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Legally Liable Relative's Ability To Pay

Sec. 4a-12-1. Definitions

For the purpose of these regulations:

- (a) "client" means any person receiving or who has received State care or assistance.
- (b) "commissioner" means the Commissioner of Administrative Services.
- (c) "contribution" means an amount of money determined to be due and payable from a legally liable relative.
- (d) "department" means the Department of Administrative Services.
- (e) "exemption scale" means an amount equal to the state median income, adjusted by family size, to be subtracted from the legally liable relative's taxable income for federal income tax purposes in determining an ability to pay.
- (f) "father" means natural or adoptive parent of any person receiving or who has received State care or assistance while under eighteen years of age.
- (g) "legally liable relative" means the husband or wife of any person receiving or who has received State care or assistance, and the father and mother of any such person receiving or who has received State care or assistance while under the age of eighteen years.
- (h) "mother" means natural or adoptive parent of any person receiving or who has received State care or assistance while under eighteen years of age.
- (i) "patient" means any person receiving or who has received State care or assistance.
- (j) "per diem" means a charge for each day of care or assistance.
- (k) "per visit" means each instance of day care, group therapy and/or outpatient service.
- (l) "uniform contribution scale" means the method used for assessing a contribution from a legally liable relative.

(Adopted effective June 29, 1999)

Sec. 4a-12-2. Contribution scale

The uniform contribution scale is herein established, wherein the assessment of liability is determined by subtracting the state median income, adjusted for family size, as published in the Federal Register, from the legally liable relative's taxable income for federal income tax purposes, and then assessing twelve per cent of the sum representing the difference as the contribution due from the legally liable relative.

(Adopted effective June 29, 1999)

Sec. 4a-12-3. Exemption scale

The Department shall periodically make available, but not less than once a year, to anyone who requests it, an exemption scale which shall be the state median income as published in the federal register, adjusted for family size, which will be used for any billing determinations. Billing determinations for care and assistance in any year will be established by using the previous year's federal income tax return and the corresponding state median income for that same year as the federal income tax return.

(Adopted effective June 29, 1999)

Sec. 4a-12-4. Per diem or per visit billing

The legally liable relative's contribution shall be billed monthly on a per diem and/or per visit charge, whichever is applicable, from the date aid or care began.

(Adopted effective June 29, 1999)

Sec. 4a-12-5. Maximum liability

The legally liable relative's liability shall not exceed the per capita cost of care or the actual amount of assistance.

(Adopted effective June 29, 1999)

Sec. 4a-12-6. Liability of legally liable relative. Insurance

The financial liability of legally liable relatives shall be determined in the absence of insurance coverage, or to assess a financial contribution to pay the difference between insurance coverage and the actual cost of care or assistance.

(Adopted effective June 29, 1999)

Sec. 4a-12-7. Court ordered liability

Whenever a legally liable relative is divorced or legally separated, and is under court order for support for the client/patient, then the amount of the court order determines the liability of the legally liable relative.

(Adopted effective June 29, 1999)

Sec. 4a-12-8. Court order referencing statutory liability

Whenever a divorce agreement/order of a legally liable relative references C.G.S. 4a-12, a financial review of that legally liable relative's ability shall be made, and billing using the uniform contribution scale shall be established by the Department.

(Adopted effective June 29, 1999)

Sec. 4a-12-9. Modification of court order

Whenever a divorce agreement/order does not reference C.G.S. 4a-12 and if a financial determination discloses a greater ability to contribute than the court ordered support, a modification of the support order may be pursued by the Department.

(Adopted effective June 29, 1999)

Sec. 4a-12-10. Liability of divorced or separated and remarried relative

Where the mother and father who are legally liable are divorced and neither one of them is under a court order for support for the client/patient and one or both have remarried, then the following applies: the mother's/father's portion of the taxable income is prorated out of the new family's joint federal income tax return. The number of dependents from the new family households, to be used for the exempt income, are also prorated. If the current spouse of the legally liable relative has a taxable income of less than a single poverty level exemption as found in Sec. 4-12-2 and 4-12-3 of these regulations, then that spouse is included in the family dependent count for the exempt income calculation. The twelve per cent contribution assessment, resulting after the subtraction of the combined prorated exempt incomes for the combined prorated taxable incomes shall be prorated according to the specific share of the taxable income of each individually liable relative.

