

PA 11-214

HB6591

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| House | 7715-7751 | 37 |
| Judiciary | 5439-5440, 5468, 5470-5471 | 5 |
| Senate | 7191, 7196-7198 | 4 |
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**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 17
5248 – 5573**

2011

ghla

Greater Hartford Legal Aid

Testimony before Judiciary Committee

March 30, 2011

Submitted by Lucy Potter

Greater Hartford Legal Aid

Raised Bill No. 1093, An Act Concerning the Continuation of Child Support Obligations after the Termination of Parental Rights due to Abuse or Neglect of the Child -- **OPPOSE**

Raised Bill No. 1181, "An Act Concerning Child Support Enforcement and Expedited Establishment of Paternity and support in Title IV-D Cases" -- **SUPPORT**

Raised Bill No. 1222 "An Act Concerning Parents with Child Support Obligations" -- **SUPPORT CONCEPT BUT NOT THIS BILL**

Raised Bill No. 6591 "An Act Concerning Minor and Technical Changes to the Child Support Statutes" -- **SUPPORT WITH CHANGE IN SECTION 20.**

I am an attorney at Greater Hartford Legal Aid. I have represented low income Hartford area residents for many years. I have also served on the Fatherhood Advisory Council and the present and previous four Child Support Guideline commissions. I submit this testimony on behalf of Greater Hartford Legal Aid's low income clients.

Bills 1181 and 6591 are similar to legislation proposed in the three past sessions, by the Bureau of Child Support Enforcement and Support Enforcement Services to makes changes to an array of child support statutes. These changes are needed, overall, and hopefully you will see to passing them this year. I have a concern, however, about Section 20 of H.B. 6591:

Bill 6591, section 20- This section governing the promulgation of child support guidelines, deletes specific language regarding the treatment of parents who have reunited with their children. The present statute recognizes that such parents should be afforded greater leniency in repaying arrearages owing to the state, so that more income is available for the support of the child. Section 20 deletes language requiring the commission to consider the uniform contribution scale from Connecticut General Statutes, which exempts income below 250% of median income. Last year legal services and BCSE agreed on compromise language, which tracks the child support guidelines, because BCSE believed that the ongoing reference to the uniform contribution scale was confusing. That compromise language should be reinserted in this bill to assure that this protection continues. The language agreed to last year was:

"The guidelines shall require the payment order to be no more than one dollar per week if the obligor's gross income is less than or equal to two hundred fifty per cent of the federal poverty

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guidelines for the obligor's household size or, if the obligor's income is above that amount, no more than twenty percent of the imputed current support obligation."

Raised Bill 1093 would allow the continuation of a support obligation at the initiation of the other parent, following termination of the rights of a parent for abuse, neglect or failing to care for a child. The termination of parental rights severs the legal relationship between the parent and the child; continuing the financial obligation is not consistent with that and should be allowed, if at all, only in very limited circumstances involving abuse. But if the court can impose child support where termination results from neglect or failing to care for a child, parents who might otherwise be willing to agree to a voluntary termination will be much more resistant to doing so. Something as simple as a voluntary termination so that a step-parent can adopt the child may become much more difficult to obtain.

Raised Bill 1222

I don't know whether the drafters of this bill were aware of the New Haven "problem solving" session of the magistrate court. It is similar to this and has shown some success, with little or no resources other than the strong commitment of those who brought the collaboration together. Cases are taken from the contempt and modification docket, with the agreement of the parties, and scheduled one-on-one with a support magistrate, support enforcement staff and community providers to focus on and address the problems that hinder the person from making child support payments. Participants get involved in substance abuse and mental health counseling, job training and fatherhood programs, through the problem-solving session. Payments have increased by 34%. It would be good to build on this experience, add resources and extend the model to other regions of the state.

This bill, however, seems unrealistic on a few fronts. Jobs and job training are of course the key to child support payment, but they don't just materialize. Tax credits could help. But until there is a solid structure in place it is not feasible to exempt a person "who has applied in good faith to the pilot program" from incarceration. It should be left to the magistrate to evaluate the sincerity of the obligor's job search efforts in light of the effectiveness of the program offered.



*Testimony of Claudette J. Beaulieu,
Deputy Commissioner of Programs
Before the Judiciary Committee
March 30, 2011*

Good afternoon, Senator Coleman, Representative Fox, and members of the Judiciary Committee. My name is Claudette Beaulieu and I am Deputy Commissioner of Programs for the Department of Social Services. I am here today to offer testimony on several bills, including two raised at the request of the department. I am accompanied by David Mulligan, Director of the Bureau of Child Support Enforcement within the Department of Social Services.

