

Legislative History for Connecticut Act

PA 17-57

HB7131

House	1301-1308	8
Senate	2521, 2522-2523	3
Judiciary	1226-1234, 1270-1271, 1280-1282, 1323-1332	24
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Transcripts from the Joint Standing Committee Public
Hearing(s) and/or Senate and House of Representatives
Proceedings

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2017**

**VOL.60
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1245 – 1720**

ph
HOUSE OF REPRESENTATIVES

186
April 5, 2017

CLERK:

House Bill 7129.

Total Number of Voting	145
Necessary for Passage	73
Those Voting Yea	145
Those Voting Nay	0
Absent and Not Voting	4

SPEAKER ARESIMOWICZ (30TH):

The Bill passes. (Gavel)

DEPUTY SPEAKER COOK (65TH):

Will the Clerk please call Calendar No. 218.

CLERK:

On page 26, Calendar No. 218, Substitute House Bill No. 7131. AN ACT EXPEDITING CHILD SUPPORT MODIFICATION ORDERS FOR INCARCERATED OR INSTITUTIONALIZED OBLIGORS. Favorable report of the Joint Standing Committee on Judiciary.

DEPUTY SPEAKER COOK (65TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Good afternoon, Madam Speaker, good to see you

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up there.

DEPUTY SPEAKER COOK (65TH):

Good afternoon.

REP. STAFSTROM (129TH):

Madam Speaker, I move acceptance to the Joint Committee's favorable report and passage of the Bill.

DEPUTY SPEAKER COOK (65TH):

The question before the Chamber is on acceptance of Joint Committee's favorable report and passage of the Bill. Representative Stafstrom, you have the floor.

REP. STAFSTROM (129TH):

Thank you, Madam Speaker. Madam Speaker, the purpose of this Bill is to create an accelerated process to modify a child support order, by suspending payments of incarcerated obligor who has no means of meeting the obligation. The Bill also implements procedure to expeditiously reinstate the original order, once the obligor is released from incarceration. The current modification process

requires a full judicial hearing when an obligor is incarcerated and a second hearing to reinstate or 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 Corrections to make secured transport of the individual.

So, this Bill will result in a net cost savings for the judicial branch that comes to us from them, it received unanimous support of the Judiciary Committee and I would urge my colleagues to support it here.

DEPUTY SPEAKER COOK (65TH):

Thank you, Representative. Will you remark further on the Bill? Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Madam Speaker, and it's good to see

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you there.

DEPUTY SPEAKER COOK (65TH):

Thank you very much.

REP. REBIMBAS (70TH):

Madam Speaker, I rise in support of the legislation before us as it is, did come out of Judiciary unanimously and as the good Vice Chairman indicated, there is a cost savings because now it's an expedited process and we don't have to have a full-blown hearing in order to modify child support for those that are incarcerated. But just a few clarifying questions, Madam Speaker.

Through you.

DEPUTY SPEAKER COOK (65TH):

Please proceed.

REP. REBIMBAS (70TH):

Thank you, Madam Speaker, through you, to the good Vice Chairman. The expedited process for modification of child support and the modification typically when someone goes into prison would be to modify it to decrease. Is that equal expedited

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process when the individual then gets released,
where then the process to modify the child support
order would then increase based on the ability to
pay in assets and all of the information gathered by
those individuals; is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Through you, Madam Speaker. That is correct.
Under the Bill, as proposed, once an individual is
incarcerated from prison, I'm sorry, is released
from prison, 90 days after their release, the
previous child support order would be reinstated
back to its original amount, unless an objection is
filed to that, in which case a hearing would then be
held on the objection.

Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Madam Speaker. And through you, Madam Speaker, just to confirm. The obligee, so the individual who has custodial custody of the child, whether that's the other parent or a guardian, they continuously have input on both the modifications even though it's an expedited process, is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER COOK (65TH):

Representative Stafstrom.

REP. STAFSTROM (129TH):

Thank you, Madam Speaker. That is correct. The way the process would work is an affidavit would be filed when the obligor is incarcerated. The obligee would have the opportunity to object to the modification at incarceration at which point an evidentiary hearing would be held. And again, at the time of release from prison, and the reinstatement of the previous child support order, the obligee would receive notice and could petition the court for a hearing at that stage as well.

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Through you.

DEPUTY SPEAKER COOK (65TH):

Representative Rebimbas.

REP. REBIMBAS (70TH):

Thank you, Madam Speaker. Madam Speaker, as I indicated previously, I am in support of the legislation before us. I think a lot of hard work went into it. Certainly, again, this expedited process is one that we're going to see cost savings on for the judicial branch in that regard. And also, a lot of savings of time of individuals having to be hauled into court for something that could be done in an expedited way. So, I do rise in support of the legislation before us.

