



Greater Hartford Legal Aid, Inc.
Testimony before Judiciary Committee
February 25, 2008
Submitted by Lucy Potter
Greater Hartford Legal Aid

OPPOSE S.B. 326 which would require Child Support Guideline Commission to convene every two years.

I am an attorney at Greater Hartford Legal Aid. I have served on the last four child support guideline commissions as the legal services representative, beginning in 1990. I am here to oppose S.B. 326 which would require that the guideline commission convene every two years.

This proposal is not workable.

1. The process for revising and obtaining approval of revised guidelines can easily take two or more years.¹
2. Changes to the guidelines are generated from experience under the prior guidelines. The guidelines must be in place for at least two years, to allow time for their use, and for court challenges to play out.
3. Changing the guidelines as frequently as every two years would be disruptive to the family and magistrate courts, the Bureau of Child Support and Support Enforcement Services. A copy of the child support guideline worksheet, attached to my testimony, gives an idea of how complex some of these changes might be.
4. The guideline commissions include voluntary participants who have to put in many hours, after business hours, to review the changes in law and practice that need revisiting. The proposed change would essentially transform this group into a standing committee. There may not be volunteers.
5. More frequent revisions would not serve any useful purpose. They are not likely to make the percentages reflect up and down turns in the economy. This should not be surprising because such changes impact both custodial and non-custodial parents. The last four guideline revisions have not seen dramatic shifts in the percentages. Rather, the issues addressed have primarily responded to changes in federal law (mandatory guidelines, requirements for medical support, e.g.) and decisions of Connecticut courts (Favrow v. Vargas, Unkelbach, e.g.)

Each commission, according to statute, consisted of eleven members, one each from the Judicial Department, DSS and the Attorney General's office, the chairpersons and ranking members of the Judiciary Committee or their designees, and a representative of the bar association, legal services, PCSW and "a person who represents the financial concerns of child support obligors." The meetings, which were public, were held monthly or bi-monthly, after business hours so that they did not interfere

¹ In addition to the drafting process, the guidelines must go through the regulation review process of the Uniform Administrative Procedure Act. The guidelines from the commission that convened on September 24, 1991, did not take effect until August 1, 1994. The guidelines from the commission that convened on October 23, 2002, did not take effect until August 1, 2005.



with the members' work obligations. Preparation, sometimes extensive, was required to understand the issues aired at the meetings. Each commission held 4 to 6 public hearings around the state. It was not easy to keep the commission fully staffed, and there were times when there was no quorum.

There has also been no funding. DSS has found some money for an economic study in the past. But, if one purpose of this proposal is to get better economic data, there should be funding for such a study.

Whatever concern motivates this proposal might be better addressed by the concerned constituency taking a more active role in the next guideline commission when it reconvenes.

COMMISSION FOR CHILD SUPPORT GUIDELINES



WORKSHEET for the Connecticut Child Support and Arrearage Guidelines

MOTHER	FATHER	CUSTODIAN <input type="checkbox"/> MOTHER <input type="checkbox"/> FATHER OTHER: _____
COURT		D.N./CASE NO. _____
NUMBER OF CHILDREN _____		

CHILD'S NAME	DATE OF BIRTH	CHILD'S NAME	DATE OF BIRTH	CHILD'S NAME	DATE OF BIRTH

All money amounts in this worksheet may be rounded to the nearest dollar

I. NET INCOME (Weekly amounts)			MOTHER	FATHER
1.	Gross income (attach verification)		\$	\$
1a.	Number of hours used in calculation			
2.	Federal income tax (based on all allowable exemptions, deductions and credits)		\$	\$
3.	Social security tax or mandatory retirement		\$	\$
4.	Medicare tax		\$	\$
5.	State and local income tax (based on all allowable exemptions, deductions and credits)		\$	\$
6.	Medical/hospital/dental insurance premiums (including Husky) for parent and all legal dependents		\$	\$
7.	Court-ordered life insurance for benefit of child		\$	\$
8.	Court-ordered disability insurance		\$	\$
9.	Mandatory union dues or fees (if deducted by employer)		\$	\$
10.	Mandatory uniforms and tools (if deducted by employer)		\$	\$
11.	Non-arrearage payments on court-ordered alimony and child support awards (for other than child)		\$	\$
12.	Imputed support obligation for qualified child (line 12d below times the number of qualified children)		\$	\$
			MOTHER	FATHER
12a.	Sum of lines 2-11		\$	\$
12b.	Line 1 minus line 12a		\$	\$
12c.	Current support amount for all qualified children plus all children for whom support is being determined (based on line 12b for claiming parent only)		\$	\$
12d.	Line 12c divided by number of children used in line 12c		\$	\$
<i>Number of qualified children: _____</i>				
13.	Sum of lines 2-12		\$	\$
14.	Net income (line 1 minus line 13)		\$	\$

