minor child in accordance with the provisions of section 17b-179. Any child who reimburses the
242 state under the provisions of subsection (1) of section 46b-129 for any care or support such child
243 received shall have a right of action to recover such payments from such child's parents.

244 Sec. 9. Subdivision (3) of subsection (b) of section 46b-172 of the general statutes is repealed
245 and the following is substituted in lieu thereof (*Effective January 1, 2016*):

246 (3) Payments under such agreement shall be made to the petitioner, except that in IV-D
247 support cases, as defined in subsection (b) of section 46b-231, payments shall be made to the
248 [Bureau of Child Support Enforcement] Office of Child Support Services or its designated
249 agency and distributed as required by Title IV-D of the Social Security Act. In IV-D support
250 cases, the IV-D agency or a support enforcement agency under cooperative agreement with the
251 IV-D agency may, upon notice to the obligor and obligee, redirect payments for the support of
252 any child receiving child support enforcement services either to the state of Connecticut or to the
253 present custodial party, as their interests may appear, provided neither the obligor nor the obligee
254 objects in writing within ten business days from the mailing date of such notice. Any such notice
255 shall be sent by first class mail to the most recent address of such obligor and obligee, as
256 recorded in the state case registry pursuant to section 46b-218, and a copy of such notice shall be
257 filed with the court or family support magistrate if both the obligor and obligee fail to object to
258 the redirected payments within ten business days from the mailing date of such notice.

259 Sec. 10. Subsection (a) of section 46b-213d of the general statutes is repealed and the
260 following is substituted in lieu thereof (*Effective January 1, 2016*):

261 (a) The [Bureau of Child Support Enforcement] Office of Child Support Services of the
262 Department of Social Services or its designated collection agent, and any tribunal shall disburse
263 promptly any amounts received pursuant to a support order, as directed by the order. The
264 [bureau] office, agent or tribunal shall furnish to a requesting party or tribunal of another state a
265 certified statement by the custodian of the record of the amounts and dates of all payments
266 received.

267 Sec. 11. Subsection (b) of section 46b-213f of the general statutes is repealed and the
268 following is substituted in lieu thereof (*Effective January 1, 2016*):

269 (b) Upon receipt of the documents, Support Enforcement Services, with the assistance of the
270 [Bureau of Child Support Enforcement] Office of Child Support Services within the Department
271 of Social Services, as appropriate, without initially seeking to register the order, shall consider
272 and, if appropriate, use any administrative procedure authorized by the law of this state to
273 enforce a support order or an income withholding order, or both. If the obligor does not contest
274 administrative enforcement, the order need not be registered. If the obligor contests the validity
275 or administrative enforcement of the order, the support enforcement agency shall file the order
276 with Support Enforcement Services of the Superior Court to be recorded in the registry of
277 support orders of the Family Support Magistrate Division.

278 Section 12. Subdivisions (5) and (6) of subsection (c) of section 46b-213w of the general
279 statutes are repealed and the following is substituted in lieu thereof (*Effective January 1, 2016*):

280 (5) Notice of the right to seek the assistance of the [Bureau of Child Support Enforcement]
281 Office of Child Support Services of the Department of Social Services and the toll-free telephone
282 number at which [the bureau] such office can be contacted;

283 (6) A claim form which shall include (A) a list of the most common defenses and exemptions
284 to such income withholding order in a manner which allows the obligor to check any of the
285 defenses and exemptions which apply; (B) a space where the obligor may briefly explain the
286 obligor’s claim or defense; (C) a space where the obligor may initiate a request for services to
287 modify the support order, and the address of the [Bureau of Child Support Enforcement] Office
288 of Child Support Services of the Department of Social Services to which such request may be
289 sent; (D) a space for the obligor to provide the obligor’s address and the name of the town in
290 which the obligor principally conducts the obligor’s work for the employer; (E) a space for the
291 obligor to sign the obligor’s name; (F) the address of Support Enforcement Services to which the
292 claim form is to be sent in order to contest the validity or enforcement of the income withholding
293 order; and (G) space for the employer to state the date upon which the form was actually
294 delivered to the obligor.