DEPUTY SPEAKER COOK (65TH):

Thank you, Representative. Will you remark further on the Bill? Will you remark further on the Bill? If not, would staff and guests please come to the well of the House. Will the members please take your seats and the machine will be open.

CLERK:

The House of Representatives is voting by roll.

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

DEPUTY SPEAKER COOK (65TH):

Have all the members voted? Have all the members voted? Will the members please check the board to determine if your vote has been properly cast. If all the members voted, the machine will be locked, and the Clerk please take the tally. Will the Clerk please announce the tally?

CLERK:

House Bill 7131.

Total Number of Voting	144
Necessary for Passage	73
Those Voting Yea	143
Those Voting Nay	1
Absent and Not Voting	5

DEPUTY SPEAKER COOK (65TH):

The Bill passes. (Gavel) Will the Clerk please call Calendar No. 251.

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Senate

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June 2, 2017

So ordered, sir.

SENATOR DUFF (25TH):

Thank you, Madam President. On calendar page 9, Calendar 268, House Bill 7131, I'd like to move that item to the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

On calendar page 25, Calendar 434, House Bill 5442, I'd like to move that item to the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

On calendar page 34, Calendar 529, House Bill 6297, I'd like to move that item to the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR DUFF (25TH):

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

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THE CHAIR:

Mr. Clerk. We're gonna take one second so our favorite Reverend, acting Reverend can get the machine going. Mr. Clerk, will you call the bills on the Consent Calendar, please?

CLERK:

Page 9, Calendar 268, House Bill 7131, page 10, Calendar 274, Senate Bill 786, on page 14, Calendar 334, Senate Bill 938. On page 16, Calendar 351, Senate Bill 575. On page 22, Calendar 411, House Bill 7128, and on page 25, Calendar 434, House Bill 5442. Page 27, Calendar 453, House Bill 7238, page 34, Calendar 529, House Bill 6297, and on page 43, Calendar 193, Senate Bill 974.

THE CHAIR:

Mr. Clerk, will you please call for a roll call vote and the machine will be open.

CLERK:

Immediate Roll Call has been ordered in the Senate on today's Consent Calendar Number 1. Immediate Roll Call in the Senate.

THE CHAIR:

If all members have voted, all members have voted. The machine will be closed. Mr. Clerk, will you call the tally, please?

CLERK:

cf
Senate

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Today's Consent Calendar.

Total number voting	36
Those voting Yea	36
Those voting Nay	0
Absent and not voting	0

THE CHAIR:

The bill passes. (Gavel) Senator Duff.

SENATOR DUFF (25TH):

Thank you, Madam President. The Consent Calendar passes?

THE CHAIR:

Yes, it does.

SENATOR DUFF (25TH):

How lovely. Thank you, Madam President. Madam President, I have good news. We will not be in -- hold the good news.

THE CHAIR:

Mr. Clerk, do you have anything on your desk at this point, sir?

CLERK:

Clerk is in possession of Senate Agendas Number 1 and 2, both dated Friday, June 2, 2017.

THE CHAIR:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 2
579- 1282**

2017

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SENATOR KISSEL (7TH): Mr. Borudoulous. And again, I apologize if I am mangling the name. Followed by Paul Melanson.

PAUL BORUDULOUS: Good morning Senator Kissel, Representative Tong, Representative Rebimbas and other distinguished members of the Judiciary Committee. My name is Paul Borudulous. I am a Deputy Director with the Connecticut Judicial Branch and Support Enforcement Services. Thank you for the opportunity to provide testimony today in support of House Bill No. 7131 AN ACT EXPEDITING CHILD SUPPORT MODIFICATION ORDERS FOR INCARCERATED OR INSTITUTIONALIZED PARENTS BY WAY OF BACKGROUND SUPPORT ENFORCEMENT SERVICES WITH THE CONNECTICUT JUDICIAL BRANCH as part of the Severe Court Operations Division and we work very closely with federal and state agencies to operate Connecticut's Title 4D Child Support Program. SES's primary job is to assist parents with the enforcement with their child support orders as well as the modification of their child support orders. House Bill No. 7131 allows support enforcement officers to file an avadavat in a family court file when a 4D child support obligor is incarcerated and/or is released from incarceration. Such avadavits would do three things. First, it creates an expedited process to modify child support orders for obligors who are incarcerated. It avoids accumulating charges and arrears, decreases the overall amount of child support debt and improves Connecticut's Title 4D Performance with Federal Performance and Incentive Measures.

