



Greater Hartford Legal Aid

Testimony before Human Services Committee

March 3, 2009

Submitted by Lucy Potter  
Greater Hartford Legal Aid

S.B. 6543, An Act Concerning Paternity and Support Establishment and Enforcement of Orders in Title IV-D Child Support Orders, oppose specified changes in sections 24 and 29

I am an attorney at Greater Hartford Legal Aid. I have represented low income Hartford area residents for many years. I have also served on the Fatherhood Advisory Council and the last four Child Support Guideline commissions. I submit this testimony on behalf of Greater Hartford Legal Aid's low income clients.

This lengthy bill from the Bureau of Child Support Enforcement makes changes to an array of child support statutes. A similar bill was raised last year and this version modifies the previous bill to accommodate some of the concerns that legal services raised last year. I do not object to most of the bill, but remain concerned about two specific changes.

As this committee is well aware, there is growing recognition in Connecticut that fairness to both parties is in the best interests of children and families. Connecticut laws have been improved to add some protections for custodial and noncustodial parties vis a vis the interest of the state. For example, changes have been made to assure that child support arrearages reflect ability to pay, to limit orders for those who have documented disabilities, to limit liability during periods when the obligor is institutionalized and allow compromise of arrearages owing to the state for successful participation in fatherhood programs.

The following proposals included in this bill could run counter to these enlightened trends of recent years.

#### Section 24,

This section amends Conn. Gen. Stats. 46b-215, the support petition statute. The IV-D agency (Bureau of Child Support Enforcement) would no longer be required to allege or prove that the defendant "neglected or refused" to support the child, in order to petition for support. We agree that IV-D should not have to prove "neglect or refusal to support" in order to get orders for *current* support or medical coverage. But we are concerned that this change will also be applied to arrearage orders. We believe it remains important for Connecticut to keep longstanding language that only makes the defendant liable for *retroactive* support when the defendant knew that he or she was the father of the child, had the ability to pay, and still did not pay. This principle dates back over a century and should be clearly preserved in the statutes. Lathrop v. Lathrop, 78 Conn. 650 (1906)

Greater Hartford Legal Aid, Inc.

999 Asylum Avenue, 3Fl. Hartford, CT 06105-2465 • Tel: 860. 541. 5000 • Fax: 860. 541.5050 • TTY: 860. 541.5069 •

[www.ghla.org](http://www.ghla.org)



If this principle does not remain clearly articulated in the statute, it could fundamentally change the nature of retroactive liability, and raise due process concerns in situations where the obligor had no knowledge of the child's existence prior to commencement of the action for support.

**Recommendation:** add the following language at Line 708. Following "as amended by this act" :

EXCEPT WITH RESPECT TO ARREARAGES DETERMINED PURSUANT TO SUBPARAGRAPH (A) OF SUBDIVISION (7) OF THIS SUBSECTION, AS AMENDED BY THIS ACT, OR SUBPARAGRAPH (A) OF SUBDIVISION (5) OF SUBSECTION (a) OF SECTION 17b-745

## **Section 29**

This section governing the promulgation of child support guidelines, changes the language regarding the treatment of parents who have reunited with their children. The statute recognizes that such parents should be afforded greater leniency in repaying arrearages owing to the state, so that more income is available for the support of the child. This section deletes language requiring the commission to consider the uniform contribution scale from Connecticut General Statutes, which exempts income below 250% of median income. I understand that BCSE believes that the ongoing reference to this provision is confusing because the guideline commission actually adopted a different standard. I would propose that this section be amended to incorporate the current guideline language as follows.

**Recommendation:** line 812, following "preceding such order." IN SUCH CASES THE GUIDELINES SHALL REQUIRE THAT THE PAYMENT ORDER BE NO MORE THAN ONE DOLLAR PER WEEK IF THE OBLIGOR'S GROSS INCOME IS LESS THAN OR EQUAL TO TWO HUNDRED FIFTY PERCENT OF THE POVERTY GUIDELINE FOR THE OBLIGOR'S HOUSEHOLD SIZE, OR NO MORE THAN 20 % OF THE IMPUTED CURRENT SUPPORT OBLIGATION IF THE OBLIGOR'S INCOME IS ABOVE THAT AMOUNT.