Bills Raised at the Request of the Department:

S.B. No. 1181 AN ACT CONCERNING CHILD SUPPORT ENFORCEMENT AND EXPEDITED ESTABLISHMENT OF PATERNITY AND SUPPORT IN TITLE IV-D CASES

Thank you for raising this legislation at the request of the department. The bill makes a number of changes in the areas of child support enforcement and establishment of paternity and support. These changes would accomplish several goals including, enhancing efficiencies in child support processes, establishing fairness in the treatment of married and unmarried parents, and improving information sharing. All of these changes would ultimately serve families and children better through the process of establishment of paternity and support and enforcement of child support orders.

The bill would improve the **establishment** of support orders in the following ways:

First, the bill would authorize immediate redirection of support payments to the state when a child begins receiving temporary family assistance or Title IV-E foster care payments, provided subsequent notice is given to the obligee of the support order, if other than the present custodial party. Public Act 06-149 amended various support statutes to authorize administrative change of payee in IV-D cases. The amendments required prior notice to the support order obligee and an opportunity to object. This provision would change the requirement to subsequent notice when a new custodial party is receiving state assistance for the child or children.

HB 6591

First, the bill would expand the authority of judicial marshals to execute capias mittimus orders in court facilities. This provision would clarify the law to specifically permit judicial marshals to serve a capias mittimus issued in a child support matter to persons in the custody of the judicial marshal or within a courthouse where the judicial marshal provides security.

Second, the bill would amend direct income withholding due process provisions under the Uniform Interstate Family Support Act (UIFSA). Direct income withholding is the process established under UIFSA that requires an employer to honor an income withholding order sent directly from an obligee or their representative in another state. The changes proposed under this bill would provide more expeditious handling of an obligor's challenge to income withholding orders from other states.

Third, the bill would authorize information sharing in IV-D cases with the Department of Correction and the Judicial Branch so that these agencies can receive otherwise protected information on noncustodial parents in IV-D support cases, and match those parents up with resources and services designed to help them overcome barriers to fulfilling their duty of support.

Fourth, the bill would authorize the state Treasurer to access information necessary to identify IV-D obligors who owe overdue child support before paying out unclaimed property to a claimant, and withhold payout until DSS notifies the IV-D obligor of a child support arrearage and right to a hearing.

Finally, the bill would permit implementation of the federal initiative, Electronic Income Withholding Orders, which encourages the establishment of an electronic interface between employers and child support agencies for the more efficient issuance and implementation of income withholding orders in child support cases. The provision specifies that service of income withholding by electronic means will be made only when the employer subject to the withholding order has agreed to accept such service electronically (mostly large employers or payroll processors are requesting this option). Implementation of Electronic Income Withholding Orders will result in savings on mailing and printing costs, and more expeditious withholding of income for payment of child support. System programming, with the assistance of the agency's child support automated system contractor and the cooperation of Connecticut child support partner agencies, is mostly complete, requiring only user-acceptance testing.

The Department respectfully requests the committee's consideration of the following changes to the raised bill language.

In Section 5, lines 115-132, should be deleted, since this statute is being amended in Sec. 9 of the technical bill (HB 6591), and the technical bill includes additional necessary changes not included in this bill.

In Sections 12, 14 and 15, all of which address service of *capias mittimus* by judicial marshals (see lines 384-386, 581-583 and 602-604), the raised bill reads "to [some] a judicial marshal to the extent authorized pursuant to section 18 of this act, or any other proper officer..." The department would prefer it be worded as follows: "to some proper officer, including a judicial marshal to the extent authorized under section 18 of this act..." The reason is that most service will continue to be made by "some proper officer" (e.g., a DSS *capias* officer or state marshal) rather than a judicial marshal.

H.B. No. 6591 AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO THE CHILD SUPPORT STATUTES

This bill would make several purely technical changes to the child support statutes.

First, the bill would amend the statutes concerning the Commission for Child Support Guidelines. The Commission for Child Support Guidelines meets every four years to update the child support and arrearage guidelines that are used by courts and agencies within the state to set appropriate child support award amounts. This provision would clarify and update the guidelines statutes to reflect more accurately the concepts and terminology of the existing guidelines regulations approved by the legislative regulation review committee and the practices and procedures of the guidelines commission.

Second, the bill would specifically authorize the annual self-assessment report, which the IV-D agency must submit to the federal government and legislature by April first each year, to be submitted electronically.

Third, the bill would amend the definition of "IV-D support cases" in the Family Support Magistrate's Act to include the temporary family assistance (TFA) program and HUSKY A cases. Under federal law, families receiving assistance under TFA and HUSKY A are entitled to receive all IV-D services. While such services are presently provided in these cases, the statute does not clearly reflect the requirement. This is a technical change to make the Family Support Magistrate's Act consistent with existing requirements and practices.

