



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

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**Testimony of Deborah J. Fuller
Judiciary Committee Public Hearing
April 5, 2013**

S.B. 178, An Act Concerning the Continuation of Child Support Obligations after the Termination of Parental Rights due to Abuse or Neglect of the Child

Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas, and members of the Judiciary Committee, thank you for the opportunity to submit written testimony, on behalf of the Judicial Branch, in opposition to S.B. 178, *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 permit a judge or, most likely, a family support magistrate to continue a parent's obligation to pay child support even after his or her parental rights have been terminated on the grounds that the child was abused, neglected or uncared for, provided the judge or family support magistrate hearing the motion for support determines that continuation of child support is in the best interests of the child.

The Judicial Branch opposes this bill based on both its uncertain constitutionality and its practical implications. In regards to its constitutionality, we would respectfully recommend that this be analyzed. As members of the Committee may be aware, the granting of a termination of parental rights petition severs the relationship between the parent and child in its entirety. All rights, responsibilities, and benefits of being a parent are extinguished. Continuing to require child support of an individual who is no longer a "parent" raises a constitutional red flag.

In terms of the practical implications, we believe this bill would have a chilling effect on adoptions. I would respectfully point out that virtually all terminations of parental rights (TPRs) in the Superior Court for Juvenile Matters are based on an underlying adjudication that the child has been abused, neglected or uncared for. One of the most important goals of the child protection system is to place children in permanent homes as soon as possible. This bill could

very well jeopardize this goal by decreasing the number of cases in which a parent consents to termination of parental rights because – for better or worse – the end of support payments is often an important incentive for a parent to agree to termination. This will lead to longer court hearings, but more importantly, it will lead to a continuation of the child’s uncertain state for months, if not years. The process of the trial and the appellate process is avoided when a parent consents to the termination of rights.

We raise these concerns to demonstrate the unintended consequences that are likely to occur if this bill becomes law. We would respectfully request that the Committee not act favorably on this bill.