295 Section 13. Subsection (m) of section 46b-213w of the general statutes is repealed and the
296 following is substituted in lieu thereof (*Effective January 1, 2016*):

297 (m) If the claim form requests services to modify the support order, the [Bureau of Child
298 Support Enforcement] Office of Child Support Services shall assist the obligor to file a motion
299 for modification with the appropriate tribunal of the state of continuing exclusive jurisdiction in
300 accordance with the law of that jurisdiction. The receipt of the request for modification shall
301 constitute a request for Title IV-D services, but [the bureau] such office may require the making
302 of a formal application. Such assistance shall include, but is not limited to, providing the obligor
303 with information about how such a motion is filed, contacting the state of continuing exclusive
304 jurisdiction on behalf of the obligor to obtain appropriate forms, and transmitting such forms and
305 applicable information to the appropriate tribunal in such state.

306 Sec. 14. Subsection (3) of subsection (a) of section 46b-218 of the general statutes is repealed
307 and the following is substituted in lieu thereof (*Effective January 1, 2016*):

308 (3) “State case registry” means the database included in the automated system established and
309 maintained by the [Bureau of Child Support Enforcement] Office of Child Support Services
310 under subsection (1) of section 17b-179 which database shall contain information on each support
311 order established or modified in the state.

312 Sec. 15. Subdivision (4) of subsection (b) of section 46b-231 of the general statutes is repealed
313 and the following is substituted in lieu thereof (*Effective January 1, 2016*):

314 (4) [“Bureau of Child Support Enforcement”] “Office of Child Support Services” means a
315 division within the Department of Social Services established pursuant to section 17b-179;

316 Sec. 16. Subdivision (12) of subsection (b) of section 46b-231 of the general statutes is
317 repealed and the following is substituted in lieu thereof (*Effective January 1, 2016*):

318 (12) “IV-D agency” means the [Bureau of Child Support Enforcement] Office of Child
319 Support Services within the Department of Social Services, established pursuant to section 17b-

320 179 and authorized to administer the child support program mandated by Title IV-D of the Social
321 Security Act;

322 Sec. 17. Subdivision (4) of subsection (s) of section 46b-231 of the general statutes is repealed
323 and the following is substituted in lieu thereof (*Effective January 1, 2016*):

324 (4) Review child support orders (A) in non-TFA IV-D support cases (i) at the request of either
325 parent or custodial party subject to a support order, or (ii) upon receipt of information indicating
326 a substantial change in circumstances of any party to the support order, (B) in TFA cases, at the
327 request of the [Bureau of Child Support Enforcement] Office of Child Support Services, or (C)
328 as necessary to comply with federal requirements for the child support enforcement program
329 mandated by Title IV-D of the Social Security Act, and initiate an action before a family support
330 magistrate to modify such support order if it is determined upon such review that the order
331 substantially deviates from the child support guidelines established pursuant to section 46b-215a.
332 A requesting party under subparagraph (A)(i) or (B) of this subdivision shall have a right to such
333 review every three years without proving a substantial change in circumstances, but more
334 frequent reviews shall be made only if such requesting party demonstrates a substantial change in
335 circumstances. There shall be a rebuttable presumption that any deviation of less than fifteen per
336 cent from the child support guidelines is not substantial and any deviation of fifteen per cent or
337 more from the guidelines is substantial. Modification may be made of such support order without
338 regard to whether the order was issued before, on or after May 9, 1991. In determining whether
339 to modify a child support order based on a substantial deviation from such child support
340 guidelines, consideration shall be given to the division of real and personal property between the
341 parties set forth in any final decree entered pursuant to chapter 815j and the benefits accruing to
342 the child as the result of such division. No order for periodic payment of support may be subject
343 to retroactive modification, except that the family support magistrate may order modification
344 with respect to any period during which there is a pending motion for modification of a support
345 order from the date of service of notice of such pending motion to the opposing party pursuant to
346 section 52-50.

