



Greater Hartford Legal Aid

1086

Testimony before Human Services Committee

March 17, 2009

Submitted by Lucy Potter

Greater Hartford Legal Aid

S.B. 1086 An Act Concerning the Crediting of Social Security Dependent Benefits, support

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.

This bill addresses the quagmire facing people with disabilities who owe child support when they try to rectify their child support obligation among the State, the Social Security Administration and their children. I have had a number of clients who have had to live on half their disability check for up to a year, while trying to untangle this situation. Essentially, they get caught between two automated systems that can talk to each other to take their money, but fail to convey information about benefits available to the family, or to credit those benefits as the law requires.

When people qualify for Social Security disability benefits, their children qualify for dependents' benefits. Dependents' benefits are usually about half of the disability benefit, and are paid directly to the child/ren by the Social Security Administration. Under Connecticut law, these benefits are a credit against the child support obligation.

But under current law, this credit doesn't get recognized until there is a modification in court. That process is not easy for many with disabilities, and even once initiated can take many months.

Meanwhile, the Social Security disability check gets attached for the amount of the support order. The order is typically higher than the person can now afford, because it is based on earnings before the person became disabled.

The result is that the disabled person receives a fraction of his or her check. And the family could be getting paid double. Or when the family is not in communication with the obligor, the dependents benefit could just be sitting there at the Social Security Administration, unpaid.

What this bill does is set up a process whereby when Connecticut's Support Enforcement system gets notice that Social Security disability has been awarded, it determines whether the children are getting dependents' benefits. If so, it credits them. If not, it contacts the family to notify them that they might qualify for these benefits. In either situation, Support Enforcement also begins a modification procedure.

Under this bill families will benefit by receiving dependents' benefits in a timely way, disabled obligors will no longer be squeezed by income attachments that don't take account of the full picture. It will bring an important measure of fairness to both parents and children, and will make the automated systems more accountable.

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