Finally, the bill adopts consistent usage of the terms "Bureau of Child Support Enforcement," "temporary family assistance" or "TFA," and "Temporary Assistance for Needy Families" or "TANF" throughout the various statutes relating to the Title IV-D program. The bill also corrects various references to sections of the Uniform Interstate Family Support Act (UIFSA) that were amended in the 2007 legislative session. Throughout the general statutes, the Bureau of Child Support Enforcement is occasionally referred to as the Child Support Enforcement Bureau, and TANF and TFA are sometimes used interchangeably or not clearly or accurately defined and used. During consultations with the Legislative Commissioner's Office (LCO) in the 2007 legislative session, LCO recommended that DSS consider making the terminology consistent.

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 23
7574 – 7912**

rgd/gdm/gbr
HOUSE OF REPRESENTATIVES

34
June 4, 2011

| | |
|-----------------------------|-----|
| Total number voting | 132 |
| Necessary for passage | 67 |
| Those voting Yea | 132 |
| Those voting Nay | {0 |
| Those absent and not voting | 19 |

DEPUTY SPEAKER ALTOBELLO:

The bill as amended passes. Will the Clerk please call Calendar 434.

THE CLERK:

On page 48, Calendar 434, Substitute for House Bill Number 6591, AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO THE CHILD SUPPORT STATUTES, favorable report of the Committee on Human Services.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox of the 146th, you have the floor, sir.

REP. G. FOX (146th):

Thank you, Mr. Speaker.

I move for the acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is acceptance of the joint committee's report and passage of the bill.

Please proceed, sir.

REP. G. FOX (146th):

Thank you, Mr. Speaker. This is an agency bill that has been before us in the past. It never actually made it through both chambers, or at least that it has not in recent -- the last several couple of years.

What it does is it will -- as it states in the title, implement some technical changes that the agency has sought with respect to our child support guidelines. It will implement certain recommendations that the commission for child support guidelines has set out. It will also allow for a electronic format filings when it comes to the annual child support self-assessment reports.

In addition, it makes certain adjustments to the terminology that is used. There -- there is a -- an industry or agency wide language and terminology that they use. This will reflect that more accurately as -- as time has progressed.

And there is a more substantive bill that is in the Senate. This is the technical bill that came before the Judiciary Committee, and I would urge passage of the bill.

DEPUTY SPEAKER ALTOBELLO:

The question before this Chamber is passage of

this bill. Will you remark further? Will you remark further? Representative Cafero of the 142nd, you have the floor, sir.

REP. CAFERO (142nd):

Thank you, Mr. Speaker. Good afternoon.

DEPUTY SPEAKER ALTOBELLO:

Good afternoon, sir.

REP. CAFERO (142nd):

Mr. Speaker, a few questions, through you, to the proponent of the bill.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Representative Fox, though I very much of course appreciate your description of the bill, it gives me pause when I see a title that says, An Act Concerning Minor and Technical Changes to the Child Support Statutes and, yet, by your introduction, you indicated that it has not made it through this General Assembly for the last four years.

And not serving on the Judiciary Committee, certainly this year, I would make an assumption that a minor and technical change would not be

controversial. Is there a reason that it hasn't made it through the General Assembly in the past four years? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

I'm sorry, Mr. Speaker. I didn't hear the last part of the question, but I think if I can get to the -- it's my understanding that in the last couple of years there was a bill that involved both substantive and technical changes that were incorporated in one bill, and I think that was the problem. This year it is -- it was separated out, and that this bill here is the more technical sections.

DEPUTY SPEAKER ALTOBELLO:

Representative -- Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, in the first few pages of the bill, I do see that it is minor changes, substituting the word, "bureau." But I do note on page 4 the addition of TFA medicated foster care in the language, also references throughout the bill to our Husky program.

Why are they -- which are obviously rather major

programs -- why are they now being inserted in the bill, and what -- what effect do they have on our current legislation?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

In the testimony that we received through the -- from the department, it indicated that they do currently provide those services. However, the statute does not clearly reflect the requirement, which is why they're requesting this change.

DEPUTY SPEAKER ALTOBELLO:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, I have encountered a situation where two -- a divorced couple who has children, both of whom are gainfully employed, and as a result of the divorce decree, one spouse pays child support for each of the three children. And unfortunately, over the passage of time, the situation at home deteriorated, where our Department of Children and Families had to remove the

children from the home and did not -- and actually took custody of the children, not feeling comfortable that either parent, given the situation, was fit to have custody of the children.

And what I wondered is, these children were then placed in a foster home. And as -- I think it was my understanding that the foster parent received about \$750 per month, per child, while they were in that care. And what I was not clear on is, whatever happened to that child support? I do know that the spouse who was ordered to pay child support to the custodial parent stopped paying it. The logical argument being, well, you no longer have custody of the kid, so I'm not going to pay your child support.

