Legislative History for Connecticut Act

HB5668	(PA 90-188)	1990
Senate	2702-2705, 2754-2755	(6p)
House	3624-3628	(5p)
Jud.	411-412, 415-416, 421-428, 475, 502-503, 512, 553-554, 556, 589-591, 619-620, 621, 628	(26p)

LAW/LEGISLATIVE REFERENCE
DO NOT REMOVE FROM LIBRARY

37p

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

Connecticut State Library

Compiled 2015

S-310

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1990

VOL. 33
PART 9
2675-2972

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber. Immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

The question before the Chamber is a motion to adopt Calendar 388, Substitute HB5814, Files 191 and 594 as amended by Senate Amendment "A" and as amended by House Amendment Schedules "A" and "B". The machine is open. Please record your vote. Senators, may I suggest. We are having some difficulty in moving some of these items. I suggest that when your, when a particular item belongs to a certain Chairman that they be ready to report because we had to mark some Passed Temporarily. Senator Matthews. Senator Avallone. Has everyone voted? The machine is closed. Clerk please tally the vote.

The result of the vote.

33 Yea

1 Nay

The bill is adopted.

THE CLERK:

Calendar Page 9, Calendar 406, Files 462 and 636, Substitute HB5668, AN ACT CONCERNING USE OF GUIDELINES

FOR MODIFICATION OF SUPPORT ORDERS. As amended by House Amendment Schedule "A". Favorable Report of the Committee on JUDICIARY.

THE CHAIR:

Senator Blumenthal.

SENATOR BLUMENTHAL:

Thank you, Mr. President. I move adoption of the Joint Favorable Report and passage of the bill in concurrence with the House.

THE CHAIR:

Will you remark?

SENATOR BLUMENTHAL:

Yes, Mr. President. This bill marks a continuing effort, or is part of a continuing effort to try to improve enforcement of child support orders. What it does is authorize a judge to consider whether or not in particular instances of child support there is a substantial deviation from the child support guidelines that were made mandatory in 1989 by the Connecticut General Assembly. That was done in compliance with the Federal legislation passed in 1988 that required the adoption of such guidelines.

This bill would simply require or authorize a judge to consider whether or not over the passage of time there has been a substantial deviation in particular

instances from what the guidelines would have required or would require in particular instances of child support.

THE CHAIR:

Further remarks? Senator Upson.

SENATOR UPSON:

Yes, through you, Mr. President, to Senator Blumenthal.

THE CHAIR:

You may proceed.

SENATOR UPSON:

A judge can do this without a motion from any party? Through you, Mr. President.

THE CHAIR:

Senator Blumenthal.

SENATOR BLUMENTHAL:

My understanding, Mr. President, is there would have to be a motion from one of the parties. A judge could not sue espondez review child support orders.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Alright. And through you, Mr. President, the motion would have to be one of modification from one of the parties. Through you, Mr. President.

THE CHAIR:

Senator Blumenthal.

SENATOR BLUMENTHAL:

Through you, Mr. President. That is my understanding.

THE CHAIR:

Senator Upson.

SENATOR UPSON:

Last question. Through you, Mr. President. The fact that the guidelines were adopted a year ago, this is not a retroactive application. What you are suggesting is that a judge can use these guidelines for the future. Through you, Mr. President.

THE CHAIR:

Senator Blumenthal.

SENATOR BLUMENTHAL:

Through you, Mr. President. That is correct.

THE CHAIR:

Further remarks on the bill? Any objection to placing it on the Consent Calendar? Without objection, so referred. Senator Hale.

SENATOR HALE:

Thank you, Mr. President. If I could ask the pleasure of the Senate, I would like to introduce a former constituent of mine who is visiting here today

Consent Calendar. Clerk please make an announcement that we take a vote on the Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Please give your attention to the Clerk who will read the items that have been referred to the Consent Calendar.

THE CLERK:

Mr. President, the first Consent Calendar begins on Calendar Page 6, Calendar 375, Substitute HB5961. Calendar 377, Substitute HB5130. Calendar Page 9, Calendar 406, Substitute HB5668. Calendar 407, Substitute HB5135 and Calendar 415, HB5124.