347 Sec. 18. Subdivision (1) of subsection (a) of section 52-362 of the general statutes is repealed
348 and the following is substituted in lieu thereof (*Effective January 1, 2016*):

349 (1) “Dependent” means a spouse, former spouse or child entitled to payments under a support
350 order, provided Support Enforcement Services of the Superior Court or the state acting under an
351 assignment of a dependent’s support rights or under an application for child support enforcement
352 services shall, through an officer of Support Enforcement Services or the [Bureau of Child
353 Support Enforcement] Office of Child Support Services within the Department of Social
354 Services or an investigator of the Department of Administrative Services or the Attorney
355 General, take any action which the dependent could take to enforce a support order;

356 Sec. 19. Subsection (e) of section 52-362 of the general statutes is repealed and the following
357 is substituted in lieu thereof (*Effective January 1, 2016*):

358 (e) A withholding order shall issue in the amount necessary to enforce a support order against
359 only such nonexempt income of the obligor as exceeds the greater of (1) eighty-five per cent of

360 the first one hundred forty-five dollars per week of disposable income, or (2) the amount exempt
361 under Section 1673 of Title 15 of the United States Code, or against any lesser amount which the
362 court or family support magistrate deems equitable. Subject to subsection (d) of section 46b-88,
363 the withholding order shall secure payment of past and future amounts due under the support
364 order and an additional amount computed in accordance with the child support guidelines
365 established in accordance with section 46b-215a, to be applied toward liquidation of any
366 arrearage accrued under such order, unless contested by the obligor after a notice has been served
367 pursuant to subsection (c) of this section, in which case the court or family support magistrate
368 may determine the amount to be applied toward the liquidation of the arrearage found to have
369 accrued under prior order of the court or family support magistrate. In no event shall such
370 additional amount be applied if there is an existing arrearage order from the court or family
371 support magistrate in a IV-D support case, as defined in subdivision (13) of subsection (b) of
372 section 46b-231. Any investigator or other authorized employee of the [Bureau of Child Support
373 Enforcement] Office of Child Support Services within the Department of Social Services, or any
374 officer of Support Enforcement Services of the Superior Court, may issue a withholding order
375 entered by the Superior Court or a family support magistrate pursuant to subsection (b) of this
376 section, and shall issue a withholding order pursuant to this subsection when the obligor becomes
377 subject to withholding under subsection (c) of this section. On service of the order of
378 withholding on an existing or any future employer or other payer of income, and until the
379 support order is fully satisfied or modified, the order of withholding is a continuing lien and levy
380 on the obligor's income as it becomes due.

381 Sec. 20. Subsection (h) of section 52-362 of the general statutes is repealed and the following
382 is substituted in lieu thereof (*Effective January 1, 2016*):

383 (h) Service of any process under this section, including any notice, may be made in
384 accordance with section 52-57, or by certified mail, return receipt requested. If service is made
385 on behalf of the state, it may be made by an authorized employee of Support Enforcement
386 Services, by an investigator or other officer of the [Bureau of Child Support Enforcement] Office
387 of Child Support Services within the Department of Social Services, by an investigator of the
388 Department of Administrative Services or by the Attorney General. Service of income
389 withholding orders by Support Enforcement Services or by an investigator or other officer of
390 [said bureau] the Office of Child Support Services upon an employer under this section may be
391 made in accordance with section 52-57, by certified mail, return receipt requested, by first class
392 mail or electronically, provided the employer agrees to accept service made electronically.

393 Sec. 21. Subsection (p) of section 52-362 of the general statutes is repealed and the following
394 is substituted in lieu thereof (*Effective January 1, 2016*):

395 (p) All withholding orders issued under this section shall be payable to the state disbursement
396 unit established and maintained by the Commissioner of Social Services in accordance with
397 subsection (j) of section 17b-179. The state disbursement unit shall insure distribution of all
398 money collected under this section to the dependent, the state and the support enforcement
399 agencies of other states, as their interests may appear, within two business days. Each dependent
400 who is not receiving child support enforcement services, as defined in subsection (b) of section
401 46b-231, shall be notified upon the issuance of a withholding order pursuant to this section, that

402 such services are offered free of charge by the State of Connecticut upon application to the
403 [Bureau of Child Support Enforcement] Office of Child Support Services within the Department
404 of Social Services.

