



General Assembly

January Session, 2013

Raised Bill No. 6678

LCO No. 4826



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING THE SERVICE OF A CAPIAS MITTIMUS IN A CHILD SUPPORT ENFORCEMENT MATTER.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (8) of subsection (a) of section 17b-745 of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2013*):

4 (8) Failure of any defendant to obey an order of the court or Family
5 Support Magistrate Division made under this section may be punished
6 as contempt of court. If the summons and order is signed by a
7 commissioner of the Superior Court, upon proof of service of the
8 summons to appear in court or before a family support magistrate and
9 upon the failure of the defendant to appear at the time and place
10 named for hearing upon the petition, request may be made by the
11 petitioner to the court or family support magistrate for an order that a
12 capias mittimus be issued. Except as otherwise provided, upon proof
13 of the service of the summons to appear in court or before a family
14 support magistrate at the time and place named for a hearing upon the
15 failure of the defendant to obey the court order as contempt of court,

16 the court or the family support magistrate may order a *capias mittimus*
17 to be issued and directed to a judicial marshal to the extent authorized
18 pursuant to section 46b-225, a police officer, as defined in section 7-
19 294a, or any other proper officer to arrest such defendant and bring
20 such defendant before the Superior Court for the contempt hearing.
21 The costs of commitment of any person imprisoned for contempt shall
22 be paid by the state as in criminal cases. When any such defendant is
23 so found in contempt, the court or family support magistrate may
24 award to the petitioner a reasonable attorney's fee and the fees of the
25 officer serving the contempt citation, such sums to be paid by the
26 person found in contempt.

27 Sec. 2. Subparagraph (C) of subdivision (8) of subsection (a) of
28 section 46b-215 of the general statutes is repealed and the following is
29 substituted in lieu thereof (*Effective October 1, 2013*):

30 (C) The court, or any judge thereof, or family support magistrate
31 when said court or family support magistrate is not sitting, or a family
32 support magistrate, may require the defendant or defendants to
33 become bound, with sufficient surety, to the state, town or person
34 bringing the complaint, to abide such judgment as may be rendered on
35 such complaint. Failure of the defendant or defendants to obey any
36 order made under this section may be punished as contempt of court
37 and the costs of commitment of any person imprisoned for contempt
38 shall be paid by the state as in criminal cases. Except as otherwise
39 provided, upon proof of the service of the summons to appear in court
40 or before a family support magistrate at the time and place named for
41 a hearing upon the failure of the defendant or defendants to obey such
42 court order or order of the family support magistrate, the court or
43 family support magistrate may order a *capias mittimus* be issued and
44 directed to a judicial marshal to the extent authorized pursuant to
45 section 46b-225, a police officer, as defined in section 7-294a, or any
46 other proper officer to arrest such defendant or defendants and bring
47 such defendant or defendants before the Superior Court for the
48 contempt hearing. When any person is found in contempt under this

49 section, the court or family support magistrate may award to the
50 petitioner a reasonable attorney's fee and the fees of the officer serving
51 the contempt citation, such sums to be paid by the person found in
52 contempt.

53 Sec. 3. Subdivision (1) of subsection (m) of section 46b-231 of the
54 general statutes is repealed and the following is substituted in lieu
55 thereof (*Effective October 1, 2013*):

56 (1) A family support magistrate in IV-D support cases may compel
57 the attendance of witnesses or the obligor under a summons issued
58 pursuant to section 17b-745, as amended by this act, 46b-172 or 46b-
59 215, as amended by this act, a subpoena issued pursuant to section 52-
60 143, or a citation for failure to obey an order of a family support
61 magistrate or a judge of the Superior Court. If a [person] witness or the
62 obligor is served with any such summons, subpoena or citation issued
63 by a family support magistrate or the assistant clerk of the Family
64 Support Magistrate Division and fails to appear, a family support
65 magistrate may issue a *capias mittimus* directed to a judicial marshal
66 to the extent authorized pursuant to section 46b-225, as amended by
67 this act, a police officer, as defined in section 7-294a, or any other
68 proper officer to arrest the obligor or the witness and bring the obligor
69 or witness before a family support magistrate. Whenever such a *capias*
70 *mittimus* is ordered, the family support magistrate shall establish a
71 recognizance to the state of Connecticut in the form of a bond of such
72 character and amount as to assure the appearance of the obligor at the
73 next regular session of the Family Support Magistrate Division in the
74 judicial district in which the matter is pending. If the obligor posts
75 such a bond, and thereafter fails to appear before the family support
76 magistrate at the time and place the obligor is ordered to appear, the
77 family support magistrate may order the bond forfeited, and the
78 proceeds thereof distributed as required by Title IV-D of the Social
79 Security Act.

80 Sec. 4. (NEW) (*Effective July 1, 2013*) The Chief Court Administrator,

81 or the Chief Court Administrator's designee, in collaboration with the
82 Commissioners of Social Services and Emergency Services and Public
83 Protection, or their designees, shall develop a means by which a capias
84 mittimus, ordered by the court or a family support magistrate
85 pursuant to section 17b-745, 46b-215 or 46b-231 of the general statutes,
86 as amended by this act, is transmitted to and made accessible on the
87 Connecticut online law enforcement communications teleprocessing
88 system.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	17b-745(a)(8)
Sec. 2	<i>October 1, 2013</i>	46b-215(a)(8)(C)
Sec. 3	<i>October 1, 2013</i>	46b-231(m)(1)
Sec. 4	<i>July 1, 2013</i>	New section

Statement of Purpose:

To (1) increase the collection of past due child support by allowing a municipal police officer or a state police officer to serve a capias mittimus ordered by the court or a family support magistrate, and (2) require the Chief Court Administrator to collaborate with the Commissioners of Social Services and Emergency Services and Public Protection in devising a means by which a capias mittimus order is transmitted to and made accessible on the Connecticut online law enforcement communications teleprocessing system.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]