But again, in a situation where both parents were gainfully employed, it would seem only just that that parent would now reimburse the state for the cost of caring for the children who are now in a foster care, for which the state is paying about 750 bucks a month -- a month per kid.

Does this bill touch upon that in any way, shape or form? And if not, what part of our statutes would address that issue?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

I recognize the description of the -- the problem that is raised in the question. I have heard of, tangentially, certain circumstances where that can happen. And I also recognize that it would make sense that if both parents are gainfully employed, and if the State is paying for their, you know, for the support of their children, that the parents should also make a contribution.

I'm not sure if I can answer the question specifically, other than whether -- I don't know whether it falls under our child support statutes or our foster parent statutes.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Cafero.

REP. CAFERO (142nd):

Well, through you, Mr. Speaker. The reason I bring the hypothetical to your attention and ask the question, is on page 9 of the bill, starting in lines 247 through 266, the existing statute is amended by some

language. But it seems like the existing statute certainly touches upon that very issue, and the additional language goes further to touch upon the kind of issue that I describe.

It indicates that the parents of a minor child for whom care and support of any kind has been provided, under the provisions of the chapter shall be liable to reimburse the State for such care or support to the same extent and under the same terms and conditions as are the parents of recipients of public assistance.

The it goes on to say, in line 255, "And the parents shall assist the commissioner in pursuing such support." And I'm wondering, if the policy, if you will, that is touched upon by lines 247 through 266, is relevant or touches upon the kind of hypothetical that I presented to the Chamber a few moments ago.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

It would seem that that would reflect the situation that was described, this language. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker.

That being the case, would it be my understanding that if this bill were to be passed, that the Bureau of Child Support Enforcement would have cognizance over such an issue? In other words, they would be aware of the fact that children were placed under the care and custody and at the expense of the State, the Department of Children and Families, and that the Department of Children and Families, a.k.a the State, is -- is compensating foster parents, and then would they automatically look to the parents for reimbursement thereof?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

I'm sorry, Mr. Speaker.

I was looking at the existing -- the current statute. Was the question would they automatically look to the -- would child support enforcement automatically look to the parents in this type of

situation? Is that -- was that the question?

DEPUTY SPEAKER ALTOBELLO:

Representative Cafero.

REP. CAFERO (142nd):

Thank you. Through you, Mr. Speaker. I guess what I'm saying is we have this bureau of child support enforcement. I laid out one hypothetical. I'm sure there are similar ones where, because of unfortunate circumstances, maybe none of which having to do with finances, children are given services by the State. These children have parents that may be gainfully employed, or otherwise can afford these services if they were forced to have to pay for them themselves.

What I'm trying to understand is -- is how, I guess, the Bureau of Child Support Enforcement does their job. What are the kind of things that trigger them to investigate a case to pursue the reimbursement of the State for services given to children of parents who could otherwise afford it?

My fear is that there are many circumstances like the one that I. And we, as a State, frankly, at a time we can so least afford it, are allowing these opportunities to escape. And, frankly, I think parents who find themselves in those situations are

being unjustly enriched. But before I blame the parent, if nobody comes knocking on their door and says, hey, we just paid 750 bucks to keep your kid in foster care because you are not able to care for them, you're making money -- you have a job, reimburse us for that.

Is that -- I'm trying to figure out how it works because, certainly, as you indicated, the lines that are in this bill deal with that very thing. But we can have a Bureau of Child Support Enforcement, but unless we direct them to do certain things to seek reimbursement of all state services, obviously where available, than I'm not sure that we're -- I think we're leaving a lot of money on the table. And I'm wondering if this bill addresses that kind of thing, and makes direction to this bureau of child support enforcement. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

As I understand the procedure, it would be the Department of Social Service -- or social services would refer these types of cases, and that this is the language that's set out here in the statute to the

bureau of child support enforcement. I'm not sure that there's a significant change, though, with respect to this provision here, as far as the current policy.

I do recognize that we should be collecting from those parents in the types of situations that have been described. I just don't know that there's a substantive change here with respect to how it's going to be handled.

DEPUTY SPEAKER ALTOBELLO:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker. Is the Bureau of Child Support -- Child Support Enforcement -- are they in charge of, you know, what's commonly known as the deadbeat dad stuff?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

The Bureau of Child Support Enforcement does enforce child support orders. And when there's -- when those orders are not -- those

obligations are not met, they would then seek to enforce them.

DEPUTY SPEAKER RYAN:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

I guess, then -- and thank the gentleman for his answer -- I guess the -- the bureau, in those instances, are advocating or fighting for and representing the spouse, the custodial parent, if you will, who's been denied their support by a deadbeat dad or mom, as the case might be. I presume that is their mission. I presume that is there directive from us within our statutes, to have an act as the advocate for that parent in the circumstance.