405 Sec. 22. Subdivision (1) of subsection (a) of section 52-362f of the general statutes is repealed
406 and the following is substituted in lieu thereof (*Effective January 1, 2016*):

407 (1) “Agency” means the [Bureau of Child Support Enforcement] Office of Child Support
408 Services within the Department of Social Services of this state and, when the context requires,
409 means either the court or agency of any other jurisdiction with functions similar to those defined
410 in this section, including the issuance and enforcement of support orders.

411 Sec. 23. Subsection (g) of section 52-362f of the general statutes is repealed and the following
412 is substituted in lieu thereof (*Effective January 1, 2016*):

413 (g) An income withholding order under this section shall direct payment to the [Bureau of
414 Child Support Enforcement] Office of Child Support Services or its designated collection agent.
415 [The bureau] Such office or its designated agent shall promptly distribute payments received
416 pursuant to an income withholding order or garnishment based on a support order of another
417 jurisdiction entered under this section to the agency or person designated pursuant to subdivision
418 (5) of subsection (a) of section 46b-213h. A support order entered pursuant to subsection (d) of
419 this section does not nullify and is not nullified by a support order made by a court of this state
420 pursuant to any other section of the general statutes or a support order made by a court of any
421 other state. Amounts collected by any withholding of income shall be credited against the
422 amounts accruing or accrued for any period under any support orders issued either by this state
423 or by another jurisdiction.

424 Sec. 24. Sec. 52-362i of the general statutes is repealed and the following is substituted in lieu
425 thereof (*Effective January 1, 2016*):

426 If the court or family support magistrate finds that (1) an obligor is delinquent on payment of
427 child support, and (2) future support payments are in jeopardy, or (3) the obligor has exhibited or
428 expressed an intention not to pay any such support, the court or family support magistrate may
429 order the obligor to provide a cash deposit not to exceed the amount of four times the current
430 monthly support and arrearage obligation, to be held in escrow by the [Bureau of Child Support
431 Enforcement] Office of Child Support Services or Support Enforcement Services. Any funds
432 from such cash deposit may be disbursed by the [Bureau of Child Support Enforcement] Office
433 of Child Support Services or Support Enforcement Services to the custodial parent upon a
434 determination by [said bureau] the Office of Child Support Services or Support Enforcement
435 Services that the obligor has failed to pay the full amount of the monthly support obligation.
436 Payment shall be in an amount that, when combined with the obligor’s payment, would not
437 exceed the monthly support obligation. Payment from such cash deposit shall not preclude a
438 finding of delinquency during the period of time in which the obligor failed to pay current
439 support.

440 *Statement of Purpose:*

441 To change the name of the Bureau of Child Support Enforcement within the Department of
442 Social Services to the Office of Child Support Services to characterize more accurately and
443 completely the mission of the IV-D agency for clients and the public.



Agency Legislative Proposal - 2016 Session

Document Name : Technical Changes to Husky Plus

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Social Services

Liaison: Krista Ostaszewski

Phone: 860-424-5612

E-mail: Krista.Ostaszewski@ct.gov

Lead agency division requesting this proposal: Division of Health Services, Integrated Care Unit

Agency Analyst/Drafter of Proposal: Laura Victoria Barrera

Title of Proposal: An Act Concerning Technical Changes to HUSKY Plus

Statutory Reference PA 15-69, Section 26

Proposal Summary This proposal clarifies the language for the HUSKY Plus (HPP) program and makes it congruent with the current program by:

- removing provisions and requirements that have not been in practice for at least 12 years: removes advisory committee & requirement that services need to be consistent with Title V services;
- simplify eligibility language to: "HUSKY B members whose intensive medical needs cannot be accommodated within the regular HUSKY B package of services";
- aligning HPP appeals with those of HUSKY B as HPP is a supplemental program
- requiring that HPP providers are either CT Medical Assistance Providers or willing to enroll as a provider and to accept Medicaid reimbursement as full payment

Please attach a copy of fully drafted bill (required for review)

PROPOSAL BACKGROUND

- **Reason for Proposal**

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

This proposal is not in response to any federal or state laws or regulation change. This proposal just clarifies and makes legislation current with the program.

