



**STATE OF CONNECTICUT  
JUDICIAL BRANCH**

**EXTERNAL AFFAIRS DIVISION**

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**Testimony of Stephen N. Ment  
Human Services Committee Public Hearing  
March 3, 2009**

**House Bill 6543, An Act Concerning Paternity And Support  
Establishment And Enforcement Of Orders In Title IV-D  
Child Support Cases**

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch in support of House Bill 6543, *An Act Concerning Paternity and Support Establishment and Enforcement of Orders in Title IV-D Child Support Cases*. This bill, proposed by the Department of Social Services (DSS), seeks to make several beneficial 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. More specifically, the Judicial Branch supports Section 10 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.

Increasing the number of special policemen will have a direct effect on child support collections, and thereby benefit custodial parents and children, because past statistics have proven that an arrested parent will pay nearly \$2000, on average, in child support after their arrest. In cases without capias execution, however, most families receive little or no court ordered child support. Thus, we strongly support this provision.

The Judicial Branch also supports Section 47. 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 a backlog of unserved capias mittimus orders pending, 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.

In addition to the two sections highlighted above, the Judicial Branch also specifically supports:

- Section 23, which makes several amendments to the law regarding income withholdings;
- Section 29, which modifies the charge of the Commission for Child Support Guidelines;
- Lines 1003 - 1010 of Section 35, which clarifies and articulates the authority of Family Support Magistrates to order an obligor to participate in educational, training, skill-building, work, rehabilitation, or like programs; and
- Lines 1353-1359 and lines 1428-1429 of Sections 42 and 43, respectively, which clarifies and expands the definition of "issue" in the context of income withholding orders.

While the Judicial Branch is supportive of this bill and urges the Committee to take favorable action on it, we are opposed to Section 37. 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 trial referee.

By way of background the Chief Court Administrator will, from time-to-time, ask 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 prospect of a Superior Court judge "overruling" a judge trial referee; we believe that these matters ought to be heard in the Appellate Court, and we will work with the proponents of the bill to come to a mutual understanding on this section.

Thank you for the opportunity to submit written testimony.