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JUDICIAL BRANCH

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Testimony of the Judicial Branch
Judiciary Committee Public Hearing
March 14, 2016

H.B. 5530, An Act Concerning the Repayment of Child Support Arrearages

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch regarding H.B. 5530, *An Act Concerning the Repayment of Child Support Arrearages*. Although the bill is trying to address a significant issue with respect to the collection of past due child support, the Judicial Branch has concerns with how it is drafted.

The Connecticut Commission for Child Support Guidelines was established pursuant to Section 46b-215a to review and issue updated guidelines. In its 2015 revisions, the Commission increased the amount of an arrearage order from 50% to 100% of the imputed child support obligation in situations where there is no longer a duty to pay current child support.

This legislative proposal appears to mandate something that is currently required under the 2015 Guidelines. Moreover, it imposes an additional monetary threshold on the application of the 100% rule, requiring \$3,000 in past due support. This additional monetary threshold may limit the application of the current 100% rule, as adopted in the 2015 revision of the guidelines, and has the potential to limit child support collection on arrears under \$3,000.

Finally, a subtle but important distinction is that the proposed legislation calculates the 100% based on the weekly child support order "in effect prior to" the date the duty to support the child ended. Conversely, the Guidelines intentionally use 100% of an "imputed current support order," which has the effect of ensuring current income and ability is used to determine the arrearage order. A strict application of the proposed legislation may produce unintended child support orders where the obligated parent no longer has the same income or ability as when there was a minor child (e.g. a modification parent who is now collecting social security disability but wasn't at the time his child support order was in effect).

Thank you for the opportunity to submit written testimony on this bill.