



*Testimony of Claudette J. Beaulieu,  
Deputy Commissioner of Programs  
Before the Judiciary Committee  
March 30, 2011*

Good afternoon, Senator Coleman, Representative Fox, and members of the Judiciary Committee. My name is Claudette Beaulieu and I am Deputy Commissioner of Programs for the Department of Social Services. I am here today to offer testimony on several bills, including two raised at the request of the department. I am accompanied by David Mulligan, Director of the Bureau of Child Support Enforcement within the Department of Social Services.

***Bills Raised at the Request of the Department:***

***S.B. No. 1181 AN ACT CONCERNING CHILD SUPPORT ENFORCEMENT AND EXPEDITED ESTABLISHMENT OF PATERNITY AND SUPPORT IN TITLE IV-D CASES***

Thank you for raising this legislation at the request of the department. The bill makes a number of changes in the areas of child support enforcement and establishment of paternity and support. These changes would accomplish several goals including, enhancing efficiencies in child support processes, establishing fairness in the treatment of married and unmarried parents, and improving information sharing. All of these changes would ultimately serve families and children better through the process of establishment of paternity and support and enforcement of child support orders.

The bill would improve the **establishment** of support orders in the following ways:

First, the bill would authorize immediate redirection of support payments to the state when a child begins receiving temporary family assistance or Title IV-E foster care payments, provided subsequent notice is given to the obligee of the support order, if other than the present custodial party. Public Act 06-149 amended various support statutes to authorize administrative change of payee in IV-D cases. The amendments required prior notice to the support order obligee and an opportunity to object. This provision would change the requirement to subsequent notice when a new custodial party is receiving state assistance for the child or children.

Second, the bill would establish a procedure for notifying the parties and docketing disapproved agreements to support (ATS) for a hearing on support. Under present law, there is no procedure specified when a family support magistrate (FSM) disapproves an ATS; therefore a support petition is usually necessary, which causes delay in the support establishment process. Under the proposal, if the FSM disapproves an ATS, the reason will be stated in the record, and the clerk will schedule a hearing to determine appropriate support amounts and notify all appearing parties of the hearing date. In essence, this provision would set up an expedited process that allows for resolution without having to begin the adversarial support process over again, which can delay establishment of support for as much as three months.

Third, the bill would limit retroactive arrears in establishment cases to the three years preceding the filing of the petition or agreement to support. Public Act 06-149 clarified that the 3-year limitation on retroactive arrears applied to all cases in which the child was born out of wedlock. This limitation on retroactive establishment of arrears has existed since the early 1980s. This proposal would further extend the arrearage limitation to cases in which the parents are married, and apply it uniformly to mothers as well as fathers.

Fourth, the bill would eliminate the \$50 processing fee for amending a birth record by the Department of Public Health (DPH) based on receipt of an acknowledgment of paternity. The existing statute exempts hospitals, state agencies and courts from the processing fee to amend a birth record. This provision eliminates the fee.

Finally, the bill would authorize the IV-D agency to disclose information in the paternity registry maintained by DPH with agencies under cooperative agreement with the IV-D agency for child support enforcement purposes. Under current law, paternity registry information is only accessible by the parents, the child, DSS, the attorney of the parents or child, and agents of state or federal agency approved by DPH. Under this proposal the Judicial Branch, including Support Enforcement Services, Court Operations, and Family Support Magistrates, as well as the Department of Children and Families and the Office of the Attorney General, will have access to the paternity registry, thereby assisting these cooperating agencies in carrying out their duties.

DPH established the paternity registry pursuant to a Title IV-D requirement in the 1997 Personal Responsibility and Work Opportunities Reconciliation Act. The intent of the requirement and the registry is to provide a single repository for acknowledgments and adjudications of paternity, which are important for children in their own right, but also crucial in establishing a basis for the pursuit of support obligations. The law establishing the paternity registry authorized it to be used for comparison with information in the state case registry maintained by the Bureau of Child Support Enforcement (BCSE). This provision would clearly authorize BCSE to disclose information it obtains from the paternity registry to cooperating agencies for child support enforcement purposes.

Furthermore, the bill would improve the **enforcement** of child support orders in the following ways:

First, the bill would expand the authority of judicial marshals to execute *capias mittimus* orders in court facilities. This provision would clarify the law to specifically permit judicial marshals to serve a *capias mittimus* issued in a child support matter to persons in the custody of the judicial marshal or within a courthouse where the judicial marshal provides security.

Second, the bill would amend direct income withholding due process provisions under the Uniform Interstate Family Support Act (UIFSA). Direct income withholding is the process established under UIFSA that requires an employer to honor an income withholding order sent directly from an obligee or their representative in another state. The changes proposed under this bill would provide more expeditious handling of an obligor's challenge to income withholding orders from other states.

Third, the bill would authorize information sharing in IV-D cases with the Department of Correction and the Judicial Branch so that these agencies can receive otherwise protected information on noncustodial parents in IV-D support cases, and match those parents up with resources and services designed to help them overcome barriers to fulfilling their duty of support.

Fourth, the bill would authorize the state Treasurer to access information necessary to identify IV-D obligors who owe overdue child support before paying out unclaimed property to a claimant, and withhold payout until DSS notifies the IV-D obligor of a child support arrearage and right to a hearing.

