

# Legislative History for Connecticut Act

## PA 16-48

HB5254

Senate 2744-2747 4

Human Services 272, 280, 362-363, 401,  
406, 524-526 9

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2016**

**VOL. 59  
PART 8  
2400 – 2750**

cf  
Senate

300  
May 3, 2016

THE CHAIR:

The Bill passes. Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. Madam President, I'd like to read off some items for our Consent Calendar, please.

THE CHAIR:

Please continue.

SENATOR DUFF (25TH):

Thank you, Madam President. On calendar page 6, Calendar 383, House Bill 5430, I'd like to place that item on our Consent Calendar. On calendar page 24, Calendar 534, House Bill 5621, I'd like to place that item on our Consent Calendar. On calendar page 15, Calendar 477, House Bill 5072, I'd like to place that item on our Consent Calendar. On calendar page 7, Calendar 385, House Bill 5254, I'd like to place that item on our Consent Calendar. On calendar page 8, Calendar 393, House Bill 5255, I'd like to place that item on our Consent Calendar. On calendar page 11, Calendar 440, House Bill 5252, I'd like to place that item on our Consent Calendar. On calendar page 19, Calendar 502, House Bill 5526, I'd like to place that item on our Consent Calendar. On calendar page 35, Calendar 586, House Bill 5521, I'd like to place that item on our Consent Calendar. On calendar page 41, Calendar 464, House Joint Resolution Number 38, I'd like to place that item on our Consent Calendar. On calendar page 41, Calendar 465, House Joint Resolution Number 43, I'd like to place that item on

cf  
Senate

301  
May 3, 2016

our Consent Calendar. On calendar page 42, Calendar 466, House Joint Resolution Number 99, I'd like to place that item on our Consent Calendar. On calendar page 42, Calendar 467, House Joint Resolution Number 121, I'd like to place that item on our Consent Calendar. On calendar page 42, Calendar 468, House Joint Resolution Number 133, I'd like to place that item on our Consent Calendar. And on calendar page 43, Calendar 470, House Joint Resolution Number 136, I'd like to place that on our Consent Calendar.

Madam President, if the clerk can now call -- hold on, can the Senate stand at ease, please?

THE CHAIR:

Will the Senate stand at ease, please.

Yes. Senator Duff.

SENATOR DUFF (25TH):

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

THE CHAIR:

The Senate will stand at ease for one minute, please.

The Senate will come to order. Mr. Clerk, would you please call the items on the -- the Consent Calendar.

THE CLERK:

Senate Bill 351, on page 2, Calendar 157, Senate Bill 69. Page 4, Calendar 341, Senate Bill 328, page 5, Calendar 375, House Bill 5296, page 6, Calendar 384, House Bill 5393. Also on page 6, Calendar 383, House Bill 5430. On page 7, Calendar 385, House Bill 5254. Page 8, Calendar 393, House Bill 5255, page 11, Calendar 440, House Bill 5252. On page 14, Calendar 475, House Bill 5627, Page 15, Calendar 477, House Bill 5072. Page 18, Calendar 498, House Bill 5513, Page 19, Calendar 502, House Bill 5526. Page 20, Calendar 504, House Bill 5403. Page 22, Calendar 516, House Bill 3 -- I'm sorry -- 5358. Page 22, Calendar 519, House Bill 5053. On page 24, Calendar 533, House Bill 5605, Calendar 532, House Bill 5335, Calendar 530, House Bill 5498, and Calendar 534, House Bill 5621. On page 27, Calendar 549, House Bill 5416. Also on page 27, Calendar 546, House Bill 5571. Page 28, Calendar 552, House Bill 5180. On page 30, Calendar 563, House Bill 5412. Page 31, Calendar 567, House Bill 5537. Page 31, Calendar 569, House Bill 5620. On page 32, Calendar 571, House Bill 5435. Page 34, Calendar 583, House Bill 5400. On page 35, Calendar 586, House Bill 5521. Page 36, Calendar 169, Senate Bill 266. Page 37, Calendar 207, Senate Bill 327. Page 39, Calendar 361, Senate Bill 15. Page 41, Calendar 246, Senate Bill 88. Also on page 41, Calendar 464, House Joint Resolution Number 38. Calendar 465, House Joint Resolution 43. On page 42, Calendar 466, House Joint Resolution 99. Page 42, Calendar 467, House Joint Resolution 121. Also on page 42, Calendar 468, House Joint Resolution Number 133, and on page 43, Calendar 470, House Joint Resolution Number 136.

THE CHAIR:

cf  
Senate

303  
May 3, 2016

Okay. The clerk shall announce pendency of a roll call vote on the Consent Calendar. The machine is open. Please cast your vote.

THE CLERK:

Immediate Roll Call has been ordered in the Senate. Immediate Roll Call on today's Consent Calendar has been ordered in the Senate.