II. CURRENT SUPPORT				
15.	Combined net weekly income (rounded to the nearest \$10)		\$	
16.	Basic child support obligation (from <i>Schedule of Basic Child Support Obligations</i>)		\$	
17.	Each parent's percentage share of line 15 (line 14 for each parent divided by line 15, times 100%) <i>(If noncustodial parent is a low-income obligor, skip this line and enter line 16 amount in noncustodial parent's column on line 18.)</i>		%	%
18.	Each parent's share of the basic child support obligation (line 17 times line 16 for each parent)		\$	\$
19.	Social security dependency benefits adjustment		\$	\$
20.	Presumptive current support amounts (line 18 minus line 19) <i>(Rounded to the nearest dollar)</i> <i>(Enter noncustodial parent's amount on line 34, unless deviation criteria apply – see section VII.)</i>		\$	\$

CONTINUED ON REVERSE

III. NET DISPOSABLE INCOME **MOTHER** **FATHER**

21.	Line 14 plus line 34 (for custodial parent); line 14 minus line 34 (for noncustodial parent)	\$	\$
22.	Amount of weekly alimony (if any) (paid by: <input type="checkbox"/> noncustodial parent <input type="checkbox"/> custodial parent)	\$	
23.	Line 22 times 80%	\$	
24.	Line 21 plus line 23 (for recipient of alimony); line 21 minus line 23 (for payer of alimony)	\$	\$
25.	Noncustodial parent's line 19 amount (social security dependency benefits for child)	\$	
26.	Line 24 plus line 25 (for custodial parent); line 24 minus line 25 (for noncustodial parent)	\$	\$

IV. UNREIMBURSED MEDICAL EXPENSE

27.	Sum of line 26 amounts (combined net disposable income)	\$	
28.	Each parent's percentage share of combined net disposable income (line 26 for each parent divided by line 27, times 100% - rounded to the nearest whole percentage) <i>If the noncustodial parent is a low-income obligor, proceed to line 29. If the noncustodial parent is not a low-income obligor, enter these percentages on line 35, unless deviation criteria apply.</i>	%	%
29.	Unless deviation criteria apply, enter on line 35 for the noncustodial parent the lesser of the noncustodial parent's line 28 percentage or 50%; and enter on line 35 for the custodial parent 100% minus the percentage entered for the noncustodial parent.		

V. CHILD CARE CONTRIBUTION

30.	Determine if the noncustodial parent's line 26 amount falls within the darker shaded area of the schedule. If it does, proceed to line 31. If it does not, skip line 31 and enter the noncustodial parent's line 28 percentage on line 36, unless deviation criteria apply.
31.	Determine if the custodial parent's line 26 amount falls within the darker shaded area of the schedule. If it does not, enter 20% on line 36 as the noncustodial parent's child care contribution, unless deviation criteria apply. If it does, enter on line 36 the lesser of the noncustodial parent's line 28 percentage or 50%, unless deviation criteria apply.

