



STATE OF CONNECTICUT
JUDICIAL BRANCH

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Testimony of the Judicial Branch
Human Services Committee Public Hearing
February 23, 2016

H.B. 5256, *An Act Expediting Child Support Modification Orders for Incarcerated or Institutionalized Obligor*s

H.B. 5253, *An Act Concerning Improvements to Income Withholding for Child Support*

H.B. 5254, *An Act Expanding the Commission for Child Support Guidelines*

Thank you for the opportunity to submit testimony on a number of bills before you today. The Judicial Branch supports H.B. 5256, *An Act Expediting Child Support Modification Orders for Incarcerated or Institutionalized Obligor*s; H.B. 5253, *An Act Concerning Improvements to Income Withholding for Child Support*; and H.B. 5254, *An Act Expanding the Commission for Child Support Guidelines*.

Beginning last session, the Judicial Branch began working closely with the Department of Social Services on these proposals. Our testimony will focus on H.B. 5256, but we do want to lend our support to the other Child Support Enforcement bills put forth by the Department of Social Services.

By way of background, Support Enforcement Services (SES) is part of the Judicial Branch's Court Operations Division. SES works closely with state and federal agencies to operate the Connecticut Child Support Enforcement Program. SES's primary job is to help parents enforce and modify their child support orders.

H.B. 5256, *An Act Expediting Child Support Modification Orders for Incarcerated or Institutionalized Obligor*s, would:

- (1) Create an expedited process to modify child support orders for obligors who are incarcerated, avoid accumulating charges and arrears, decrease the amount of

overall child support debt, and improve CT's Title IV-D performance with federal performance and incentive measures.

- (2) Eliminate the need for a full judicial proceeding when the obligor is institutionalized or incarcerated and SES can attest, in an affidavit filed with the court, that:
 - the obligor has no income or assets that could be used to satisfy the order,
 - the offense for which the obligor is incarcerated is not against the custodial party or the child subject to the order, and
 - notice has been provided to the custodial party and no objection was raised.
- (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.

The current modification process requires a full judicial hearing when the obligor is incarcerated and a second hearing to adjust the child support order, when the obligor is released from incarceration. Judicial hearings require a significant amount of resources, including the cost associated with service of process, preparation of documents, a judicial authority, a clerk, a courtroom monitor, a support enforcement officer or Assistant Attorney General and the Department of Correction (DOC) to make the secured inmate available for the modification hearing. Title IV-D cases require about 16 inmate modification dockets/calendars each month, handling approximately 75 cases each month. This proposal will significantly reduce the number of hearings that would need to be held to adjust child support orders for obligors who are incarcerated and then released from incarceration.

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. Additionally, research indicates that accruing child support delinquencies and balances harms an obligor's relationship with his or her child, creates uncollectable debt, conflicts with fatherhood principles, and complicates the re-entry of released inmates into society by creating an additional legal barrier.

It should be noted that proposed federal legislation will require all states to implement IV-D procedures to expand modification services to child support obligors incarcerated for more than 90 days. As such, we encourage and support the Legislature's action on these proposals.

Thank you for the opportunity to submit testimony on this matter.