



Greater Hartford Legal Aid

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Judiciary and Human Services Committees, March 15, 2010
Testimony submitted by Lucy Potter, Attorney
Greater Hartford Legal Aid

~~S.B. 368 - Support - An Act Concerning The Establishment Of Paternity And Support And Enforcement Of Orders In IV-D Child Support Cases~~

~~S.B. 446 - Approve only if Sections 11 and 12 are deleted in entirety and portions of sections 3, 6, 7 and 8 are deleted - An Act Concerning Child Support Orders, Enforcement And Report~~

~~S.B. 449 - Oppose - An Act Concerning Annual Review Of Child Support Orders, A Study Of Child Support Enforcement Mechanisms, And Continuation Of Child Support Obligations After Parental Repitals Are Formatted Due to Sexual Abuse~~

I am an attorney at Greater Hartford Legal Aid. I have represented many low-income clients in child support matters, have served on the past four Child Support Guideline Commissions, and am a member of the current Guidelines Commission.

S.B. 368 - Approve

I am supportive of S.B 368, which would implement an array of improvements to the child support system that the Bureau of Child Support has been trying to implement for the past two years. In particular, electronic income withholding and service of capias by marshals when obligors are in court on other matters should result in significant improvement for those who use and rely on the system for their support payments.

S.B. 446 - Approve only if amended

S.B. 446 contains two undesirable provisions and should not be approved unless those provisions are removed from the bill:

- **Sections 11 and 12** repeal the Connecticut exemption from income withholding that requires that non-custodial parents be allowed to keep at least 85% of the first \$145 of weekly income on which to live. The sections substitute the very small federal exemption, which leaves a non-custodial parent with between 35% and 50% of their income. The Connecticut exemption has previously been reduced (the entire first \$145 used to be exempt). It should not be reduced further. **Sections 11 and 12 should be deleted in their entirety.**

- **Sections 3, 6, 7 and 8** make the Child Support Guidelines inapplicable to cases in which there is a disabled child. I oppose this for several reasons. *First*, the change violates federal law. Federal regulations require that the Guidelines apply to all child support cases, and adjustments in individual cases must be made by applying the Guidelines' criteria for deviation. The Guidelines do not permit the state to create whole classes of cases that are not subject to the Guidelines. See 45 C.F.R. 302.56(a), (f),

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 •

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and (g), which provide that states must establish "one set" of guidelines which must apply in "any" proceeding for the award of child support.¹ **Second**, the Guidelines in fact allow deviation for special needs of the children. **Third**, the proposed change would allow the portion of the Guidelines concerning low-income obligors to be completely disregarded. The purpose of those special provisions is to prevent obligors' income from being reduced so low that they are driven out of the job market. **Fourth**, if the disabled child is low-income, he or she will usually receive only one-third of the child support increase imposed on the obligor. Low-income disabled children commonly receive federal Supplemental Security Income (SSI), which is reduced by \$2 for every \$3 in child support they receive. In effect, this change could eliminate the subsistence floor for the obligor with very little benefit to the child. If a disabled child would otherwise not be provided for, the current guidelines do allow for a deviation. **The following sentence in Sections 3, 6, 7 and 8 should be deleted: "The child support guidelines established pursuant to section 46b-215a shall not apply to orders entered for any child with mental retardation or a mental disability or who is physically disabled."**

A technical change should also be made in Section 15 of S.B. 446 to eliminate a redundant sentence. The sentence at lines 491-495 seems to repeat the preceding sentence at lines 484-491 and should therefore be deleted.

S.B. 449 -- Oppose

S.B. 449 is misconceived. It would require annual review of all support orders. I believe Support Enforcement's testimony earlier gives caseload figures for a concrete picture of the enormity of such a task. Such a requirement would completely clog the family court and magistrate system. Moreover, those who seek review of their orders can already do so, either on their own or with the assistance of Support Enforcement Services, through the review and adjustment process set forth in Conn. Gen. Stats. 46b-231(s).

The bill would also establish a commission to review enforcement mechanisms from other states. A complete canvas of enforcement mechanisms from state to state is available from the federal Office of Child Support Enforcement, with constant updating. What is lacking is not knowledge of what would be effective but the resources to implement such improvements.

S.B. 449 would also allow the continuation of a support obligation following termination of parental rights in limited situations where sexual abuse is involved. Support orders are inconsistent with the concept of termination of parental rights, which severs the legal relationship between the parent and the child. The policy should remain that both the rights and obligations of parenthood terminate with the termination of parental rights.

Thank you for this opportunity to share my views.

¹ A similar provision is already in section 46b-84 for regular family matters. That provision also directly conflicts with the requirements of the federal statute and regulations governing state child support guidelines.