Second, it creates an expedited process to reinstate a child support order after the obligor is released from incarceration and puts the responsibility on

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the formally incarcerated obligor to object or request relief.

Third, it eliminates the need for a full judicial proceeding when the obligor is incarcerated and SCS can attest in an affidavit with the court that the obligor has no income or assets that can be used to satisfy the order, the offense for which the obligor is incarcerated is not against the custodial parent or the child subject to the order, and notice has been provided to the custodial parent and no objection was raised. The current modification process requires a full judicial hearing when the obligor is incarcerated and a second hearing to reinstate or 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, and a support enforcement officer, or an attorney general, as well as the department of corrections to make the secured inmate available for the modification hearing.

Recent 2017 federal legislation now requires all states to implement 4D, to expand and implement 4D procedures to expand modification services to child support obligors incarcerated for more than 180 days. Currently Connecticut title 4D cases require about 16 inmate modification dockets each month and we're handling approximately 75 cases each month. This number does not include the additional judicial hearings later required to reinstate each child support order that is modified down. Implementing the required federal legislation will increase the number of 4D inmate modifications. This proposal

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requires, expedites and modifications will significantly reduce the number of whole judicial proceedings.

If I may just conclude one thought --

SENATOR KISSEL (7TH): Yeah, appreciate that.

PAUL BORUDOULOUS: This proposal does not expand or create any additional right for an incarcerated parent to modify his or her child support order. Connecticut law is already well established in this area and the proposal simply expedites the current process saving valuable judicial time and resources. Thank you. I'd be happy to answer any questions.

SENATOR KISSEL (7TH): Thank you sir. Questions from members of the Committee? Yes.

REP. DUBITSKY (47TH): Thank you Mr. Chairman. You said three words that kind of stuck out at me. Required federal legislation.

PAUL BORUDOULOUS: Yes.

REP. DUBITSKY (47TH): So, is this procedure mandatory under federal law?

PAUL BORUDOULOUS: No, the procedure is not. What will be required under federal is all state child support programs will be required to either do two things. One, will be to send notice to every incarcerated parent that we know is incarcerated who owes child support, advising them of their right to file a modification, or states may elect to just do the modification for them. The states will have the choice to pick which that is. Connecticut envisioning, no matter which we pick, we anticipate that the number of responses requesting

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modifications will go up. This process would greatly expedite the resulting modification process.

REP. DUBITSKY (47TH): Okay, so this is two different things.

PAUL BORUDOULOUS: Yes, this Bill is something very specific for Connecticut. But the volume under our current process is what will change by federal legislation.

REP. DUBITSKY (47TH): Okay, and just so I get it right. You, so under this Bill, you just have to essentially file an affidavit as oppose go through a whole judicial hearing.

PAUL BORUDOULOUS: Yes, more or less. We would provide notice to the parents respectively letting them know that we've done a completely review, that our review does not determine anything that can use to satisfy the child support order, under Connecticut law it would qualify for modification, we would wait to receive an objection, if one is not received, a support enforcement officer would be able to file an affidavit in the court file, which would have the effect of modifying the order.

REP DUBITSKY (47TH): Thank you. Thank you Mr. Chairman.

SENATOR KISSEL (7TH): Thank you Representative. Any other questions from members of the Committee? Yes, Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you Mr. Chairman and good morning. And I know we had the opportunity, I believe, last year to discuss this statue and my concern was obviously, when I first initially saw it that there was an expedited process for the

modification, and I was more concerned about the expedited process on the tail end when the individual leaves prison, but certainly you've highlighted that in what you've discussed now, and I think you just answered at least one part of my question when you said that you're waiting for the obligee, the individual who is going to be receiving the funds, that there is an option to object, is that correct?

PAUL BORUDOULOUS: That is correct.

REP. REBIMBAS (70TH): Okay. And when you do your search for whether or not there is any available assets, how far back do you go? Do you just go to that moment in time, or are you going to go further back?

PAUL BORUDOULOUS: Some of that would be decided in the implementation, but we would probably go as far back. I think would be happen for support enforcement, because our staff would be filing an affidavit, if there is any reason to believe that we couldn't file that affidavit we could air on the side of letting it go to a full judicial proceeding, so it would be a situation where the support enforcement officer believes that the infinite case specific information before them qualifies under the statute, and they would sign the affidavit. So, if there was any kind of income or assets that possibly could be used to satisfy child support, that would not be what's intended to be used or modified through this process. Support Enforcement would still retain the right to go through a traditional and full judicial proceeding if we thought additional canvassing of the parties or more information is necessary. You must understand that

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any sort of, the business that we do, a large and significant percentage of the cases have absolutely no income or assets that could be used to satisfy the child support order. I hope that answers your question.

