



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

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

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

**House Bill 7381, An Act Concerning Child Support Enforcement
And Related Court Orders**

Good afternoon. My name is William Lavery and I am the Chief Court Administrator for the Connecticut Judicial Branch. I am here to testify on behalf of the Judicial Branch in support of *House Bill 7381, An Act Concerning Child Support Enforcement and Related Court Orders*. This bill, which is part of the Judicial Branch's legislative package, contains several provisions which would enhance child support enforcement.

As you may know, the Judicial Branch's Support Enforcement Services Unit is responsible for:

- Monitoring child support awards for compliance with financial, medical insurance and child care orders,
- Initiating court based enforcement actions such as income withholdings and contempt applications, and
- Reviewing financial support orders and initiating modifications when the order substantially deviates from the Connecticut Child Support and Arrearage Guidelines.

Section one of the bill would grant judicial marshals the narrow authority to serve a *capias mittimus* on a child support obligor if the person is in the custody of the

marshal, or the individual is present in the courthouse. This section does not diminish in any way the jurisdiction of state marshals who currently serve the majority of capias orders. Rather, it allows for the timely service of a capias mittimus.

It is not uncommon for a child support obligor to be in the presence of a judicial marshal, but by the time a state marshal arrives at the scene to serve the capias mittimus, the obligor has already left the building. This section, and sections 3, 6, and 8 that implement it, would merely provide that, should it become known to the judicial marshals that an outstanding capias order is pending on a person standing right next to them, that they may serve the individual. With the tremendous backlog of unserved capias mittimus orders - 3700 and growing - any steps that can be taken to have these orders served more efficiently would aid in ensuring that Connecticut's families are getting the child support to which they are entitled.

Section 2 of the bill would permit the Judicial Branch to work in cooperation with the Department of Public Safety to develop a means by which capias mittimus orders can be entered into the Connecticut On-line Enforcement Communications Teleprocessing System (COLLECT). As I noted in my testimony regarding *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*, the failure to serve capias mittimus orders has become a crisis. If enacted and developed, this section would allow law enforcement officers to notify individuals detained by them that an outstanding capias order is pending, and that they must go to court immediately to answer it.

Sections 4 and 5 of the bill are fairly technical. Section 4 merely gives the court or a family support magistrate the authority to order a genetic test if paternity is at issue, and provides that the state shall pay for it. Currently, the test may only be ordered if it is requested by a party. It seems reasonable that the court have the authority to order a paternity test on its own initiative if justice requires it.

Section 5 makes clear that a family support magistrate shall, rather than may, allow an out-of-state party to testify by telephone or other electronic means if necessary.

This change is consistent with the federal Uniform Interstate Family Support Act (UIFSA).

Section 7 increases the number of family support magistrates from nine (9) to eleven (11). The current authorization of nine has been in effect since 1990; this increase would allow the family support magistrate division to establish more child support orders and hear more enforcement cases, thereby increasing child support collections for families. We believe that the addition of two additional magistrates would, conservatively, increase child support collections by hundreds of thousands of dollars. Please also note that fully two-thirds of a family support magistrates' salary is reimbursed by the federal government.

Finally section 9 of the bill would permit a state marshal, or other authorized person who has taken a child support obligor into custody, to bring the individual to the nearest judicial district or geographical area courthouse, rather than to the court that issued the *capias mittimus*. A judicial marshal would then transport the individual to the *capias*-issuing courthouse. This proposal is another means by which to increase the number of *capiases* served.

We recognize that it can be difficult and time-consuming for the arresting authority to transport the obligor to the *capias*-issuing courthouse; it is not uncommon for a state marshal to apprehend an obligor in an area of the state far from where the *capias* is issued. Currently, the state marshal must bring the individual to that courthouse; if enacted, they would merely need to bring the individual to the nearest courthouse, and Judicial Branch employees would transport the individual the rest of the way.

Thank you for the opportunity to testify on this bill.