



Greater Hartford Legal Aid

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Human Services Committee, February 23, 2016
Testimony submitted by Lucy Potter, Attorney, Greater Hartford Legal Aid

Raised Bill 5256, AN ACT EXPEDITING CHILD SUPPORT MODIFICATION ORDERS FOR INCARCERATED OR INSTITUTIONALIZED OBLIGORS. Position: Support
Raised Bill 5254, AN ACT EXPANDING THE COMMISSION FOR CHILD SUPPORT GUIDELINES. Position: Support Provision of staffing for the Commission and Funding for Economic Study

I am an attorney at Greater Hartford Legal Aid. I have represented many clients in child support matters and have served on five Child Support Guideline Commissions. I am also a member of the Fatherhood Advisory Council. I am here to support Raised Bill 5256, which streamlines the modification process for incarcerated obligors, and provisions in Raised Bill 5254 enabling administrative assistance for the guideline commission

Raised Bill 5256: If a support order enters for someone who is incarcerated, whether an initial order or a modification, current law requires the court to base the order on the incarcerated person's actual income. In the past, courts imputed income, even though earning capacity is very limited for this group. The current law was passed to ensure that uncollectible arrearages don't pile up when people are incarcerated. Such arrearages hamper the person's re-entry and add to the administrative headaches of Support Enforcement. But under present law it is a complicated process to modify an order for someone who is incarcerated, requiring video hearings or transporting people from the prison to court. And there is no routine mechanism to reimpose the support order when the person is released from jail.

This bill sets up a streamlined system for Support Enforcement to work with the Department of Corrections so that orders get reduced when people are incarcerated for over 90 days. When Support Enforcement learns that someone has been incarcerated, a support enforcement officer will review the conviction to ensure that it is not for an offense against the child or mother and that the person does not have assets that could be applied to support. Notice will also be sent to the custodial parent giving her an opportunity to contest these issues. The Family Support Magistrate, based on the attestation of the support officer and proof of notice and no objection, can then modify the order. The bill also allows for the original order to be reinstated upon the obligor's release from prison, again with proof of notice to the obligor. If the obligor then claims that he is still unable to pay, the case will be set down for a hearing. Connecticut follows the example of many other states in setting up such a system. I understand this has the support of the judicial branch and the governor. It is consistent with the aims of the Second Chance Initiative and I urge you to support it.

Raised Bill 5254: It is essential that the Child Support Guideline Commission has administrative support and funding for an economic study. The Guidelines are a fundamental cornerstone of Family Law. An economic study is crucial to their legitimacy; it was a struggle to find the funding in the most recent review of the guidelines. The Child Support Guidelines Commission spent five years completing the most recent review. Lack of administrative support contributed to this being such a protracted process. Eleven members donated their time, spending over 300 hours each, on this review. Their time would have been more efficiently spent with staffing to track changes and deal with the other administrative details of this complex and critical endeavor.

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