

Judiciary Committee

Raised Bill Number 6692, An Act Concerning Participation in a Program of Community Service for Persons Seeking Fee Waivers in Certain Civil Actions

Testimony prepared by Amy Miller, Program & Public Policy Director, CT Women's Education and Legal Fund
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My name is Amy Miller and I am the Program & Public Policy Director at the Connecticut Women's Education and Legal Fund (CWEALF). CWEALF is a statewide non-profit organization dedicated to empowering women, girls and their families to achieve equal opportunities in their personal and professional lives. I am submitting this testimony in opposition of Raised S.B. No. 6692, An Act Concerning Participation in a Program of Community Service for Persons Seeking Fee Waivers in Certain Civil Actions. Annually, CWEALF educates almost 1,500 people about how to access courts to exercise their legal rights. Fee waivers are a critical resource for ensuring our civil courts provide equitable access for many of our families and therefore we are strongly opposed to the provisions in this proposed bill.

SB 6692 proposes the institution of a program in which individuals granted a fee waiver by the courts for fees or cost of service of processes will be required to perform up to 20 hours of community service. The stated intention of this bill is to disincentivize the filing of numerous frivolous lawsuits¹, yet it is targeted narrowly at low-income people. The majority of people who contact CWEALF have incomes under \$25,000 annually and have at least one child. Many are seeking help to file for divorce to end unhealthy marriages. Often parents who contact us are questioning filing because it will mean they need to take unpaid time off from work, find child care, transportation, etc, all of which add a financial burden to these civil actions. Requiring 20 hours of community service could potentially deter even more people from appropriately filing because it would extend the financial burden beyond the court case.

There is currently a system in place which allows the Courts to prevent individuals from abusing the system with excessive and unfounded filings. For example, a New Britain individual filed excessively and now claims filed by her are review for merit and returned to her if deemed inappropriate². Beyond this we must consider the additional cost that will be incurred by the entire system if this bill is past. Staff hours will be spent setting up and monitoring the completion of community service. Not to mention the additional time that will be spent on deliberations and appeals for individuals who are unable to complete the service, and the cost of enforcing unspecified consequences.

CT State constitution requires equal access to the courts. Under the guise of upholding equal access to the courts by deterring multiple unnecessary filings this bill makes fails to address the issue holistically and instead, at least on its face, penalizes persons in reduced circumstances. The proposed bill undermines the core purpose of having fee waivers which is to ensure people have access to courts to resolve civil issues, therefore CWEALF urges you to oppose this bill.

¹ <http://www.ctlawtribune.com/PubArticleCT.jsp?id=1202586715216>

² <http://caselaw.findlaw.com/ct-superior-court/1598204.html>