

Legislative History for Connecticut Act

PA 17-27

HB7037

House	2085-2089	5
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Transcripts from the Joint Standing Committee Public
Hearing(s) and/or Senate and House of Representatives
Proceedings

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2017**

**VOL.60
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1721 – 2170**

ph
HOUSE OF REPRESENTATIVES

156
May 2, 2017

the tally.

CLERK:

House Bill 6749, as Amended by House A.

Total Number of Voting	149
Necessary for Passage	75
Those Voting Yea	116
Those Voting Nay	33
Absent and Not Voting	2

SPEAKER ALTOBELLO (82ND):

The bill as amended is passed. [Gavel] Would
the Clerk please call Calendar 85, that would be 85.

CLERK:

On page 52, House Calendar 85, Substitute House
Bill No. 7037, AN ACT CONCERNING WITHHOLDING
WORKERS' COMPENSATION INCOME FOR CHILD SUPPORT.
Favorable report of the Joint Standing committee on
Judiciary.

SPEAKER ALTOBELLO (82ND):

Thank you. From the west side of the Silver
City, recently we moved there too, Representative
Abercrombie of the 83rd, you have the floor, Madam.

REP. ABERCROMBIE (83RD):

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Thank you, Mr. Speaker, good afternoon, Mr. Speaker.

SPEAKER ALTOBELLO (82ND):

Good afternoon.

REP. ABERCROMBIE (83RD):

Mr. Speaker, I move for the Joint Committee's favorable report and passage of the bill.

SPEAKER ALTOBELLO (82ND):

The question before the Chamber is acceptance and passage. Will you remark, Madam?

REP. ABERCROMBIE (83RD):

Thank you, Mr. Speaker. Mr. Speaker, this is just a simple fix to include a copy of the income withholding order for child support when someone receives workers' compensation. I move adoption.

SPEAKER ALTOBELLO (82ND):

The question before the Chamber is adoption. Will you remark further on the Bill? Representative Case of the 63rd, would you care to comment?

REP. CASE (63RD):

Thank you, Mr. Speaker. A question to the proponent of the bill, please.

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SPEAKER ALTOBELLO (82ND):

Please proceed, sir.

REP. CASE (63RD):

Through you, Mr. Speaker. Just for clarification, in the original OFA analysis, the bill did say that it was just for private employers and municipals and state it did not apply, but we since have had that fixed. Have you seen the addendum to that, Madam?

Through you, Mr. Speaker.

SPEAKER ALTOBELLO (82ND):

Representative Abercrombie.

REP. ABERCROMBIE (83RD):

Through you, Mr. Speaker. Yes, when OFA did their analysis, there was an error in it. And if you look on the system, the fix is there. State employees are included in this proposal.

Through you, Mr. Speaker.

SPEAKER ALTOBELLO (82ND):

Representative Case.

REP. CASE (63RD):

Through you, Mr. Speaker. No more questions,

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just a comment. All this does is really, it allows for those who are owed child support and they go on workman's comp for their employers to report out that they are on workmen's comp and that can be tapped for their child support payments. I urge my colleagues to approve and thank you, Madam Chair. Mr. Speaker.

SPEAKER ALTOBELLO (82ND):

Thank you, Representative Case. Further on the bill? Further on the bill? If not, staff and guests retire to the well of the House. Members take your seats. The machine will be open.

CLERK:

The House of Representatives is voting by roll.

Members to the Chamber. The House of Representatives is voting by roll, members to the Chamber.

SPEAKER ALTOBELLO (82ND):

Have all members voted? Have all members voted? If not, slide into that vote. Please check the board and make sure your vote is properly cast. The machine will be locked. Would the Clerk please

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take and announce the tally?

CLERK:

House Bill 7037.

Total Number of Voting	149
Necessary for Passage	75
Those Voting Yea	149
Those Voting Nay	0
Absent and Not Voting	2

SPEAKER ALTOBELLO (82ND):

Thank you, Mr. Clerk, the bill passes. [Gavel]

Will the Clerk please call Calendar 240.

CLERK:

On page 20, Calendar 240, Substitute House Bill No. 7119, AN ACT CONCERNING THE AUTHORITY OF THE EXECUTIVE DIRECTOR OF THE OFFICE OF HIGHER EDUCATION RELATING TO TEACH-OUT PLANS AND ON-SITE REVIEW OF ACADEMIC PROGRAMS. Favorable report of the Joint Standing committee on Higher Education and Employment Advancement.

SPEAKER ALTOBELLO (82ND):

Representative Haddad of the 54th, you have the floor, sir.

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Senate

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SENATOR DUFF (25TH):

On calendar page 35, Calendar 398, House Bill 6002,
I'd like to place that item on our Consent Calendar.