- **Origin of Proposal** **New Proposal** **Resubmission**



If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

Agency Name: Department of Public Health

Agency Contact (name, title, phone): Mark Keenan & Ann Gionet Title V and CYSHCNs

Date Contacted: 9/25/15

Approve of Proposal YES NO Talks Ongoing

Need to send them text.

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation)

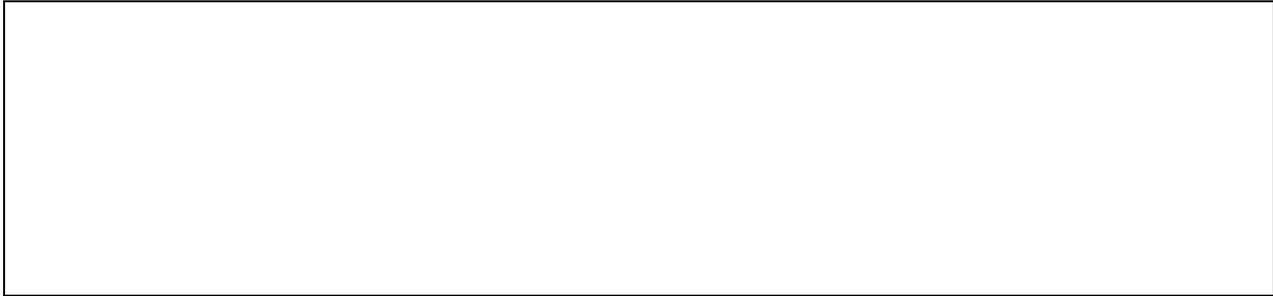
N/A

State N/A

Federal N/A

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



DSS HUSKY Plus Revisions - 2016

Section 17b-294a of the General Statutes, as amended by Section 26 of Public Act 15-69, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The commissioner shall, within available appropriations, establish a supplemental health program to be known as HUSKY Plus for HUSKY B members [of the subsidized portions of HUSKY B] whose medical needs cannot be accommodated within the basic benefit package offered to members. The HUSKY Plus program shall supplement coverage for those medically eligible members with intensive physical health needs.

(b) Within available appropriations, the commissioner shall contract with one or more entities to administer and operate the HUSKY Plus program. [Such entities shall be the same entities that the Department of Public Health contracts with to administer and operate the program under Title V of the Social Security Act. The advisory committee established by the Department of Public Health for Title V of the Social Security Act shall be the steering committee for such program, except that such committee shall include representatives of the Departments of Social Services and Children and Families.]

(c) The acuity standards or diagnostic eligibility criteria, or both, the service benefits package [and the provider network for the HUSKY Plus program] shall be consistent with that of Title V of the Social Security Act. Such service benefit package shall be supplemental to HUSKY B services and shall include powered wheelchairs.

(d) The commissioner shall adopt regulations, in accordance with chapter 54, to establish a procedure for the appeal of a denial of coverage under the HUSKY Plus program. [Such regulations shall provide that (1) an appeal of a denial of coverage for a medically eligible member shall be taken to the steering committee and (2) a medically



eligible member may appeal the decision of any such steering committee to the commissioner.]

(e) The commissioner [shall] may contract for an external quality review of the HUSKY Plus program.

(f) On and after the date on which any medically eligible member begins receiving benefits under the HUSKY Plus program, such member shall not be eligible for services under Title V of the Social Security Act, with the exception of respite services.

(g) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish criteria and specify services for the HUSKY Plus program. Such regulations shall state that the HUSKY Plus program shall give priority in such program to members with household incomes at or below two hundred forty-nine per cent of the federal poverty level.

(h) As used in this section, "medically eligible member" means any member with intensive physical health needs [who] whose medical needs cannot be met within the HUSKY B benefits offered to members. [meets the acuity standards or diagnostic eligibility criteria adopted by the commissioner regarding the acuity, diagnosis, functional impairment and intensive service needs of the member.]



