



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

231 Capitol Avenue
Hartford, Connecticut 06106
(860) 757-2270 Fax (860) 757-2215

**Testimony of Stephen N. Ment
Judiciary Committee Public Hearing
March 24, 2006**

**Senate Bill 57, An Act Concerning Establishment And Enforcement Of
Child Support In Title IV-D Cases**

Good afternoon. My name is Stephen Ment and I am here to testify on behalf of the Judicial Branch in support of *Senate Bill 57, An Act Concerning Establishment and Enforcement of Child Support in Title IV-D Cases*. Specifically, the Judicial Branch supports sections 6 and 24 of this bill.

Connecticut currently suffers from a backlog of thousands of unserved *capias mittimus* orders related to a party's failure to appear in court for a child support hearing. This backlog is growing at a rapid rate; in addition to the more than 3200 outstanding *capias*, the backlog is growing at a rate of 80-100 *capias* per month. The failure to serve the *capias* comes at a steep price; cases with an outstanding *capias* cannot be enforced in court until the *capias* is executed and the child support obligor is brought to court. Usually this means that the family is not receiving the child support that they are owed.

Section 6 of the bill would remove the statutory cap on the number of individuals that the Department of Public Safety (DPS) may appoint to serve warrants and *capias mittimus*. These individuals are then employed by the Department of Social Services' Bureau of Child Support Enforcement. Currently, DPS may only appoint two people for this purpose. As you may know, only state marshals and the two individuals appointed by DPS may execute these *capias*. Given the backlog of unserved *capias*, the

Judicial Branch supports any initiative that would allow for more individuals to search for child support obligors, and to have them brought into court.

Section 24 of the bill would allow for a copy of a *capias mittimus*, or an electronic version of the *capias*, to be served on an obligor. Oftentimes, our Support Enforcement Services will receive a "tip" as to where a defendant can be located. It can be time-consuming to get an original copy of the *capias* into the hands of the marshal or DPS appointee; by allowing a facsimile to be served, there will be a greater likelihood that the defendant will be found and brought into court.

The Judicial Branch does have a technical concern with the bill. Lines 365, 487, and 730 mandate the court to provide notice to the Attorney General, and allows the Attorney General to become a party, in certain instances, such as some emancipation hearings and paternity matters. However, the court will not know in which instances the Attorney General is to be noticed, and it unclear to us as to what is meant by "party". We have discussed our concern with the proponent of the bill, and we will work together to arrive at mutually satisfactory language.

Thank you for the opportunity to testify.