



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

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**Testimony of Judge William J. Lavery
Judiciary Committee Public Hearing
April 9, 2007**

House Bill 7379, An Act Concerning The Contempt Powers Of A Family Support Magistrate And The Assignment And Service Of Capias Mittimus Issued In A Family Support Magistrate

Good afternoon. My name is William Lavery and I am the Chief Court Administrator for the Connecticut Judicial Branch. I am here today to testify in support of *House Bill 7379, An Act Concerning the Contempt Powers of a Family Support Magistrate and the Assignment and Service of Capias Mittimus Issued in a Family Support Matter*. Principally, this bill, which is part of the Judicial Branch's legislative package, would require the State Marshal Commission to be responsible for the equitable assignment and expeditious service of any capias mittimus issued in a family support matter.

A capias is a civil arrest warrant used to bring a person physically into court to respond to a specific case or claim. In child support proceedings, a capias is ordered when a parent has failed to respond to a court summons to answer why he or she has not paid the child support due their children.

Currently, the only persons authorized by law to execute these capias orders are state marshals, four (4) special policemen employed by the Department of Social Services, and town constables. Of the more than 200 state marshals, approximately 30 are willing to serve these capias mittimuses; this has resulted in an astonishing backlog. Nearly 3700 outstanding orders have yet to be served, and the backlog is growing at a rate of nearly 900 per year.

Although the Judicial Branch has worked with the State Marshal Commission and state marshals to increase the number of marshals willing to serve these orders – including doubling the fee paid to marshals for the execution of a *capias* – the systemic failure is unconscionable. Unserved *capias* orders have a devastating impact on Connecticut families; money needed for the well-being of women and children is not being collected. Bold action is necessary.

To this end, section 2 of the bill would compel the State Marshal Commission to ensure the expeditious service of *capiases* in a manner identical to their current responsibility of ensuring the expeditious service of restraining orders. The legislature acted wisely in enacting this provision regarding restraining orders; these orders are being served and Connecticut's citizens are safer as a result. We must now address the appalling failure to serve *capias mittimuses*.

I must note that I am not aware of any opposition to this proposal from the State Marshal Commission, and we are appreciative of the assistance that the Commission has provided in an effort to increase the number of *capias* orders served.

As an aside, I must tell you that my office receives numerous inquiries each year from frustrated custodial parents who do not understand why the *capias mittimus* in their particular case is not being served. I wish I had a good answer for them; families suffer when these orders are not served. We must act now.

In regards to section one of the bill, we would respectfully request that this language be stricken from the bill. While we proposed this language, upon further review, it has become apparent that more thought is necessary on the subject of expanding a family support magistrates' contempt powers.

Thank you for the opportunity to testify on this bill.