I guess, and maybe in a long-winded way, I'm trying to get to the point of saying, does this bureau -- is it charged with being an advocate for our State to collect the money that's rightfully due us, based upon services that we are providing to help these kids in time of crisis?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

They do work with, as I understand it -- and they would work with the support enforcement services section of the judicial branch. And they -- they work together in terms of handling those types of cases, as I understand it.

DEPUTY SPEAKER ALTOBELLO:

Representative Cafero.

REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker. And I, you know, I -- I understand where Representative Fox is coming from, because many of us don't know, of course, the inner workings of these bureaus, et cetera. But if it's the kind of circumstance where, yeah, I guess if you, you know, pointed out to them that that situation -- the similar one that I described existed -- you know, they might look into it. And to me, I don't think that's good enough.

I think that they have to have as their priority the vigorous pursuit of -- of enforcing child support, whether they are doing so on behalf of the recipient parent, or on behalf of the State. And I get the

feeling -- and not because of your description, sir, but because of what I -- general knowledge that I have, what I've observed since being a Legislator and, frankly, what I sort of read in this statute that deals with it, that's sort of not there, is that it's an afterthought. It's a maybe.

They are not directly charged with vigorously pursuing reimbursement to this State for the millions upon millions of dollars that we lay out to protect our young people in a time of crisis when, many times, not a few times, not a rare time, but many times, these parents can afford to reimburse the State. And I'm not sure that that's ever been prioritized in our statutes. I'm not sure that there's a directive by us, through our statutes, to say that is your job.

And I think, if it happens at all, it happens by accident, by happenstance, by coincidence, et cetera. I don't know if you could comment on that, but that is my concern, not necessarily with this bill, but I think this bill would have given us an opportunity to make that directive, to make that statement clear.

Again, sort of a question, Mr. Speaker. I don't know if they good gentleman wants to comment.

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

Through my experience and what I have seen, they do perform those functions. I -- I recognize the question was do they vigorously perform those functions? Can they do better? Possibly. In some situations, I'm sure that they could. It -- it is an important function. I would agree with -- that it's something that they need to do, and that we should strongly set out as our public policy we want them to do.

DEPUTY SPEAKER ALTOBELLO:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

I appreciate the gentleman's answers. I would -- I would conclude, however, that we haven't done that, and this bill doesn't do that. And you know, as we go through these tough economic times -- and there will be others. You know, they come in peaks and valleys.

We, as a Legislature, are going to be ripping apart

our budgets and going through every program we have with a fine-tooth comb. And here's one that says, listen, we have an obligation as a State to take care of those who can't take care of themselves, to protect our vulnerable, our children, our needy, our elderly. But -- but, you know, if we do that, and somebody out there who directly benefits from that, like the parent of such a child, can afford to pay us back, well, we're darn well going make sure they do. And we have an agency here that vigorously pursues that and is charged with that responsibility.

I think we certainly have all the bureaus in place. If you were to read them by title, you'd think well they must do that. And, yet, you'd be hard-pressed to look into our statutes, and frankly, even with this bill before us -- and I think this would have been a great opportunity -- if somebody in the Bureau of Child Enforcement was approached and questioned on this, they might say, very rightfully, we've never been asked. We weren't told that was our mission. So we really just, you know, pursued deadbeat dads or other sorts of things.

I think it's a missed opportunity. And I'm somewhat disappointed that this bill couldn't have

addressed that.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Cafero.

Further on this technical bill? We do understand that there is another bill that has substantial changes to this area of law that's in the building, as we speak, but we don't have it here in front of us right now.

Representative Hetherington of the 125th, you have the floor, sir.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker.

A question or two to the proponent, please.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker.

In the course of the last four years when this bill was before the Legislature, did it pass this Chamber?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

I don't know.

DEPUTY SPEAKER ALTOBELLO:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, do you happen to know if it passed either House?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

I'm not sure if it passed either house. I know it's passed Judiciary Committee several times. I believe, unanimously.

DEPUTY SPEAKER ALTOBELLO:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. And indeed it passed unanimously, I believe, this year. The only thing that I see in here that might be interpreted as a substantive change -- and I would invite the -- the chairman of the Judiciary Committee to comment on this -- does this expand the jurisdiction of family support magistrates by -- by way of definition, including temporary family

assistance and statutes -- and matters related to title 4D and the Husky program? Does this -- does this give family support magistrates a wider jurisdictional area than they have now?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

It does not expand their definition.

DEPUTY SPEAKER ALTOBELLO:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you.

I appreciate the -- the chairman's comments, and I believe the bill is -- the way I read it is consistent with what Chairman Fox has explained, and I would urge support.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Hetherington.