THE CHAIR:

Have all members have voted? Have members have voted? Please check to see that your votes have been properly recorded. If so, the machine shall be closed and the clerk shall announce the tally.

THE CLERK:

On today's Consent Calendar.

Total number voting	36
Necessary for Adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar is done. Senator Duff, for what reason do you rise?

SENATOR DUFF (25TH):

Many reasons, Madam President, thank you. Madam President, I move that all items that require action

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**HUMAN SERVICES  
PART 1  
1 – 632**

**2016  
INDEX**

1  
kbk

HUMAN SERVICES COMMITTEE

February 23, 2016  
1:00 P.M.

CHAIRPERSONS:

Senator Moore  
Representative Abercrombie

SENATORS:

Markley, Slossberg

REPRESENTATIVES:

Buck-Taylor, Butler, Byron,  
Case, Cook, Ferrero, McGee,  
Morris, Porter, Randall,  
Santiago, Stallworth, Wood,  
Zupkus

REP. ABERCROMBIE (83RD): Good afternoon, everyone. I'd like to welcome everybody to the Human Services public hearing for today, Tuesday, February 23rd. I'm Co-Chairwoman Representative Abercrombie, and I'd like to welcome you here today.

Any comments from ranking Members? Then we're going to get started.

The first hour is dedicated to the commissioners and public officials, and then after that we go into the public, and there's a three-minute timeline.

So with that, I'd like Commissioner Bremby to come up please, sir. Good afternoon.

COMMISSIONER BREMBY: Good afternoon, Representative Abercrombie; distinguished Members of the Committee. My name is Rod Bremby, and I am the Commissioner of the Department of Social Services, and I'm pleased to be here to testify before you today on -- and ask for your support on ten agency bills. In addition, I'll

SB105 SB106  
SB107 SB109  
SB116 SB135  
HB5250 HB5253  
HB5254 HB5256  
SB114 SB115  
SB108



enforcing child ordered -- court-ordered child support. In federal fiscal year 2014, the IV-D program, through the Bureau of Child Support Enforcement, collected a total of \$296 million in child support payments. Of that amount, some 71 percent of those funds were collected through income withholding from employers or 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 expedited payments to families. We ask for your support of this bill.

H.B. 5254 is AN ACT -- you've seen this one before -- is AN ACT EXPANDING THE COMMISSION FOR CHILD SUPPORT GUIDELINES. We seek to add two members to the Commission. The two members would be an additional gubernatorial appointment and the child advocate or her designee.

The bill requires DSS to provide staffing for the administrative and regulatory responsibility of -- of the Commission, and funding within appropriate -- within available appropriations for economic studies the Commission requires. We ask for your support of this bill.

The last bill on behalf of the agency that I'm asking for your support this afternoon for is H.B. 5256. It's AN ACT EXPEDITING CHILD SUPPORT MODIFICATION ORDERS FOR INCARCERATED OR INSTITUTIONALIZED OBLIGATORS. This bill creates an accelerated process to modify the child support order to suspend benefits of an incarcerated obligor who has no means of meeting the obligation. It also includes a procedure to expeditiously restate the original

91  
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HUMAN SERVICES COMMITTEE

February 23, 2016  
1:00 P.M.

SENATOR MOORE (22ND): I thank you for your testimony.

AMY ORLANDO: Sure.

SENATOR MOORE (22ND): So, now H.B. 5254, Lucy Potter. Lucy, you're the only one on here, and then you're on 5256?

LUCY POTTER: Uh-huh, I thought that may be the case.

SENATOR MOORE (22ND): So don't leave, stay.

LUCY POTTER: Okay, thank you. Senator Moore, Members of the Committee, I'm Lucy Potter from Greater Hartford Legal Aid.

I've submitted written testimony and I'm here to talk about two bills; 5254, that is something that I think is really important for the Child Support Guideline Commission. It makes sure that there's funding for an economic study, and it also makes sure that there's administrative support for the Committee.

I've been on the Child Support Guideline Commission for five consecutive commissions, so since -- I was originally appointed by Governor O'Neill, so I -- I've been at this for quite a while.

And with the most recent guideline commission, it actually took us five years to complete this review, and part of the reason why was that there really wasn't sufficient support. We had to do all the tracking and fine editing and -- and it was difficult. And it was also a struggle to come up with, I believe it was \$50,000, to pay for the economic study, which is the core of the guideline schedule, which is really

HB 5256

the -- the heart of the guidelines and makes it a legitimate document.

So, it was -- would have been pretty tragic for all those people to have spent all those hours, and then not have that core piece. And it did seem we were getting close that this time, so this legislation is important.

I'm also here in support of 5256, which is a bill that streamlines the process for adjusting orders when people are incarcerated. There was some discussion about this earlier, and I think one thing that sort of didn't surface as clearly as it should have from that discussion, is that child support is supposed to be based on ability to pay.