Agency Legislative Proposal - 2016 Session

Document Name: DSS_Ambulatory Payment Classification	(11)
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State Agency: Department of Social Services
Liaison: Krista Ostaszewski & Alvin Wilson Phone: 860-424-5612 860-424-5105 E-mail: krista.ostaszewski@ct.gov, Alvin.Wilson@ct.gov
Lead agency division requesting this proposal: Division of Health Services
Agency Analyst/Drafter of Proposal: Joel Norwood, Chris Lavigne

Title of Proposal: An Act Concerning Ambulatory Payment Classification
Statutory Reference: 17b-239
Proposal Summary: This technical proposal removes references to Medicare from the language regarding Ambulatory Payment Classification (APC) payment methodology for outpatient hospital services, because the Department needs to structure our methodology differently from Medicare in several key respects. Currently, this language authorizes the Department to augment Medicare's APC methodology for services for which Medicare does not assign an APC. However, the current language does not authorize the Department to change the methodology for Behavioral Health and other services where Medicare assigns an APC, but the Department has determined that another methodology is more appropriate. Some Medicare covered services are contrary to Medicaid policy and therefore should not be Medicaid payable. In addition, the Department's methodology would reimburse for some services that are not Medicare payable.

PROPOSAL BACKGROUND

◇ Reason for Proposal

To allow the Department to move forward with an APC methodology that is different than Medicare, including the use of a non-APC methodology to reimburse for a service where Medicare has assigned an APC.
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◇ Origin of Proposal New Proposal Resubmission



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◇ **AGENCIES AFFECTED**

Agency Name: Click here to enter text. Agency Contact (<i>name, title, phone</i>): Click here to enter text. Date Contacted: Click here to enter text.
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments Click here to enter text.
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

Municipal <i>(please include any municipal mandate that can be found within legislation)</i> Click here to enter text.
State Click here to enter text.
Federal Click here to enter text.
Additional notes on fiscal impact Click here to enter text.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Click here to enter text.



AN ACT CONCERNING AMBULATORY PAYMENT CLASSIFICATION

Section 1. Subdivision (2) of subsection (c) of section 17b-239 of the general statutes is repealed and the following is substituted in lieu thereof (*effective from passage*):

(2) On or after July 1, 2013, with the exception of publicly operated psychiatric hospitals, hospitals shall be paid for outpatient and emergency room [episodes of care] services based on prospective rates established by the commissioner within available appropriations and in accordance with [the Medicare Ambulatory Payment Classification] an ambulatory payment classification system [in conjunction with a state conversion factor], provided the Department of Social Services completes a fiscal analysis of the impact of such rate payment system on each hospital. The Commissioner of Social Services shall, in accordance with the provisions of section 11-4a, file a report on the results of the fiscal analysis not later than six months after implementing the rate payment system with the joint standing committees of the General Assembly having cognizance of matters relating to human services and appropriations and the budgets of state agencies. [The Medicare Ambulatory Payment Classification system shall be augmented to provide payment for services not generally covered under the Medicare Ambulatory Payment Classification system, including, but not limited to, mammograms, durable medical equipment, physical, occupational and speech therapy.] Nothing contained in this subsection shall authorize a payment by the state for such episodes of care to any hospital in excess of the charges made by such hospital for comparable services to the general public. Effective upon implementation of the [Ambulatory Payment Classification] ambulatory payment classification system, a covered outpatient hospital service that [does not have an established Medicare Ambulatory Payment Classification code] is not being reimbursed using such ambulatory payment classification system shall be paid in accordance with a fee schedule or an alternative payment methodology, as determined by the commissioner. Prior to the implementation of the [Ambulatory Payment Classification] ambulatory payment classification system, each hospital's charges shall be based on the charge master in effect as of June 1, 2015. After implementation of such system, annual increases in each hospital's charge master shall not exceed, in the aggregate, the annual increase in the Medicare economic index. The Commissioner of Social Services shall establish a fee schedule for outpatient hospital services to be effective on and after January 1, 1995, and may annually modify such fee schedule if such modification is needed to ensure that the conversion to an administrative services organization is cost neutral to hospitals in the aggregate and ensures patient access. Utilization may be a factor in determining cost neutrality.