



Office of The Attorney General
State of Connecticut

**TESTIMONY OF
ATTORNEY GENERAL RICHARD BLUMENTHAL
BEFORE THE JUDICIARY COMMITTEE
FEBRUARY 23, 2007**

I appreciate the opportunity to support House Bill 6057, An Act Concerning the Protection of State Marshals from Civil Liability.

This legislation provide state indemnification to state marshals for any civil liability arising out of the marshal's service of *capias* issued by the Support Enforcement Services Division of the Judicial Branch, provided the marshal's actions were not wanton, reckless or malicious. The legislation also requires the state to pay for any property damages suffered by the marshal while serving such *capias*.

State marshals are critical to the effective enforcement of child support orders. Each year, hundreds of delinquent child support obligors fail to appear in superior court for a child support hearing. The court will issue a *capias* -- a civil compulsory process ordering the marshal to seize the delinquent and bring the obligor to court. Unfortunately, there is a backlog of unserved child support *capias*, resulting in the courts being unable to enforce collection of child support. Many state marshals are reluctant to serve *capias* citing the personal liability and property damage caused by the person who is often unwillingly taken into custody and brought to a judicial courthouse in the state marshal's own vehicle.

While state marshals are independent contractors, they provide significant assistance to the state's effort to collect delinquent child support. State indemnification would provide substantial protection for state marshals against property loss and the cost of defending themselves against civil lawsuits. This indemnification is similar to that provided to state employees, members of the Public Defender Services Commission and others who perform state services.

The committee should also consider clarifying state law regarding the authority of the State Marshal Commission to require state marshals to serve child support *capias*. On February 2, 2007, I issued an opinion finding state law to be unclear as to whether the Commission has the authority to require marshals to serve *capias*. Providing indemnification along with clear Commission authority regarding service of *capias* would resulting in more children and families receiving their much-needed court-ordered child support.

I urge the committee's favorable consideration of House Bill 6057.