VI. ARREARAGE PAYMENT (Enter line 32 amount on line 38 unless deviation criteria apply.)

32.	20% of line 34: \$	OR amount determined in A, B, C or D, below (check box that applies and enter amount here):	\$
<input type="checkbox"/> A. If noncustodial parent is a low-income obligor, enter the greater of 10% of line 34 or \$1 per week, unless paragraph B below applies. <input type="checkbox"/> B. If the child is living with the obligor, enter: (1) \$1 per week if the obligor's gross income is less than or equal to 250% of poverty level, OR (2) 20% of an imputed support obligation for the child if the obligor's gross income is greater than 250% of poverty level. <input type="checkbox"/> C. If there is no current support order and paragraph B above does not apply, enter: (1) 20% of an imputed support obligation if the child is an unemancipated minor, OR (2) 50% of an imputed support obligation if the child is deceased, emancipated, or over age 18. <input type="checkbox"/> D. If paragraphs A, B and C, above, do not apply and the sum of the current support and arrearage payments would exceed 55% of the noncustodial parent's line 14 amount, enter 55% of the noncustodial parent's line 14 amount, minus the line 34 amount.			

VII. DEVIATION CRITERIA (Attach additional sheet if necessary.)

33.	Reason(s) for deviation from presumptive support amounts: (Check all boxes that apply.)	<input type="checkbox"/> Check here if deviating by agreement.			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; vertical-align: top;"> Parent's other financial resources <input type="checkbox"/> substantial assets <input type="checkbox"/> parent's earning capacity <input type="checkbox"/> parental support provided to a minor obligor <input type="checkbox"/> recurring gifts of spouse or domestic partner <input type="checkbox"/> employment over 45 hours per week Extraordinary expenses for child <input type="checkbox"/> education expenses <input type="checkbox"/> unreimbursable medical expenses <input type="checkbox"/> special needs </td> <td style="width: 33%; vertical-align: top;"> Extraordinary parental expenses <input type="checkbox"/> significant visitation expenses <input type="checkbox"/> unreimbursed employment expenses <input type="checkbox"/> unreimbursed medical/disability expenses Needs of parent's other dependents <input type="checkbox"/> resources available to qualified child <input type="checkbox"/> child care expenses for qualified child <input type="checkbox"/> verified support for non-resident child <input type="checkbox"/> significant and essential needs of a spouse </td> <td style="width: 34%; vertical-align: top;"> Coordination of total family support <input type="checkbox"/> division of assets and liabilities <input type="checkbox"/> provision of alimony <input type="checkbox"/> tax planning considerations Special circumstances <input type="checkbox"/> shared physical custody <input type="checkbox"/> extraordinary disparity in parental income <input type="checkbox"/> best interests of the child <input type="checkbox"/> other equitable factors (explain below): </td> </tr> </table>			Parent's other financial resources <input type="checkbox"/> substantial assets <input type="checkbox"/> parent's earning capacity <input type="checkbox"/> parental support provided to a minor obligor <input type="checkbox"/> recurring gifts of spouse or domestic partner <input type="checkbox"/> employment over 45 hours per week Extraordinary expenses for child <input type="checkbox"/> education expenses <input type="checkbox"/> unreimbursable medical expenses <input type="checkbox"/> special needs	Extraordinary parental expenses <input type="checkbox"/> significant visitation expenses <input type="checkbox"/> unreimbursed employment expenses <input type="checkbox"/> unreimbursed medical/disability expenses Needs of parent's other dependents <input type="checkbox"/> resources available to qualified child <input type="checkbox"/> child care expenses for qualified child <input type="checkbox"/> verified support for non-resident child <input type="checkbox"/> significant and essential needs of a spouse	Coordination of total family support <input type="checkbox"/> division of assets and liabilities <input type="checkbox"/> provision of alimony <input type="checkbox"/> tax planning considerations Special circumstances <input type="checkbox"/> shared physical custody <input type="checkbox"/> extraordinary disparity in parental income <input type="checkbox"/> best interests of the child <input type="checkbox"/> other equitable factors (explain below):
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VIII. RECOMMENDED ORDERS (Explain any amounts that are different from presumptive amounts in Section VII.)

4.	Current support: \$ (presumptive current support from line 20: \$)
5.	Unreimbursed medical expenses: <i>Mother</i> % <i>Father</i> %
6.	Child care contribution: % (OR in conjunction with a finding of noncompliance: \$)
7.	Total arrearage: \$ to state to family
38.	Arrearage payment: \$
9.	Total child support award (exclusive of percentage amounts): \$
0.	Additional orders (if any):