Representative O'Neill of the 69th District, you have the floor, sir.

REP. O'NEILL (69th):

Yes. Thank you, Mr. Speaker. And if I may, a few questions to the Chair.

DEPUTY SPEAKER ALTOBELLO:

You surely may. Please proceed.

REP. O'NEILL (69th):

Thank you.

Looking at lines 492 through 496 of the file copy, there's reference there to -- and what appeared to be actually somewhat more substantive changes, at least potentially, where it says that a vacancy on the commission at any time shall not invalidate any actions taken and thereafter.

The implication of that, given that there's no language relating to that subject elsewhere in that subsection, is that, following the rule of when you make an exception to -- make a statement of an exception -- it sort of indicates what the overall rule is, prior to this language going into effect, is it -- has it been the practice that a vacancy on the commission invalidated the actions taken by the commission?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

I don't know that it invalidated a decision. It would be my -- my thought that this simply clarifies, if they had a question amongst themselves, as to how to proceed when there's a change or a vacancy. This would make it clear to them that they can proceed provided they have the requisite number of members.

DEPUTY SPEAKER ALTOBELLO:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. But -- and just for purposes of legislative intent, since child support issues get pretty heavily litigated, so then the language starting on line 493 and running through 496, is intended simply to clarify existing practice and law, that the commission's actions -- any previous commission actions, in the event of a vacancy, were valid. This -- this language does not imply that somehow those actions were invalid; is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

I don't want to state, with respect to existing law, however, I would say that this language does not imply that previous actions are invalid.

DEPUTY SPEAKER ALTOBELLO:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And going down a bit further to lines 499, that -- and going through 515, there are a number of changes where some language seems to be added.

For example, in 499, the -- the sentence begins, "The child support," and the new language is, "and arrearage guidelines." And then, a bit further on, it talks about child support award amounts, include -- including any child support, comma, health care coverage, and childcare contributions. And then it goes on to talk about past due support amounts, which is left intact.

Is -- is this -- are these additions -- is this meant to be clarifying language, when we talk about child support and arrearage guidelines? I'll start with that one.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

Yes. The child support guidelines are currently implemented -- are currently used in our courts. They do contain a component that deals with arrearage as well. So -- and actually, I can go on as to what I can anticipate will be the next question. They also factor in such factors as health care coverage, and day care, childcare contributions by -- on a percentage basis. So these are things that are being done now. So it would seem to me this is clarifying language.

DEPUTY SPEAKER ALTOBELLO:

Representative O'Neill.

REP. O'NEILL (69th):

Oh, thank you, Mr. Speaker. And indeed, yes, the chair of the Judiciary Committee did anticipate that I was going to ask a question about whether the addition of the language, on line 504, was -- was simply meant to clarify and make explicit what has been existing practice by the child support commission, in terms of composing the child support guidelines.

And similarly, in line 512, again, the addition

of the word -- when it says, "Under the deviation criteria," again, that is meant to be merely clarifying, and -- and not implying that the criteria that had, up until this point, been used were somehow different from deviation criteria; is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker, that is correct.

REP. O'NEILL (69th):

Thank you. I thank Mr. Speaker, and I thank the chair for his answer to the questions.

And then, finally, in Section 20, in the original file copy there were a couple of brackets towards the end of Section 20 that dealt with the -- let's see if I can relocate it, Mr. Speaker -- yes. I guess it's in lines 467 through 470.

Now in the file copy before us, the brackets are removed. So what we're doing is we're leaving that language alone, which allows for when a child and the parents have started living together again for an adjustment to be made, where it talks about, "In such cases, the commission shall consider exemptions,

similar to those in uniform contribution scale," that that language was originally bracketed out and it's back in. And the idea here is that -- that language was -- we were leaving that language intact, in terms of the commission's authority to make these kinds of changes and adjustments; is that correct, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Excuse me. Through you, Mr. Speaker, I'm just trying to get to the -- the section.

Through you, Mr. Speaker, the -- as I understand it, the file copy is the same as -- as this bill here. But I do believe that the intention and -- of the Representative's question is correct with respect to his understanding.

DEPUTY SPEAKER ALTOBELLO:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

Because one of the -- there were only two testimonies filed with the committee, one of which came from legal services organization that was urging us to

not bracket that language out. And I just wanted to be clear that it's the intention of the Judiciary Committee -- or was the intention of the Judiciary Committee, and will be the intention of the House when this bill passes, that that language is left alone the way it was prior to the introduction of this bill. And I believe that is what the Chair has indicated is -- is the case.