Finally, the bill would permit implementation of the federal initiative, Electronic Income Withholding Orders, which encourages the establishment of an electronic interface between employers and child support agencies for the more efficient issuance and implementation of income withholding orders in child support cases. The provision specifies that service of income withholding by electronic means will be made only when the employer subject to the withholding order has agreed to accept such service electronically (mostly large employers or payroll processors are requesting this option). Implementation of Electronic Income Withholding Orders 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 child support automated system contractor and the cooperation of Connecticut child support partner agencies, is mostly complete, requiring only user-acceptance testing.

The Department respectfully requests the committee's consideration of the following changes to the raised bill language.

In Section 5, lines 115-132, should be deleted, since this statute is being amended in Sec. 9 of the technical bill (HB 6591), and the technical bill includes additional necessary changes not included in this bill.

In Sections 12, 14 and 15, all of which address service of *capias mittimus* by judicial marshals (see lines 384-386, 581-583 and 602-604), the raised bill reads “to [some] a judicial marshal to the extent authorized pursuant to section 18 of this act, or any other proper officer...” The department would prefer it be worded as follows: “to some proper officer, including a judicial marshal to the extent authorized under section 18 of this act...” The reason is that most service will continue to be made by “some proper officer” (e.g., a DSS *capias* officer or state marshal) rather than a judicial marshal.

***H.B. No. 6591 AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO THE CHILD SUPPORT STATUTES***

This bill would make several purely technical changes to the child support statutes.

First, the bill would amend the statutes concerning the Commission for Child Support Guidelines. The Commission for Child Support Guidelines meets every four years to update the child support and arrearage guidelines that are used by courts and agencies within the state to set appropriate child support award amounts. This provision would clarify and update the guidelines statutes to reflect more accurately the concepts and terminology of the existing guidelines regulations approved by the legislative regulation review committee and the practices and procedures of the guidelines commission.

Second, the bill would specifically authorize the annual self-assessment report, which the IV-D agency must submit to the federal government and legislature by April first each year, to be submitted electronically.

Third, the bill would amend the definition of “IV-D support cases” in the Family Support Magistrate’s Act to include the temporary family assistance (TFA) program and HUSKY A cases. Under federal law, families receiving assistance under TFA and HUSKY A are entitled to receive all IV-D services. While such services are presently provided in these cases, the statute does not clearly reflect the requirement. This is a technical change to make the Family Support Magistrate’s Act consistent with existing requirements and practices.

Finally, the bill adopts consistent usage of the terms “Bureau of Child Support Enforcement,” “temporary family assistance” or “TFA,” and “Temporary Assistance for Needy Families” or “TANF” throughout the various statutes relating to the Title IV-D program. The bill also corrects various references to sections of the Uniform Interstate Family Support Act (UIFSA) that were amended in the 2007 legislative session. Throughout the general statutes, the Bureau of Child Support Enforcement is occasionally referred to as the Child Support Enforcement Bureau, and TANF and TFA are sometimes used interchangeably or not clearly or accurately defined and used. During consultations with the Legislative Commissioner’s Office (LCO) in the 2007 legislative session, LCO recommended that DSS consider making the terminology consistent.

**Bills with DSS Impact:**

***S.B. No. 1093 AN ACT CONCERNING THE CONTINUATION OF CHILD SUPPORT OBLIGATIONS AFTER THE TERMINATION OF PARENTAL RIGHTS DUE TO ABUSE OR NEGLECT OF THE CHILD***

This bill would allow for the child support obligation of a parent whose parental rights are terminated to continue if on motion of the other parent the court determines that continuation of support is in the best interests of the child and parental rights were terminated on the grounds that the child was abused, neglected or uncared for.

From the department's perspective, if the court determines that the support obligation should continue, then the department's enforcement efforts, and those of its cooperating agencies, would have to continue as well. This would place some added demand on staff time and resources, but the impact is difficult to assess.

***S.B. No. 1221 AN ACT CONCERNING PATERNITY AND CHILD SUPPORT OBLIGATIONS***

This bill would allow the Probate Court to order genetic tests to determine paternity of a putative father and the results of such tests would be admissible as evidence to establish or exclude the putative father as the father of the child. Furthermore, the language of the bill would limit a father's liability for past-due support in cases where the mother of the child willfully prevented the father from knowing about the birth of the child or denied access to the child.

From a policy perspective, Connecticut statutory and common law has usually separated support issues from visitation/access issues. This the new language brings the two matters together in a way that could have unanticipated consequences.

The department requests the following changes to the language be considered by the committee. In subsection (c) the phrase "or an acknowledgment of paternity executed and filed in the paternity registry under section 46b-172" should be inserted following the word "jurisdiction" to prevent Probate Court overturning valid acknowledgments. Also in subsection (c), the language "whether ordered under this section or required by the IV-D agency under section 46b-168a," is superfluous and should be deleted. This is a probate court action; administrative genetic testing is not involved. The subsection should make clear that probate court administration or Judicial Branch is responsible for testing costs, to prevent DSS being ordered to pay. If DSS is responsible for payment, there will be a fiscal impact to the department.