REP. REBIMBAS (70TH): It does. I appreciate the response, and I guess one of the concerns I have is most individuals, whether upon arrest --

PAUL BORUDOULOUS: Yep.

REP. REBIMBAS (70TH): Or certainly after conviction, who know that more likely than not they're going to go in for some time, they quickly start moving money, taking assets out of their names, so I guess my concern is, if it's that moment in time, the likelihood in finding something will be very rare versus going back to maybe even the time of arrest right prior to, to do a comparison of what they may or may not have had in their name at that time.

PAUL BORUDOULOUS: Yep. This, I would imagine with this process, Support Enforcement would have to be working with the custodial parents on this matter. If there's any belief or concerns that this individual may have assets or income that could be used to satisfy the order, again we would resort to the traditional process, so it is not just sending the notice itself. Obviously in our case load, our support enforcement officers do work closely with the individuals we're serving. So, there is some degree of reliance, or working with the parents that are involved in the individual case matter as it is set up. The process would be for us to move on this as quickly as possible though. We don't want a situation where someone is incarcerated and we're waiting two, three, four months before we're moving

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on something like this. The way the federal legislation was passed is Connecticut 4D Child Support programs will be required to begin some kind of case activity within 15 days of the incarceration so the timeframe is fairly quick, which is one of the reasons we're in such large support of this Bill.

REP. REBIMBAS (70TH): So, I would strongly encourage if possible, especially the notice that gets sent out --

PAUL BORUDOULOUS: Mhmm --

REP. REBIMBAS (70TH): -- that it be very detailed because most people who use Child Support Enforcement are representing themselves because they rely on the States Attorney certainly to take the case forward. So, when that notice goes to the individual and they simply read oh, this person is going to be incarcerated, I think there should be some kind of details as to certainly what their rights are and always that they can certainly consult an attorney, etc., and that your office would still be available for that. Uh, but I think we have to be, if this does succeed and pass, very careful in detailed that there is sufficient information in the actual notice, to provide the obligee with the opportunity to further then know what their rights are to move forward on it.

One of the other things, and I know it doesn't directly relate to this Bill that we had discussed and was interesting because you used the terms judicial time and resources that we would like to expedite things, was that you guys, Child Support Enforcement specifically, is a great resource of being able to access the assets and information for

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any given individuals that a private attorney would have to spend considerable time, effort, subpoenas, court time, and dragging clients to court just to obtain the same information that your office may have access within minutes. So again, if there is you know, continued communication, I know that there was some discussion of even potentially a pilot program to see how success something like that would work, if we are truly looking at all resources when it comes to child support, I think that would be certainly something worth discussing.

PAUL BORUDOULOUS: That is an excellent point, and if I may, one of the reasons we in such large support is our confidence in this child support program's ability to locate almost any and all income or assets at the time so I make this proposal or we support this proposal with a full understanding of just how much information we have about the individuals we would be filing these affidavits on, you know, through the 4D Child Support Program we have extensive access to, other agency records, information, property records, bank accounts, anything, and again, we would air only on the side of being able to affirmably file an affidavit as an officer of the court. Okay?

If I may too, just one follow-up point on an item you had raised. This Bill not only expedites the process for modifying it down, but the current process is when a parent is released from incarceration and the custodial parents come back to our agencies asking for child support, we have to then re-begin the entire judicial process of locating income or assets, locating the individual completing service of process in a child support proceeding. This Bill expedites that as well by

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putting the responsibility on the formally released obligor to request relief or to have the order reinstated, so this is a Bill that not only helps us on the front end, but really does help parents on the back end as well.

REP. REBIMBAS (70TH): Thank you for your time here this morning, for the work that you do, and answering the questions.

PAUL BORUDOULOUS: Very good.

SENATOR KISSEL (7TH): Thank you Representative. Any other questions from members of the Committee? Seeing none, thank you Sir.

PAUL BORUDOULOUS: Thank you very much.

SENATOR KISSEL (7TH): Next is Paul Meliton. Is Paul Meliton here? Paul DeMaria.

SB887

PAUL DEMARIA: Good morning Chairman Kissel, Chairman Tong and Representative Rebimbas and other members of the Committee. I hope you all had the opportunity to view the video that my wife had made, what she has been living the last few years. I am here to give my perspective as her husband. We have only been married since 2010, so I feel like still a very young marriage, a lot of things ahead of us, a lot of opportunities. My wife is a very hard working, very dedicated person. We had planned to accomplish a lot of things together. She was diagnosed with her cancer. We decided to try fast track everything we could. The problem is that by the time it was diagnosed, it was so far advanced, that there is very little we can do right now. Currently, she basically spends her days laying on a couch in severe pain. We have gone through chemotherapy, two massive surgeries, radiation, a

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DAVID COONEY: Yeah, we have submitted written materials --

REP. SMITH (108TH): You have? Okay.