(Adopted effective June 29, 1999)

Sec. 4a-12-11. Investigation of liable relative

The Department shall conduct an investigation of a legally liable relative to determine his or her ability to pay. This investigation may include but is not limited to contact with the legally liable relative for a copy of his or her complete Federal income tax return and such other information as determined by the Department as necessary to the investigation. In cases where the federal income tax return is not made available to the Department, such as when no return has been filed or when the legally liable relative refuses to grant permission to the Department to review

his or her return, the Department may calculate the equivalent amount of federal taxable income from such other sources as may become available, such as but not limited to information concerning wages, salaries, commissions, etc., provided by employers.

(Adopted effective June 29, 1999)

Sec. 4a-12-12. Investigation of sources other than legally liable relatives

The Department may seek information from sources other than the legally liable relative in order to conduct its investigation.

(Adopted effective June 29, 1999)

Sec. 4a-12-13. Disclosure of information

The Department may compel disclosure of information from any person having knowledge of the financial circumstances of a legally liable relative pursuant to Sec. 17b-137 of the Connecticut General Statutes.

(Adopted effective June 29, 1999)

Sec. 4a-12-14. Contribution review conference

After a determination of a legally liable relative's ability to pay has been made and the legally liable relative has been notified of his or her expected contribution, the legally liable relative may request a conference with a Department representative to review such determination.

(Adopted effective June 29, 1999)

Sec. 4a-12-15. Periodic review of contribution

Periodic review will be made of each determination. Such review will occur not less than once a year, and whenever requested by the legally liable relative if prompted by significant changes affecting the determination of his or her ability to pay.

(Adopted effective June 29, 1999)

Sec. 4a-12-16. Reassessment of contribution

Whenever the Department determines upon review that a reassessment is warranted, it shall notify the affected legally liable relative and change its billing accordingly. Reassessments may result in higher or lower monthly contributions.

(Adopted effective June 29, 1999)

Sec. 4a-12-17. Administrative feasibility of billing

Billing will be established to any individual legally liable relative whose ability to pay has been determined according to the uniform contribution scale to result in a contribution of fifty dollars or more per month. It shall be considered administratively feasible to bill and collect contributions which equal or exceed fifty dollars per month.

(Adopted effective June 29, 1999)

Sec. 4a-12-18. Authority to waive contribution

The Commissioner or his or her designee, upon proper investigation and determination may waive a contribution, or any portion thereof, by a legally liable relative if it is found that the contribution would impose a significant financial hardship upon the legally liable relative.

(Adopted effective June 29, 1999)

Sec. 4a-12-19. Determination of waiver

The Commissioner or his or her designee, may consider one or more of the following in making a determination of a full or partial waiver of charges to a

legally liable relative: Loss of gainful employment by a legally liable relative, an increase in the number of family dependents from the federal tax reporting year, expenses resulting from a catastrophic event or other items of a similar nature. It shall be the responsibility of the requesting legally liable relative to submit documentation acceptable to the Department to support the request for waiver.

(Adopted effective June 29, 1999)

Sec. 4a-12-20. Notice of decision on waiver

The Commissioner or his or her designee, will review the materials submitted for a waiver and will notify the legally liable relative in writing of his or her decision.

(Adopted effective June 29, 1999)

Sec. 4a-12-21. Request for hearing

A legally liable relative who has requested a waiver who is aggrieved by the Commissioner's decision on a waiver shall request a hearing in writing within thirty days of the mailing of the notice of the decision.

(Adopted effective June 29, 1999)

Sec. 4a-12-22. Administrative agency hearing

Within thirty days of the receipt of a request from an aggrieved legally liable relative the commissioner or his or her designee shall hold a hearing and shall, at least ten days prior to the date of such hearing, mail a notice, giving the time and place of the hearing to the aggrieved legally liable relative. A reasonable period of continuance may be granted for good cause.

(1) The aggrieved legally liable relative shall appear personally at the hearing and may be represented by an attorney or other authorized representative.

(2) A record shall be made of each hearing, but need not be transcribed except in the event of an appeal from the decision of the hearing officer.

(3) The Commissioner or his or her designee shall have the power to administer oaths and take testimony under oath relative to the matter of the hearing.

(Adopted effective June 29, 1999)

Sec. 4a-12-23. Decision on hearing notice. Right of appeal

The Commissioner or his or her designee shall render a final decision within sixty days, after the close of the hearing, based on all the evidence introduced before him or her and applying all pertinent provisions of law, regulations and departmental policy. Notice of the final decision shall be given to the legally liable relative by the Commissioner or his or her designee, by mailing, via certified mail, a copy of the decision to the legally liable relative. A legally liable relative aggrieved by such decision shall have the right to appeal this decision to the Superior Court in accordance with Connecticut General Statutes Sec. 4-183.

(Adopted effective June 29, 1999)