THE CHAIR:

Seeing no objection. So ordered, sir.

SENATOR DUFF (25TH):

On calendar page 36, Calendar 403, House Bill 7037,
I'd like to place that item on our Consent Calendar.

THE CHAIR:

Seeing no objection. So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. On calendar page 35,
Calendar 400, House Bill 7015, I'd like to place
that item on our Consent Calendar.

THE CHAIR:

Seeing no objection -- Senator Berthel, you're not
standing -- no. Seeing no objection. So ordered,
sir.

SENATOR DUFF (25TH):

Thank you, Madam President. On calendar page 43,
Calendar 451, 7299. I'd like to place that item on
our Consent Calendar.

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May 25, 2017

Thank you, Madam President. If the clerk can now call the items on the Consent Calendar, followed by a vote of the Consent Calendar.

THE CHAIR:

Mr. Clerk.

CLERK:

On page 9, Calendar 115, Senate Bill 544, page 11, Calendar 130, Senate Bill 826. Page 13, Calendar 171, Senate Bill 35. Page 15, Calendar 198, Senate Bill 870. Page 16, Calendar 210, Senate Bill 835. Page 16, Calendar 215, Senate Bill 635. On page 17, Calendar 231, Senate Bill 605, and Calendar 233, Senate Bill 572. On page 19, Calendar 257, House Bill 7159. On page 21, Calendar 267, House Bill 7237.

On page 23, Calendar 289, Senate Bill 1038. On page 24, Calendar 300, Senate Bill 949. Page 26, Calendar 315, Senate Bill 1002. Page 30, Calendar 360, Senate Bill 1041. Page 35, Calendar 398, House Bill 6002. Also on page 35, Calendar 400, House Bill 7015. On page 36, Calendar 403, House Bill 7037. Page 43, Calendar 451, House Bill 7299. Page 48, Calendar 484, House Bill 7309. And on page 56, Calendar 325, Senate Bill 246.

THE CHAIR:

Mr. Clerk, please call for a roll call vote. The machine will be open on the third Consent Calendar.

CLERK:

cf
Senate

May 25, 2017

~~Immediate Roll Call has been ordered~~ in the Senate
on the third Consent Calendar for today. Immediate
Roll Call in the Senate.

THE CHAIR:

Senator McCrory, wanna vote?

If all members have voted, all members have voted.
The machine will be closed. Mr. Clerk, call the
tally.

CLERK:

Consent Calendar No. 3.

Total number voting	36
Those voting Yea	36
Those voting Nay	0
Absent and not voting	0

THE CHAIR:

~~The Consent Calendar's passed.~~ (Gavel) At this
time Senator -- Mr. Clerk, do you have anything on
your desk? Senator Duff. I'm sorry.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'll
yield for points of personal privilege, please.

THE CHAIR:

Are there any points of personal privilege? Seeing
none. Senator Duff.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**HUMAN
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PUBLIC HEARING

Annual funding for the Social Work In-Home Supports Program stayed relatively constant at \$3.94 million dollars and is supported through the federal Social Services Block Grant. The program limits the monthly expenditures of services for each participant at \$650 dollars. The service array is much less than those offered through our Medicaid waivers and Community First Choice.

For these reasons, the Social Work In-Home Support Program can be viewed as a safety net for those individuals that may not be financially or functionally eligible for the Medicaid home-based and community-based service programs, but are still at a risk of institutionalization and need home care supports to stay in the community.

For these reasons, the Department is asking for your support in this bill.

The second agency bill, House Bill 7037 - AN ACT CONCERNING IMPROVEMENTS TO INCOME WITHHOLDING FOR CHILD SUPPORT.

This bill requires employers to include a copy of the income withholding order for child support to a workers' compensation carrier when an employer subject to income withholding for child support makes a claim for workers' compensation benefits. Currently, employers are mandated to promptly notify the Judicial Branch of the Court Enforcement Services when an employee with income withholding makes a claim for workers' comp. However, there is no means to enforce this requirement if the employer fails to follow through.

With notification of the employee's change in employment status, the income withholding order

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often does not carry through to the workers' comp benefit. In many cases, Support Enforcement Services will only find out about the change once withholding payments for the employer have ceased. From there, Support Enforcement Services will have to initiate a manual process with workers' comp to reestablish the withholding order. This process can result in a possible four to six-week delay in child support payments to the custodial family.

Requiring employers to attach the income withholding order when sending a referral to a workers' comp carrier will result in the seamless withholding of the child support obligation from the workers' comp benefit. This process will remove any potential for delayed payments to the custodial family and may also improve Connecticut's 4D program performance and increase the associated federal incentive funding. We ask for your support of this bill.