DAVID COONEY: -- and those cases are sited in there.

REP. SMITH (108TH): Thank you. Thank you Mr. Chairman.

SENATOR KISSEL (7TH): Thank you Representative. Any other questions from members of the Committee? Seeing none, thank you.

DAVID COONEY: Thank you.

SENATOR KISSEL (7TH): Lucy Potter.

LUCY POTTER: Good morning Senator Kissel, Senator Doyle, Representative Tong, Representative Rebimbas. I'm Lucy Potter. I'm an attorney at Greater Hartford Legal Aid. And I have been doing child support for many years. I've served on five child support guideline commissions. I'm also a member of the Fatherhood Advisory Counsel. I'm here speaking on behalf of Legal Services in support of Raise Bill 7131. Paul Borudoulous explained how it works. It's a streamline process for modifying support orders for people when they become incarcerated and I believe last year it did get out of Committee and just died at the end of the session. It's a very important Bill and I think sort of from my perspective, when I started doing child support work in 1989 there were all kinds of ways in which the child support laws really didn't recognize that child supports supposed to be based on ability to pay and there were really large arrearages that were routinely assessed against people because that was the amount that the family had gotten on Welfare.

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Before at that point, there wasn't a law that said when you're incarcerated, the order needs to be based on ability to pay. I think we've come a long ways since then and I think this provision is sort of in keeping with the trend with where we are now. Paul Borudoulous mentioned the federal regulations that just passed I believe in December that now require states to have laws that say when you're incarcerated or institutionalized, your actual ability to pay is supposed to be the amount that is used in terms of deciding how much your support is going to be, and also requires states support enforcement programs to notify people about their right to modify their orders. So, I think this is really an important provision and it will really have a very benefit impact for people who are incarcerated who presently might otherwise be barely a large arrearage that is really not proportionate to their ability to pay. So I hope you all will support this.

SENATOR KISSEL (7TH): Great, thank you.

LUCY POTTER: Thank you.

SENATOR KISSEL (7TH): Questions from members of the Committee? Seeing none, thank you.

LUCY POTTER: Thank you.

SENATOR KISSEL (7TH): Matt Tyszka.

MATT TYSZKA: Good morning. Thank you Senator Kissel, Senator Doyle, Representative Tong, Rebimbas and Stafstrom and the rest of the Committee. I'm here to address two Bills very briefly today. House Bill 7080 an ACT CONCERNING LEGAL PROTECTION FOR PERSONS ENTERING PASSENGER MOTOR VEHICLES TO RENDER

SB26

PUBLIC HEARING

SENATOR KISSEL (7TH): Thank you for all those options. Any questions -- yes? Mr. Vice Chair.

REP. STAFSTROM (129TH): Thank you Mr. Chair and thanks for all your hard work over the last several years as we've been working on this. At the end there, you said delegation of digital asset authority. Does that comport with the law we passed last year on digital assets?

SUZANNE WALSH: Right. So, the revised Uniform Judiciary Act to Digital Asset Act recognizes the authority of an agent and Power of Attorney if that authority is expressly given, so this would make it easier for people who use the statutory form to give that authority. The providers of the various on line services will not recognize the authority of the agent unless it's expressly given in the document in the proper time.

REP. STAFSTROM (129TH): Okay, thanks.

SENATOR KISSEL (7TH): Any other questions from members of the Committee?

SUZANNE WALSH: Thank you.

SENATOR KISSEL (7TH): Is it Ailleen Yeager? When you come up you can tell me how I mispronounced your name.

AILLEEN YEAGER: I knew with the pause that I was next. It's Ailleen Keays Yeager. Thank you. Good afternoon Chairman Doyle, Chairman Kissel and Chairman Tong and Representative Rebimbas and Representative Stafstrom. I am Aileen Keays Yeager, Project Manager for the Children with Incarcerated Parents Initiative at the Institute for Munciple and Regional and Central Connecticut State

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University. The CTCI Initiative continually seeks to expand the understanding of children with incarcerated parents and their service needs through research, evaluation and outreach activities. I'm here to testify and support of raised House Bill 7131, AN ACT EXPEDITING CHILD SUPPORT MODIFICATION ORDERS FOR INCARCERATED OR INSTITUTIONALIZED OBLIGORS. While we strongly support the Bill's addition of IDD cases to the state's existing support order modification provision we do encourage the Committee to remove from the Bill and from General Statute 4060-215E the exclusion applicable to obligors whose institutionalization or incarceration is due to an offense the custodial party or the child subject to such order. If the proposed and existing legislation is based on a recognition, the incarcerated parents are financially unable to comply with their child support orders as well as on a research that demonstrate continued accrual during incarceration negative impacts, the custodial parent, the incarcerated parent, public safety and the state, and we urge the Committee to recognize this unintended negative consequence does not change based on the offense that caused the incarceration.

