



Written Testimony Before the Judiciary Committee

***H. B. No. 7379 (RAISED) 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.**

The Department supports the provision to allow a family support magistrate to continue to hold an obligor in contempt for failure to pay the obligor's weekly support obligation. We also support the provision to 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 large backlog of unserved capias mittimus orders has accumulated over the years, and any measures that will help reduce that backlog, which undermines the authority of the court and diminishes the amount of support going to families, is beneficial. The provision builds on a precedent of requiring such equitable assignment and expeditious service of restraining orders, so it should not represent a major challenge for the marshal commission.

***H. B. No. 7381 (RAISED) AN ACT CONCERNING CHILD SUPPORT ENFORCEMENT AND RELATED COURT ORDERS.**

The department supports the provision to permit judicial marshals to serve a capias mittimus issued in a child support matter to persons in the custody of the judicial marshal or within a courthouse where the judicial marshal provides security. The provision makes sense as it economizes judicial resources and would have at least some impact in reducing the backlog of unserved capias mittimus orders.

We support the provision to require state marshals or state police officers to transport individuals arrested on a capias to the nearest courthouse, and to require judicial marshals to take such individual to the Superior Court that issued the capias if the capias was issued in a child support matter.

We support the provision to permit the Judicial Department and the Department of Public Safety to work in cooperation to add capias mittimus orders to the Connecticut on-line law enforcement communications teleprocessing system. Having the orders in the on-line system could facilitate their service in the event state marshals or DSS capias officers are permitted access, or if the inclusion of such orders contributes to the cooperation between state and local police and the DSS capias officers, for example when an individual is apprehended in another matter and the police discover through COLLECT that there is an outstanding capias on the person.

While we support the amendment to require family support magistrates to permit a party or witness to testify by telephone or other electronic means, if available, if residing in another state, we would recommend as an alternative to this provision adoption of the language in Section 38 of Bill No. 7361. Bill 7361 amends not only subsection (f) of section 46b-213a, but the whole section in accordance with the updates recommended by the National Conference of Commissioners on Uniform State Laws. The conference in 2001 adopted many amendments to the Uniform Interstate Family Support Act (UIFSA), which amendments have been approved in about a third of the states, with the trend being toward adoption in all states. Adoption of the amendments would further the purpose of uniformity among the states, and would put Connecticut in the forefront of advances in interstate support law. The provision in this bill includes only one of several recommended amendments to the statute.

We support the provision to increase the number of family support magistrates from nine to eleven provided the additional magistrates will be used to expedite the processing of the existing caseload to improve performance. It should be noted that the additional appointments will result in more IV-D cases being heard, and consequently more supporting staff in the DSS Bureau of Child Support Enforcement and possibly in Support Enforcement Services of the Judicial Branch and the Office of the Attorney General will be necessary to prepare and process these additional cases. The need for these additional administrative resources are not currently reflected in the budget.

We do not support the provision to permit a court or a family support magistrate to order, on its own motion, a genetic test to determine paternity and provide for the state to pay the costs of such test. We believe a better approach is for the magistrate to appoint a guardian ad litem for the child if the magistrate does not believe the child's interests are being adequately represented. We are concerned that the impartiality of a magistrate may be adversely affected by the authority to intervene in the manner contemplated in this provision. In addition, if genetic testing is not requested by a party, requiring the process will unnecessarily lengthen the support establishment timetable, and may cause the child support program to run afoul of federal expedited processing requirements. Finally, we are concerned about the additional cost to the state for such testing, since a party to the proceeding will not be financially responsible for payment.

For additional information on this testimony or any other legislation concerning the Department of Social Services, contact Matthew Barrett at (860) 424-5012 or via email at matthew.barrett@ct.gov.