In addition, I'll also offer remarks on several other bills. Senate Bill No. 775 - AN ACT CONCERNING CONVEYANCES OF PROPERTY BY RECIPIENTS OF PUBLIC ASSISTANCE.

Currently, a recipient of financial and/or medical assistance or their legally liable relatives is required to obtain consent from DSS before the transfer, sale or disposal of property. This bill proposes to limit the requirement for recipients of assistance to abstain such consent. DSS is concerned that the language in this bill would open the Department to increased litigation, compromise the Department's ability to accurately determine eligibility for assistance and limit the state's ability to recoup on improperly disposed property,

PUBLIC HEARING

around. And this one is one that -- it's -- I can imagine what it's like. And it has to be discouraging that you have both the problem of getting so many -- it's bad enough that so few people end up getting into the Fast Track, but then to have half of them not be eligible. It just kind of reaches the point where you wonder if it's worth doing. Not to discourage you from your jobs, but it's tough. I appreciate it and we will go back to -- if there's no further questions on this, I'll go back to Representative Abercrombie and her --.

REP. ABERCROMBIE (83RD): (Laughs) I'm just going through them one by one. Thank you very much for that. We do appreciate it and I think it's definitely something that we need to work on. So, Deputy Commissioner, on to House_Bill_7037 - AN ACT CONCERNING IMPROVEMENTS TO THE INCOME WITHHOLDING FOR CHILD SUPPORT.

Didn't we raise this last year?

KATHLEEN BRENNAN: Yes, and the year before that.

REP. ABERCROMBIE (83RD): And what happened? It passed the House and the Senate, I thought.

KATHLEEN BRENNAN: It died in the Senate.

REP. ABERCROMBIE (83RD): It died in the Senate. You Senators! Jeeze. (Laughter) So Joe's gonna take it out this year in the Senate, so we are good to go. (Laughter) Okay. Because we were all sitting here like we thought this was a done deal. Okay. Now, moving on to --

KATHLEEN BRENNAN: That was a good question there.



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*Testimony before the Human Services Committee
Kathleen M. Brennan, Deputy Commissioner
February 14, 2017*

Good afternoon Senator Moore, Senator Markley, Representative Abercrombie and distinguished members of the Human Services Committee. My name is Kathleen M. Brennan, and I am the Deputy Commissioner of the Department of Social Services (DSS).

I am pleased to appear before you today and respectfully request your support of the following two agency bills –

S.B. No. 804 (RAISED) AN ACT CONCERNING A SOCIAL WORK IN-HOME SUPPORT PROGRAM

This bill prohibits an individual who is receiving services from any Medicaid home and community-based services programs, administered by the Division of Health Services at DSS, from also being eligible for the Community Based Services Program, administered through the Social Work Unit at DSS.

This change is necessary to ensure resources are preserved to allow eligible individuals, at risk of institutionalization, to remain in the community longer. The bill also creates a safeguard, to make sure the Department is not paying for duplicative home care services.

In addition, this bill also includes a technical modification that renames the “Community Based Services Program,” the “Social Work In-Home Support Program”. This clarification will eliminate confusion with the similarly named, Medicaid home and community-based services programs.

Currently, this statute only restricts individuals eligible for the Personal Care Assistance program from receiving concurrent services from the Social Work In-Home Support Program. The Personal Care Assistance program is one of the programs offered under the array of Medicaid home and community-based services.

When this statute passed in the year 2000, the Personal Care Assistance program was one of the only home-based programs offered. However, with the passage of the Affordable Care Act, states have been provided the financial opportunity to expand home care programs in Medicaid. In addition, through the support of Governor Malloy, Connecticut has made rebalancing long-term services and supports, to keep individuals in the community longer, a priority under Medicaid.

This state and national support has provided DSS with the opportunity to expand the home-based service array under the Medicaid home and community-based services structure. Programs available include, but are not limited to, the Connecticut Home Care Program for Elders waiver,

the Acquired Brain Injury I and Acquired Brain Injury II waivers, the Personal Care Assistance waiver and the Community First Choice state plan option. All such programs provide medical and non-medical in-home supports that allow eligible individuals, who are at risk of institutionalization, to remain in the community. Approximately 27,000 individuals are currently active on waiver services, while an additional 460 are receiving Community First Choice services (outside of a waiver program).

The Social Work In-Home Support Program is a separate program administered through the Social Work unit at DSS. The program provides non-medical home care services to adults age 18 through 64, with physical or mental disabilities. Annual funding for this program has stayed relatively constant at \$3.94 million and is supported through the federal Social Services Block Grant. With this appropriation, the program limits the monthly expenditure of services for each participant at \$650. The service array available for participants under this maximum expenditure is much less than those offered through our Medicaid waivers and Community First Choice. For these reasons, the Social Work In-Home Support Program can be viewed as a safety net for those individuals that may not be financially or functionally eligible for the Medicaid home and community-based services programs, but are still at risk of institutionalization, and need home care supports to stay in the community.