First, should the exclusion be intended to deter a parent from choosing to victimize the child in question or that child's custodial parent so as to lead to the parent's incarceration and subsequent suspension of accrual of his or her child support debt. Please note that we have not seen any evidence to suggest that such an exclusion would be an effective deterrent. We also do not foresee parents being keenly aware of the exclusion, let alone factoring such knowledge into their behavior.

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Furthermore, the exclusion heightens the severity of a crime against a child for whom this order is regarding and that child's custodial parent. Above crimes committed against other children of the obligor or those children's parents.

Lastly, if the exclusion is intended as a secondary punishment for the parent's offense, then we urge the Committee to trust the sentencing authority to take consideration factors -- to take into consideration, excuse me, factors associated with a crime to determine the most appropriate consequence on a case by case basis. Therefore again, we support raised House Bill 7131 and request that the Committee consider removing the exclusive of obligor's institutionalized or incarcerated for offenses against the child in question or their custodial parent. Thank you. I'd be glad to take questions.

SENATOR KISSEL (7TH): Thank you. Questions from members of the Committee? Seeing none, thank you.

AILLEEN YAEGER: Thank you.

SENATOR KISSEL (7TH): That's it for my list. Is there anybody here that wants to speak before the Committee on any of the Bills on today's agenda? Seeing none, I would call this hearing closed. Adjourned.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 3
1283 - 1953**

2017



*Written Testimony before the Judiciary Committee
Department of Social Services
February 27, 2017*

**H.B. No. 7131 - AN ACT EXPEDITING CHILD SUPPORT MODIFICATION ORDERS
FOR INCARCERATED OR INSTITUTIONALIZED OBLIGORS**

The Department of Social Services thanks the Judiciary Committee for hearing HB 7131, An Act Expediting Child Support Modification Orders for Incarcerated or Institutionalized Obligor. As the state agency responsible for administering the Child Support/ IV-D program in Connecticut, the Department of Social Services strongly supports HB 7131.

The purpose of this bill is to create an accelerated process to modify a child support order by suspending payments of an incarcerated obligor, who has no means of meeting the obligation. The bill also implements a procedure to expeditiously reinstate the original order once the obligor is released from incarceration.

Section 1 of the bill eliminates a full judicial proceeding for incarcerated obligors when Support Enforcement Services (SES) of the Judicial Branch confirms, via a formally filed affidavit, that (1) a modification of the order is warranted under section 46b-215e and (2) the custodial party (i.e., the party entitled to the child support benefit) has no objection to the modification. The bill requires the support enforcement officer to investigate income and assets to determine if the obligor has any ability to pay such support while incarcerated. If the incarcerated obligor has no present income or assets, the support enforcement officer will file an affidavit and, in turn, modify the support order. The current modification process creates unnecessary strain on state resources. It requires, for example, convening a full judicial hearing, delivery of service of process, and document preparation, as well as the engagement of clerks, courtroom monitors, SES employees, Assistance Attorney Generals and Department of Correction resources to ensure inmate availability. Automating this process will save staff time and resources across numerous state agencies.

Creation of an expedited process will also avoid accumulating arrearages, charges, and decrease child support debt. The process will improve the ability of the state's Child Support/IV-D program to meet federal performance and incentive measures. When child support orders go unmodified and are not collected, delinquencies result and the overall child support debt balance increases. Both of these have a negative impact on IV-D performance and the associated federal incentive funding.

Outside of monetary and economic-based research and results; there are sociological factors that also support moving this bill forward. Research in the field has shown that accruing child support delinquencies can cause harm to obligors' relationships with their children and conflict with the State of Connecticut's principles on fatherhood. In addition, child support delinquencies and

uncollectable debt have shown to complicate a released obligor's ability to re-enter society successfully.

This bill also seeks to implement an automatic process to reinstate the child support order 90 days after the obligor is released from incarceration. Currently, obligors released from incarceration are ordered to notify Judicial's SES within 48 hours of release. However, if an obligor does not contact SES, SES must then initiate an investigation to locate the obligor and serve him or her with paperwork to re-initiate legal proceedings to, again, establish the child support obligation. This bill would streamline this process by automatically reinstating the child support order.

