

Capias Mittimus Orders

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Issue

Who under Connecticut law is authorized to serve a capias mittimus (capias) in a child support enforcement case?

Summary

A court issues a capias to compel a person to appear in court. The attorney general has stated that the law distinguishes between a capias and a criminal arrest warrant and it “seems clear” that “a capias is a civil process” ([Attorney General Opinion](#), February 2, 2007, quoting an [Attorney General Opinion](#) from 2000).

The law allows state marshals and other proper officers authorized by statute to serve civil process. In limited circumstances, an “indifferent person” can serve civil process. The law also authorizes Judicial Branch Court Support Services investigators and support enforcement officers to serve certain process in child support matters ([CGS § 52-50\(d\)](#)). The Department of Emergency Services and Public Protection (DESPP) commissioner can appoint up to six people nominated by the Department of Social Services commissioner to serve warrants or a capias in child support matters ([CGS § 29-1g](#)). The law also authorizes a judicial marshal to serve a capias in child support matters on a person who is (1) in the marshal’s custody or (2) in the courthouse where the marshal provides security ([CGS § 46b-225](#)). Additionally, a new law requires the State Marshal Commission, in consultation with the State Marshals Advisory Board, to implement policies and procedures to increase state marshal participation in serving capias orders, such as requiring that state marshals serve a minimum percentage of such orders ([PA 17-98](#)).

While the law does not explicitly prohibit law enforcement officers from serving civil process, it does authorize them to serve criminal process, such as criminal arrest warrants (CGS §§ [7-281](#) and [29-7](#)). According to DESPP, in practice, law enforcement officers currently do not serve capias.

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