



## Written Testimony Before the Judiciary Committee

*February 25, 2008*

**S. B. No. 322 (RAISED) AN ACT CONCERNING THE SERVICE OF INCOME WITHHOLDING ORDERS FOR CHILD SUPPORT OBLIGATIONS.**

**S. B. No. 324 (RAISED) AN ACT CONCERNING THE COLLECTION OF CHILD ACTIVITY FEES PURSUANT TO A SUPPORT ORDER.**

**S. B. No. 326 (RAISED) AN ACT REQUIRING THE CHILD SUPPORT AND ARREARAGE GUIDELINES TO BE UPDATED EVERY TWO YEARS.**

**H. B. No. 5532 (RAISED) AN ACT CONCERNING PRIVATE HEARINGS AND CONFIDENTIAL RECORDS AND PAPERS IN FAMILY RELATIONS MATTERS.**

## **Testimony**

### **S. B. No. 322 (RAISED) AN ACT CONCERNING THE SERVICE OF INCOME WITHHOLDING ORDERS FOR CHILD SUPPORT OBLIGATIONS.**

DSS Supports this bill. The federal initiative, known as e-IWO (for "Electronic Income Withholding Orders"), encourages the establishment of electronic interface between employers and child support agencies for the more efficient issuance and implementation of income withholding orders in child support cases. Implementation of e-IWO will result in savings on mailing and printing costs, and more expeditious withholding of income for payment of child support. System programming, with the assistance of the agency's CCSES (Connecticut Child Support Enforcement System) contractor and the cooperation of Connecticut child support partner agencies, is ongoing, and will be completed within existing resources. The language of the proposal clearly specifies that service of income withholding by electronic means will only be made when the employer subject to the withholding order has agreed to accept such service electronically.

### **S. B. No. 324 (RAISED) AN ACT CONCERNING THE COLLECTION OF CHILD ACTIVITY FEES PURSUANT TO A SUPPORT ORDER.**

The Connecticut Child Support and Arrearage Guidelines have no provision for a separate amount in the child support award for child activity fees; within the guidelines framework, these amounts are included in the basic current support obligation. In addition, the federal definition of "support order" subject to enforcement by the IV-D program does not include amounts for child activity fees. Accordingly, this expense is analogous to educational support, concerning which the IV-D program received an opinion from the federal Office of Child Support Enforcement that orders for such support are not enforceable by the IV-D program. We recognize, however, that there may be legitimate reasons for such orders, and that such orders should be amenable to enforcement by income withholding. The amended language below should address the concerns of the IV-D program while at the same time permitting income withholding for cases outside the IV-D program.

Lines 36 – 41 should be rewritten as follows:

36           (7) "Support order" means a court order, or order of a family  
37    support magistrate including an agreement approved by a court or a  
38    family support magistrate, that requires the payment to a dependent of  
39    current support, cash medical support, a specific dollar amount of child  
40    care costs or arrearage payments, or in other than IV-D support cases  
41    child athletic, extracurricular or other activity fees;

### **S. B. No. 326 (RAISED) AN ACT REQUIRING THE CHILD SUPPORT AND ARREARAGE GUIDELINES TO BE UPDATED EVERY TWO YEARS.**

The present four-year cycle for review and issuance of updated guidelines is more workable for many reasons than the two-year cycle proposed in this bill. The federal

State Plan requirement for the Title IV-D child support program deems a four-year review cycle sufficient to maintain adequate support awards. State guidelines that follow an income shares model, including Connecticut's Child Support and Arrearage Guidelines, are based on economic studies that assess the proportion of family income devoted to childrearing. The federal Office of Child Support Enforcement (OCSE) has sponsored only two such studies in the two decades during which a guidelines requirement has existed. The Connecticut Commission for Child Support Guidelines has also twice employed a consultant to assist the commission in applying national studies to Connecticut's cost of living to arrive at appropriate percentages for the setting of child support obligations. The studies are expensive and cannot be justified on a more frequent basis than present law requires. This is especially true in view of the typical course that a guidelines review has historically taken, which includes adoption as regulations in accordance with the Uniform Administrative Procedure Act. While the commission that issued the 1999 guidelines issued updated guidelines regulations within about a year and a half, the commission that issued the most recent guidelines began its review in the fall of 2002, but was unable to issue updated guidelines until August of 2005. When updated guidelines are issued, an appreciable period of time is required to assess the results of instituting the new standards. Maintaining the commitment of commission members, who are volunteers, throughout a virtually unbroken cycle of meetings and public hearings would be another significant hurdle to overcome to institute a two-year review cycle. Finally, to the extent that the rationale for a shorter review cycle might conceivably be a potentially quicker response to changed economic conditions, it should be noted that cost of living bears only a marginal relationship to guidelines percentages, since the guidelines percentages are based on the proportion of family income spent by both parents on children, rather than the actual estimated costs.

**H. B. No. 5532 (RAISED) AN ACT CONCERNING PRIVATE HEARINGS AND CONFIDENTIAL RECORDS AND PAPERS IN FAMILY RELATIONS MATTERS.**

The child support program would have no opposition to this bill if it did not affect the court process and obtaining of files in Title IV-D matters. However, the bill by its terms impacts all family relations matters. Such matters are defined in CGS §46b-1 to include establishment of paternity and civil support obligations, which constitute major responsibilities of the IV-D program. If the bill is clarified to eliminate impact on IV-D matters, the IV-D program would be neutral regarding its merit.

The bill as drafted, however, has the potential of causing substantial delays in the establishment of support orders if even a minority of parties requests a private hearing. This is due to the daunting logistics of handling some cases privately in the midst of a typical court calendar in the Family Support Magistrate Division containing scores of cases. Under optimum conditions, it is difficult to dispose of a majority of cases, given the need for lengthy pre-trial advisements and negotiations, personal testimony and routine continuances. CGS §46b-49 (repealed in this bill) presently requires a showing that the interests of justice and the persons involved demand privacy before the public is excluded from family relations hearings. If this requirement is dispensed with,

substantial delays in the hearing process should be expected. The result may well be the necessity of appointing additional family support magistrates to meet the increased workload, if Title IV-D expedited process standards are to be met. Court facilities would also have to be assessed to determine if alternative arrangements could be made for private hearings as opposed to public ones. The severe limitation on access to court files will also present a major obstacle to the expeditious establishment of support, as both child support staff and assistant attorneys general have frequent need to access existing files to make appropriate determinations in IV-D cases.

*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](mailto:matthew.barrett@ct.gov)*