HB 7131 will conserve agency resources, create cost savings, and ensure custodial families receive timely child support payments. For these reasons the Department strongly supports this bill.

TESTIMONY IN SUPPORT OF RAISED H.B. 7131

By Aileen Keays Yeager

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02-27-2017

Good afternoon Chairman Doyle, Chairman Kissel, Chairman Tong, Senator Winfield, Senator McLachlan, Representative Stafstrom, Representative Rebimbas and members of the Judiciary Committee:

I am Aileen Keays Yeager, Project Manager of the Connecticut Children with Incarcerated Parents, or "CTCIP" Initiative within the Institute for Municipal & Regional Policy at Central Connecticut State University. The CTCIP Initiative continually seeks to expand the understanding of children with incarcerated parents and their service needs through research, evaluation and outreach activities. Its mission is to improve the quality of supports for these children by using the various data and knowledge it gains to inform public policy and practice.

I am here to testify in support of Raised House Bill 7131: AN ACT EXPEDITING CHILD SUPPORT MODIFICATION ORDERS FOR INCARCERATED OR INSTITUTIONALIZED OBLIGORS. While we strongly support the bill's addition of IV-D cases to the state's existing support order modification provision, we encourage the Committee to remove—from the bill and from C.G.S. § 46b-215e—the exclusion applicable to obligors whose institutionalization or incarceration is due to an offense against the custodial party or the child subject to such support order.

If the proposed, and existing, legislation is based on a recognition that incarcerated parents are financially unable to comply with their child support orders, as well as on the research that demonstrates continued accrual during incarceration negatively impacts the child, the custodial parent, the incarcerated parent, public safety, and the State¹, then we urge the Committee to recognize that those unintended negative consequences do not change based on the offense that led to incarceration.

First, should the exclusion be intended to deter a parent from choosing to victimize the child in question, or that child's custodial parent, so as to lead to the parent's incarceration and subsequent suspension of accrual of his/her child support debt, then please know that we have not seen evidence to suggest that such an exclusion would be an effective deterrent. We also do not foresee parents being keenly aware of the exclusion of crimes that involve acts against the child and that child's custodial parent, let alone factoring such knowledge into their behavior.

Furthermore, the exclusion heightens the severity of a crime against the child for whom the order is regarding, and that child's custodial parent, above crimes against other children of the obligor and those children's parents.

¹ Incarceration and Child Support Obligations: A report to the Recidivism Reduction Committee of the Connecticut Sentencing Commission regarding the consequences of child support debt for incarcerated individuals, children and custodial parents, and the people of Connecticut. New Haven, CT: The Arthur Liman Public Interest Program, Yale Law School. Retrieved from http://www.ct.gov/ctsc/lib/ctsc/Liman_Paper_-_Incarceration_and_Child_Support_Obligations.pdf

Lastly, if the exclusion is intended as a secondary punishment for the parent's offense(s), then we urge the Committee to trust the sentencing authority to take into consideration factors associated with a crime to determine the most appropriate consequence on a case-by-case basis.

Therefore, again, we support Raised H.B. 7131 and request that the Committee consider removing the exclusion of obligors institutionalized or incarcerated for offenses against the child in question and their custodial parent. Thank you, I would be glad to address any questions.



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**TESTIMONY OF CHRISTINE RAPILLO
DIRECTOR OF DELINQUENCY DEFENSE AND CHILD PROTECTION
OFFICE OF CHIEF PUBLIC DEFENDER**

**Judiciary Committee Public Hearing
February 27, 2017**

Raised Bill 7131

***AN ACT EXPEDITING CHILD SUPPORT MODIFICATION ORDERS FOR INCARCERATED OR
INSTITUTIONALIZED OBLIGORS***

The Office of Chief Public Defender supports passage of ***Raised Bill 7131, An Act Expediting Child Support Modification Orders for Incarcerated or Institutionalized Obligors***. This proposal would modify a child support order in IV-D cases to zero when an obligor is incarcerated for more than 90 days. IV-D cases involve obligors with children whose custodial guardians are receiving state benefits for their support. The state seeks support from the non custodial parent to ease the burden on state resources and to ensure that biological parents are providing a minimal amount of financial support to their children. Incarcerated individuals are unable to provide this support.

Under current law, Family Magistrate courts will reduce a weekly obligation to zero if an obligor files a Motion to Modify Child Support while they are incarcerated. Unfortunately, many incarcerated individuals do not make such a motion. They assume that they are not liable for court ordered support while in a correctional facility or do not think of it in the crush of issues that come from incarceration. The Department of Corrections and Support Enforcement Services make an effort to provide information to inmates but the reality is that many individuals finish serving their time on a criminal case only to return to jail a short time later after being found in contempt for not paying a child support arrearage. Typically the amount includes child support that accrued while the obligor was incarcerated.

