

Legal Assistance Resource Center

❖ of Connecticut, Inc. ❖

80 Jefferson Street ❖ Hartford, Connecticut 06106-5050

(860) 278-5688 ❖ FAX (860) 278-2957

S.B. 57 -- Child support amendments

Judiciary Committee public hearing -- March 24, 2006

Testimony of Raphael L. Podolsky

Recommended Committee action: AMENDMENT REQUESTED

This bill makes a number of changes in child support law. We have some lingering concerns about Section 3, which will result in "unbanked" low-income custodial parents (i.e., those whose child support is not directly deposited into their bank account) having to access their child support with a debit card (rather than receiving a check in the mail). This may result, for example, in additional ATM fees for some custodial parents. The Department of Social Services, however, has tried to accommodate this and other concerns about debit cards; and we therefore do not oppose passage of Section 3 or implementation of the system. We do, however, request that the Committee make two small changes to other parts of the bill:

(1) Indigent obligor liability for blood tests: (Sections 10 and 11): Existing law requires the state to pay for paternity blood tests if the obligor is "indigent and unable to pay such costs." This bill ties state payment instead to "low-income obligors" under the Child Support Guidelines. We support this change, but we believe that the court or magistrate, in appropriate circumstances, should be able to find that other obligors are also indigent. C.G.S. 52-259b, which concerns the payment of court fees, has a rebuttable presumption of indigency for persons with incomes below 125% of federal poverty level. **We ask that the phrase "or is otherwise indigent and unable to pay such costs" be re-inserted in l. 500 and the phrase "or to be otherwise indigent and unable to pay such costs" re-inserted in l. 517.**

(2) Retroactive liability (Sections 5, 13, and 16): Under existing law, the retroactive liability of the father of a child born out of wedlock is limited to the three years immediately preceding the filing of the support or paternity petition. Three sections of this bill, however, propose to extend such retroactive liability to the three years immediately preceding the signing of an acknowledgement of paternity. This change appears in Section 5 (l. 273-278), Section 13 (l. 676-678), and Section 16 (l. 787-792). This proposal is undesirable. The mere signing of an acknowledgement of paternity (i.e., a formal statement that "I am the father"), is not an order to make child support payments, does not provide any information about how much money should be paid, and does not distinguish parents who live together from those who live apart. The filing of a support or paternity petition, in contrast, will result in a formal payment order. It is more reasonable to limit the implied arrearage period to the three years before the filing of the enforcement petition. **We therefore ask that the relevant new language in Sections 5, 13, and 16 be deleted and each be replaced with language limiting liability for past-due support to "the three years next preceding the filing of a petition pursuant to this section."**