There was one change that seemed to happen in the bill, as I understand it. And that is that the representative of the Connecticut Bar Association, had -- had -- in the current law, up 'till today, is appointed by the Governor. And under the terms of the bill before us, the file copy changes that appointment authority from the Governor. It gives it to the Connecticut Bar Association. Is that correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Is the Representative referring to lines 480 to 482?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. Yes, that is correct. Those are the lines that I have in mind. I'm sorry I didn't mention them before.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

I'm not sure it was clear who previously appointed that individual, just based on the reading of what we have in front of us here. So I think what this does do is it does make it clear, however, that the appointment will be done by -- by the Connecticut Bar Association with respect to that member.

DEPUTY SPEAKER ALTOBELLO:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And, unfortunately, this was not -- there may be transcript, but any testimonies that were filed in the Judiciary Committee, there is nothing in reference to the -- this particular section or these lines. And so,

for legislative intent, in the event that it becomes an issue, when we say designated by the Connecticut Bar Association, that's an organization, obviously independent of the Legislature, and so forth, and I'm not quite sure how -- what the process is for them to designate people for various positions.

So, is -- is this meant to say that it's the president of the Bar Association that makes that choice? Is it a vote of the board of directors of the bar association? Is it everybody -- every member of the Bar Association has to participate? What is the -- the method, or is there one that we anticipate the Bar Association is going to use to make a choice?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

I do know that the Bar Association has its own -- its own rules and it's own bylaws. I know they have various sections, including a family law section, which may be the section that determines who this member is.

So while I don't -- I don't know all of

their -- how they go about doing things, it would -- it would have to be according to their -- their rules and bylaws.

DEPUTY SPEAKER ALTOBELLO:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

I thank the gentleman for his answers. And having served as the ranking member on the Judiciary Committee, and for a while actively participating in the child support guidelines commission, I can say that I think that the commission does important work. And that, to the extent that we can make everything clearer for the benefit of the commission in the carrying out its work, that certainly is all to the good.

And I look forward to seeing the more substantive bill coming down to us from the Senate.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

And I thank you, Representative O'Neill.

Representative Sawyer of the 55th, you have the floor, madam.

REP. SAWYER (55th):

Thank you, Mr. Speaker. I have a very simple

question on the first section for the chairman of the Judiciary Committee.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, madam.

REP. SAWYER (55th):

It says that -- at the end of this particular section, it says that any report submitted, according to the subsection, may be in a -- be in electronic form. Above that, these copies usually go to libraries, the task forces, the committees and commissions. My interest is in the libraries.

Will -- is it expected that the libraries will also receive them in electronic form and keep them long-term?

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

It would certainly be my expectation they would keep them long-term and they would receive them electronically which. That would be my expectation.

DEPUTY SPEAKER ALTOBELLO:

Representative Sawyer.

REP. SAWYER (55th):

I thank the gentleman.

I know it sounds, you know, perhaps just a little bit technical to ask that question but libraries have a long history of keeping copies, and electronic form, oftentimes, has -- with me, just a little bit of a worry that something can get lost, certainly when a hard drive goes down, or something like that, and that -- perhaps, it is old-school -- but the paper copy to be stored at a library is something that I have had a long-term appreciation.

In this particular body, I know that we have gone back many times and looked at what other boards and commissions have done in the past. We look for institutional memory when we are making decisions on things. And I appreciate the gentleman's answer. And I will be contacting the library to see how they handle that.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, madam.

Representative Carter of the 2nd District, you have the floor, sir.

REP. CARTER (2nd):

Thank you, Mr. Speaker. Just one question to the

proponent of the bill, please.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. CARTER (2nd):

Thank you.

I'd like you direct your attention to Section 20. That would be line 460. My question, through you, Mr. Speaker, is they've added a small portion there where they talk about the income of both parents being used to talk about the ability to pay.

My question, through you, is does that mean, you know, in current statute, I think the court can take into account other income, other ability to pay. Will this limit just to the income of both parents with this language?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Thank you.

And through you, Mr. Speaker, they currently rely upon income of both parents. This -- this just makes it clear. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Carter.

REP. CARTER (2nd):

Thank you, Mr. Speaker.

And as I understand, the court can, in certain circumstances, if one of the parents has other income or there's somebody else -- I shouldn't say income -- but there's a situation where that parent has more money, this does not negate the ability for the court to look at that, as I see it. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

In establishing child support, the court looks at income. That is -- that is what this states here. How they would factor in other assets would be something that the court would determine. For example, if it were a divorce situation, they -- the courts always look at the -- the way it's described is the entire pie when they're dividing up the pie. But when it comes to child support -- so child support is income based. And this simply makes it clear that it's income. And you look at the income of both parents, which is what they

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currently do, in evaluating and determining the amount of child support.

DEPUTY SPEAKER ALTOBELLO:

Representative Carter.

REP. CARTER (2nd):

Thank you. And thank you very much for the answers to the question.