I've been -- I've been doing this work for 30 years, and when I started back in 1987 or so, this state routinely went after the obligors for the full cost of the -- any welfare that had been paid out. So I'd -- I'd get cases where this poor fellow would be working at a McDonald's and there'd be a \$75,000 arrearage out the door, because it had taken a long time to locate him or whatever.

And that clearly wasn't based on ability to pay, but it took a lot of battling with the magistrates to get them to see that. It was the policy of the Bureau of Child Support back in that time, to just recover welfare through the child support system. And that just isn't what it was supposed to do.

And so through that struggle, through some changes in the law since that time, there's become recognition that it is really supposed to be on

Connecticut Department  
of Social Services

T 1  
page 1



***Testimony before the Human Services Committee  
Roderick L. Bremby, Commissioner  
February 23, 2016***

Good afternoon Senator Moore, Representative Abercrombie and distinguished members of the Human Services Committee. My name is Roderick Bremby, and I am the Commissioner of the Department of Social Services.

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

1. S.B. No. 105 (RAISED) - AN ACT CONCERNING THE PAYMENT OF FUNERAL AND BURIAL EXPENSES BY THE DEPARTMENT OF SOCIAL SERVICES
2. S.B. No. 106 (RAISED) - AN ACT CONCERNING A MEDICAID AMBULATORY PAYMENT CLASSIFICATION SYSTEM FOR CERTAIN HOSPITAL SERVICES
3. S.B. No. 107 (RAISED) - AN ACT CONCERNING THE TREATMENT OF THE CASH VALUE OF LIFE INSURANCE POLICIES WHEN EVALUATING MEDICAID ELIGIBILITY
4. S.B. No. 109 (RAISED) - AN ACT RENAMING THE BUREAU OF CHILD SUPPORT ENFORCEMENT TO THE OFFICE OF CHILD SUPPORT SERVICES
5. S.B. No. 116 (RAISED) - AN ACT CONCERNING CAREGIVER AGREEMENT REQUIREMENTS FOR MEDICAID APPLICANTS OR RECIPIENTS
6. S.B. No. 135 (RAISED) - AN ACT CONCERNING REVISIONS TO HUSKY PLUS
7. H.B. No. 5250 (RAISED) - AN ACT CONCERNING CONTRIBUTIONS FROM SPOUSES OF INSTITUTIONALIZED MEDICAID RECIPIENTS
8. H.B. No. 5253 (RAISED) - AN ACT CONCERNING IMPROVEMENTS TO INCOME WITHHOLDING FOR CHILD SUPPORT
9. H.B. No. 5254 (RAISED) - AN ACT EXPANDING THE COMMISSION FOR CHILD SUPPORT GUIDELINES
10. H.B. No. 5256 (RAISED) AN ACT EXPEDITING CHILD SUPPORT MODIFICATION ORDERS FOR INCARCERATED OR INSTITUTIONALIZED OBLIGORS

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

SB114 SB115 SB108

Currently, employers are mandated to "promptly notify" the Judicial Branch's Support Enforcement Services when the obligor terminates employment and makes a claim for workers' compensation benefits. However, there are no means to enforce this requirement if employers fail to do so. This means that the Department's Child Support Enforcement Services may not discover an employee is receiving workers' compensation benefits until the current income withholding payments through the employer cease to be made. This issue can cause a 4 to 6 week delay (or even longer) for child support payments.

Requiring employers to attach the income withholding order when sending a referral to a worker's compensation carrier should result in the seamless withholding of the child support obligation from the workers' compensation benefit. This process may also improve the IV-D performance and increase the associated federal incentive funding. The families that deserve the support, therefore, should not experience any delay.

Income withholding is the most effective means of enforcing court-ordered child support. In FFY 2014, the IV-D program, through the Bureau of Child Support Enforcement, collected a total of \$296 million in child support payments. Out of that amount, 71% 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 expedited payments to families.

We ask for your support of this bill.

**9. H.B. No. 5254 - AN ACT EXPANDING THE COMMISSION FOR CHILD SUPPORT GUIDELINES**

This bill increases the membership of the Commission for Child Support Guidelines. It adds two members to represent the best interests of children – an additional gubernatorial appointment and the Child Advocate, or the Child Advocate's designee. The bill requires DSS to provide staffing for the administrative and regulatory responsibilities of the commission and funding, within available appropriations, for economic studies the commission requires.

We ask for your support of this bill.

**10. H.B. No. 5256 - AN ACT EXPEDITING CHILD SUPPORT MODIFICATION ORDERS FOR INCARCERATED OR INSTITUTIONALIZED OBLIGORS**

The bill creates an accelerated process to modify the child support order to suspend payments of an incarcerated obligor, who has no means of meeting the obligation. It also includes a



T11  
page 10

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.

Greater Hartford Legal Aid, Inc.

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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

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*; 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*, 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.