Raised Bill 7131 also ensures that the support orders are based on an accurate assessment of the obligor's income. This is important, as it sets reasonable amounts of support that the obligor can pay and the custodial parent, or the State in the case of IV-D cases, can count on receiving. When an obligor files a motion to modify child support, Support Enforcement Services will use their current income to determine what the payments should be. Under this proposal, since incarcerated individuals have no source of income in most cases, this will result in the individuals being entitled to have their orders modified to zero while incarcerated. This proposal would save the significant costs associated with the filing of a modification of child support after the obligor is released from incarceration. Costs include housing an individual contemnor in a correctional facility, legal representation provided to indigent contemnors by the Office of Chief Public Defender and the cost to the Judicial Branch to process the cases. In addition, the custodial parent loses time at work or with the children in order to attend court. This proposal streamlines the process, preventing unnecessary court appearances for the obligors and the custodial parent alike. Therefore, the Office of Chief Public Defender urges this Committee to report favorably on this proposal.



Greater Hartford Legal Aid

Judiciary Committee, February 27, 2017

Testimony submitted by Lucy Potter, Attorney, Greater Hartford Legal Aid

Raised Bill 7131, AN ACT EXPEDITING CHILD SUPPORT MODIFICATION ORDERS FOR INCARCERATED OR INSTITUTIONALIZED OBLIGORS. Position: Support

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 7131 which streamlines the modification process for people who owe child support and become incarcerated.

When someone who owes child support goes to prison, the weekly obligation under the order continues to accrue. Child support is supposed to be based on the person's ability to pay. Someone in prison has no or only nominal ability to pay. But the process for modifying the order is complicated and not easily accomplished from prison. So arrearages pile up, becoming yet another obstacle for that person in getting back on his or her feet and re-entering the community when the prison terms ends.

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. It is a well crafted solution to this problem that protects the rights of both the paying and receiving parties.

Under the bill, 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 to the other party and no objection, can then modify the order. The bill also allows for the original order to be reinstated upon the obligor's (the person owing the support) release from prison, again with proof of notice to the obligor. If the obligor then claims that he or she 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. In fact, recently finalized federal regulations require all states to move in this direction. States will have to change their laws so that incarceration is not treated as voluntary unemployment. 45 C.F.R. §302.56. Connecticut already made a comparable change in 2003. The new federal regulations also require states to notify people who are incarcerated of the right to modify, and allow states to initiate automatic reviews, as this bill proposes. 45 C.F.R §303.8. I understand this bill has the support of the judicial branch and the Governor and I urge you to approve it.

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Testimony of the Judicial Branch
Judiciary Committee Public Hearing
February 27, 2017

H.B. 7131, An Act Expediting Child Support Modification Orders
for Incarcerated or Institutionalized Obligor

Good morning Senator Doyle, Senator Kissel, Representative Tong and distinguished members of the Judiciary Committee. I am Paul Bourdoulous, Deputy Director of Support Enforcement Services, and I am pleased to appear before you today on behalf of the Judicial Branch in support of H.B. 7131, *An Act Expediting Child Support Modification Orders for Incarcerated or Institutionalized Obligor*.

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

H.B. 7131 allows Support Enforcement officers to file an affidavit in a family court file when an IV-D child support obligor is incarcerated and/or is released from incarceration. Such affidavits 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. 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.
3. Eliminate the need for a full judicial proceeding when the obligor is 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.

The current modification process requires a full judicial hearing when the obligor is incarcerated and a second hearing to reinstate or 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.

Recent 2017 federal legislation requires all states to implement IV-D procedures to expand modification services to child support obligors incarcerated for more than 180 days. Currently, Connecticut Title IV-D cases require about 16 inmate modification dockets/calendars each month, handling approximately 75 cases each month. This number does not include the additional judicial hearings later required to reinstate each modified support order after the obligated parent is released. Implementing the required federal legislation will increase the number of IV-D inmate modifications. This proposal expedites the modifications and will significantly reduce the number of full judicial hearings that would need to be held to adjust child support orders for obligors who are incarcerated and then again when released from incarceration.

It should be noted that this proposal does not create or expand any right for an incarcerated parent to modify his or her support order. Connecticut law is already well established in this area, and this proposal simply expedites the current process, saving valuable time and resources for Connecticut parents and the Judicial Branch.

Child support orders for inmates that are not timely 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.

Thank you for your time and attention to this matter. I would be happy to answer any questions you may have at this time.