DEPUTY SPEAKER ALTOBELLO:

And I thank you, sir.

Further on the bill? Further on this bill? If not, staff and guests please retire to the Well of the house. Members take your seats. The machine will be open.

THE CLERK:

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

DEPUTY SPEAKER ALTOBELLO:

Have all members voted? Have all members voted? Please check the board to make sure your vote is properly cast. If all members have voted, the machine will be locked. Will the Clerk please take a tally.

Representative LeGeyt, for what purpose do you rise, sir?

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REP. LeGEYT (17th):

Mr. Speaker, thank you. I'd like to have my vote recorded in the affirmative.

DEPUTY SPEAKER ALTOBELLO:

In the affirmative, Representative LeGeyt.
Thank you.

Representative Hennessy, for what purpose do you rise, sir?

REP. HENNESSY (127th):

Thank you, Mr. Speaker. I'd like my vote cast in the affirmative, please.

DEPUTY SPEAKER ALTOBELLO:

And it shall be cast as such, Representative Hennessy. Thank you very much. Further? Further? Please check the board. Would the Clerk please announce the tally.

THE CLERK:

House Bill Number 6591.

| | |
|-----------------------------|-----|
| Total number voting | 134 |
| Necessary for passage | 68 |
| Those voting Yea | 134 |
| Those voting Nay | 0 |
| Those absent and not voting | 17 |

DEPUTY SPEAKER ALTOBELLO:

And would the Clerk please announce the tally.

THE CLERK:

Done.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Mr. Clerk.

The bill passes.

Will the Clerk please call Calendar 463.

THE CLERK:

On page 48, Calendar 463, House Bill Number 6595,
AN ACT CONCERNING THE COMMISSION ON HUMAN RIGHTS AND
OPPORTUNITIES, favorable report of the Committee on
Judiciary.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield of the 94th, the
Elm city, you have the floor, sir.

REP. HOLDER-WINFIELD (94th):

Thank you. Good afternoon, Mr. Speaker.

I move acceptance of the joint committee's
favorable report and passage of the bill.

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is acceptance of
the joint committee's favorable report and passage of
the bill.

Please proceed, sir. Please proceed.

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. Yeah, I got it.

SENATOR LOONEY:

Calendar 644.

THE CHAIR:

That's correct --

SENATOR LOONEY:

Calendar --

THE CHAIR:

-- sir.

SENATOR LOONEY:

-- 644, House Bill 5567?

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Yes, Madam President.

Place that item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Next Calendar is six -- Calendar page 20,
Calendar 641, House Bill 6591. Madam President, move
to place the item on the Consent Calendar.

THE CHAIR:

So ordered, sir.

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(Chamber at ease.)

SENATOR LOONEY:

Madam President, if the Clerk might now call the items on the second Consent Calendar, so that we might proceed to a vote on that second Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate on the second Consent Calendar. Will all Senators please return to the Chamber. An immediate roll call has been ordered in the Senate on the second Consent Calendar. Will all Senators please return to the Chamber.

Madam President, the second -- the second Consent Calendar -- the second Consent Calendar begins on Senate Agenda Number 2, substitute for Senate Bill 18. Senate Agenda Number 3, House Bill 6215.

Calendar page 9, Calendar 473, House Bill 6514.

Calendar page 19, Calendar Number 639, House Bill 6554.

Calendar page 20, Calendar 641, substitute for House Bill 6591; Calendar 644, House Bill 5567.

Calendar page 21, Calendar 649, substitute for
House Bill 6552.

Calendar page 22, Calendar 653, substitute for
House Bill 6612; Calendar 654, House Bill 6515.

Madam President, I believe that completes that
items placed on Consent Calendar Number 2.

THE CHAIR:

Thank you.

Senator Looney.

SENATOR LOONEY:

Hmm.

A VOICE:

What's the matter?

SENATOR LOONEY:

Yes.

THE CHAIR:

(Inaudible.)

SENATOR LOONEY:

Thank you, Madam President.

If we might move to a vote on that second Consent
Calendar.

THE CHAIR:

Yes; thank you.

Mr. Clerk, will you call for another roll call vote?

And the machine will be open.

THE CLERK:

Senate is now voting by roll call on the second Consent Calendar. Will all Senators please return to the Chamber. The Senate is now voting by roll call on the second Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

All members have voted? If all members voted, the machine will be closed.

And, Mr. Clerk, will you call the tally, please?

THE CLERK:

The motion -- motion is on adoption of Consent Calendar Number 2.

| | |
|-----------------------------|----|
| Total number voting | 36 |
| Those voting Yea | 36 |
| Those voting Nay | 0 |
| Those absent and not voting | 0 |

THE CHAIR:

Consent Calendar passed.

We'll stand at ease a moment.