



**STATE OF CONNECTICUT  
JUDICIAL BRANCH**

**EXTERNAL AFFAIRS DIVISION**

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**Testimony of Stephen N. Ment  
Human Services Committee Public Hearing  
March 11, 2008**

**Senate Bill 667, An Act Concerning Establishment, Modification And  
Enforcement Of Title IV-D Child Support Orders**

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch in regards to Senate Bill 667, *An Act Concerning Establishment, Modification, and Enforcement of Title IV-D Child Support Orders*. This bill, proposed by the Department of Social Services (DSS), seeks to make several changes to our child support statutes.

As members of the Committee may be aware, in IV-D child support cases, 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, as well as initiating court-based enforcement actions such as income withholdings and contempt applications when appropriate. Cases are heard by quasi-judicial officers within the Judicial Branch, Family Support Magistrates.

The Judicial Branch supports several provisions of this bill, opposes another, and has concerns with still others.

The Judicial Branch supports Section 11 of the bill which would increase the number of statutorily-authorized special policemen within DSS' Bureau of Child Support Enforcement from four to eight. Special policemen serve outstanding warrants against child support obligors, in addition to State Marshals. These warrants -- *capias mittimus* - are issued by the court only after repeated attempts to have the obligor come to court to address his or her delinquency have failed.

Connecticut has an astounding 2500 unexecuted warrants in existence, with an average of 130 new capias added each month. Increasing the number of capias arrests will lead to an increase in child support collections, as an arrested parent will pay about \$1900, on average, in child support after their arrest. In cases without capias execution, however, most families receive little or no court ordered child support. Doubling the number of special policemen will significantly reduce the capias backlog and thereby benefit custodial parents and children.

The Judicial Branch also supports Section 48. This section 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 if an obligor is in the presence of a judicial marshal. With the tremendous backlog of unserved capias mittimus orders, 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.

Regretfully, the Judicial Branch must oppose Section 40. This section provides that any order entered in the Family Support Magistrate Division (FSMD) is appealable to the Superior Court, regardless of whether the order was entered by a family support magistrate or by a judge of the Superior Court.

By way of background the Chief Court Administrator will, from time-to-time, ask judges or judge trial referees to hear support matters, augmenting the magistrates. This move has helped reduce court cancellations and has led to a more expeditious handling of judicial business. While current law provides that a decision of a family support magistrate (a quasi-judicial official) may be taken to a Superior Court judge, passage of this section would create the untenable prospect of one Superior Court judge "overruling" another; this is precisely the role of the Appellate Court. We submit that this section raises constitutional implications and ramifications, and ask that it be deleted from the bill.

Furthermore, we believe three other sections require closer scrutiny:

- Section 1, requiring that notice of redirection of child support be filed with the court in instances where the payee has been administratively changed by DSS,
- Section 5, giving the court authority to order past-due child support back more than three years if they court finds cause, and eliminating the requirement that the court find neglect or refusal to furnish support before being so ordered, and
- Section 8, permitting parents who mutually want to modify their child support order to file an agreement to modify without the necessity of coming to court.

While these sections may be beneficial changes to our child support statutes, we respectfully submit that more time is needed to fully assess their respective impacts and expect that as the Session progresses, conversation between all parties will continue.

Thank you for the opportunity to submit written testimony.