It is vitally important that the limited funds available for the Social Work In-Home Support Program are preserved to serve as many individuals as possible that are at risk of institutionalization, but not eligible for Medicaid home and community-based services. As the Social Work In-Home Support Program allows individuals to remain in the community, the cost shift to the state to pay for more expensive institutionalized care is delayed. Currently, there are approximately 1,110 individuals that receive services under the Social Work In-Home Support Program. However, the program does have a waiting list. The Department believes that by prohibiting individuals that already receive services from Medicaid home and community-based services programs from being eligible for services through the Social-Work In-Home Support Program, the state may be able to serve additional individuals and consequently delay costly institutionalization.

For these reasons, the Department asks for your support of this bill.

H.B. No. 7037 (RAISED) AN ACT CONCERNING IMPROVEMENTS TO INCOME WITHHOLDING FOR CHILD SUPPORT

This bill requires employers to include a copy of the income withholding order for child support to a workers' compensation carrier, when an employee, who is subject to the income withholding for child support, makes a claim for workers' compensation benefits.

Currently, employers are mandated to "promptly notify" the Judicial Branch's Support Enforcement Services* when an employee with an income withholding order makes a claim for workers' compensation benefits. However, there are no means to enforce this requirement if an employer fails to follow through. Without notification of an employee's change in employment status, the income withholding order often does not carry to the workers' compensation benefit. In many cases, Support Enforcement Services will only find out about the change once the

withholding payments through the employer have ceased. From there, Support Enforcement Services has to initiate a manual process with the workers' compensation carrier to re-establish the withholding order. This process can result in a possible four to six week delay in child support payments to the custodial family.

Requiring employers to attach the income withholding order when sending a referral to a worker's compensation carrier will result in the seamless withholding of the child support obligation from the workers' compensation benefit. This process will remove any potential for delayed payments to the custodial family. This requirement may also improve Connecticut's IV-D program (the state's child support program) performance and increase the associated federal incentive funding.

Income withholding is the most effective means of enforcing court-ordered child support. In SFY 2016, the IV-D program, through the Office of Child Support Services, collected approximately \$301.7 million in child support payments. Out of that amount, 65% of those funds were collected through income withholding from employers and other payers of income. Income withholding as a method of child support collection has not only proven to be effective and efficient but also allows for expedient and consistent payments to families.

We ask for your support of this bill.

* Support Enforcement Services of the Judicial Branch is responsible for enforcement of child support orders under cooperative agreement with the Department of Social Services, Office of Child Support Services.

In addition, I will also offer remarks on several other bills on the agenda.

S.B. No. 775 (RAISED) AN ACT CONCERNING CONVEYANCES OF PROPERTY BY RECIPIENTS OF PUBLIC ASSISTANCE

A recipient of financial and/or medical assistance, or their legal liable relatives, is required to obtain consent from DSS before the transfer, sale or disposal of property. This bill proposes to limit the requirement for recipients of assistance to obtain such consent.

DSS is concerned that the language in this bill would open the Department to increased litigation, compromise the Department's ability to accurately determine eligibility for assistance and limit the state's ability to recoup on improperly disposed property; all resulting in significant financial loss to the state.

The proposed language, "*provided the commissioner shall not (1) unreasonably withhold consent*" inserts an ambiguous and undefined term into the statute – "unreasonably". As this term is not defined in statute, the Department is unclear what this provision actually means. The current statute does not prevent a client from challenging in court a decision by the Commissioner to withhold consent on the grounds that it was made without a valid basis,

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JUDICIAL BRANCH

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Testimony of the Judicial Branch
Human Services Committee Public Hearing
February 14, 2017

H.B. 7037, An Act Concerning Improvements to
Income Withholding for Child Support

Thank you for the opportunity to submit testimony today on behalf of the Judicial Branch. The Judicial Branch supports *H.B. 7037, An Act Concerning Improvements to Income Withholding for Child Support*.

This proposal submitted by the Department of Social Services (DSS) was the result of joint collaboration with the Judicial Branch's Support Enforcement Services (SES) division and DSS.

The proposal will modify CGS Sec. 52-362 to require that an employer provide to the workers' compensation benefits carrier a copy of a withholding order with the employee's first report of occupational illness or injury. The carrier would be required to withhold workers' compensation funds and to pay any sums withheld to DSS's state disbursement unit, which will provide the payment to the dependent, the state and the support enforcement unit of other states, as required by the order.

The Judicial Branch believes this proposal will both increase the amount of child support collected for families and conserve SES resources.

Thank you for your time and attention to this matter.