Calendar Page 10, Calendar 421, Substitute HB5762. Calendar Page 12, Calendar 453, Substitute HB5069. Calendar Page 13, Calendar 459, Substitute HB5876. Calendar 460, Substitute HB5923. Calendar Page 16, Calendar 477, HB6094. Calendar 480, Substitute HB5831.

Calendar Page 17, Calendar 487, HB5009. Calendar Page 18, Calendar 494, Substitute HB5963. Calendar

Page 19, Calendar 501, Substitute HB5973. Calendar Page 20, Calendar 504, Substitute HB5693. And Calendar Page 29, Calendar 332, Substitute SB237. Mr. President, that completes the first Consent Calendar.

THE CHAIR:

Are there any changes or omissions. We will now vote on Consent Calendar #1. The machine is open. Please record your vote. Has everyone voted? The machine is closed. Clerk please tally the vote.

The result of the vote.

34 Yea
0 Nay

The first Consent Calendar is adopted.

Senator Przybysz.

SENATOR PRZYBYSZ:

Thank you, Mr. President. I was out of the Chamber when we voted on Calendar 440, I believe and 439. Could I be recorded in the affirmative please?

THE CHAIR:

The record will so note. Senator Scarpetti, you were momentarily absent on Consent Calendar #1. What is your wish?

SENATOR SCARPETTI:

Mr. President, I am sorry I was out of the Chamber. In the affirmative please.

H-564

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1990

VOL. 33
PART 11
3488-3872

properly recorded? Have all members voted? If all members have voted, the machine will be locked and the Clerk will take a tally.

Clerk announce the tally.

CLERK:

House Bill 5140, as amended by Senate "A" in concurrence with the Senate.

Total number voting	142
Necessary for Passage	72
Those voting Yea	142
Those voting Nay	0
Those absent and not voting	9

DEPUTY SPEAKER POLINSKY:

The bill as amended is passed. (Gavel)

In concurrence with the Senate.

Clerk, please continue with the Call of the Calendar.

CLERK:

Calendar 373 on page 8. Substitute for House Bill 5668, AN ACT CONCERNING USE OF GUIDELINES FOR MODIFICATION OF SUPPORT ORDERS. Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER POLINSKY:

That handsome gentlemen from Norwalk, Representative Mintz.

REP. MINTZ: (140th)

Madam Speaker, you must be talking about Representative Anastasia. I yield to him. Oh, he doesn't want to accept the yield. I'm sorry.

I move for acceptance of the the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER POLINSKY:

Motion is on acceptance and passage. Will you remark, sir?

REP. MINTZ: (140th)

Yes. Thank you, Madam Speaker. What this bill allows the court to modify an existing child support order in the divorce decree. It substantially deviates from the child support guidelines that we made mandatory in 1989. Current law allows the court to modify an order only if there has been a substantial change in circumstances since the original order.

When deciding whether or not to modify, the court has to consider the property division made on the decree at the time of the divorce and how it may benefit the child.

The bill also allows substantial deviation from the guideline as a reason to modify support orders issued by the courts of family magistrates. In attorney actions support, the main institutions support under

the Uniform of Reciprocal Enforcement of Support Act, and support by relatives.

The bill prohibits retroactive modifications of support, except from the time between when a motion is filed and the court is heard.

The Clerk has an amendment LCO2182. I ask that he call and I be allowed to summarize.

DEPUTY SPEAKER POLINSKY:

Clerk please call LCO2182, which shall be designated House "A".

CLERK:

LCO2182, House "A", offered by Representative Fox.

DEPUTY SPEAKER POLINSKY:

Representative Mintz, did you ask to summarize, or did you ask for the Clerk to read it?

REP. MINTZ: (140th)

I will summarize.

DEPUTY SPEAKER POLINSKY:

The gentlemen has asked to permission to summarize. Is there objection? Without objection, please proceed sir.

REP. MINTZ: (140th)

Yes, this amendment talks about when the modification is retroactive. Unless there was a specific finding on the record at the time that the

application of the guidelines would be inequitable and inappropriate.

I move adoption.

DEPUTY SPEAKER POLINSKY:

The motion is on adoption of House "A". Will you remark further? Will you remark further? If not, let us try your minds.

All those in favor please indicate by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER POLINSKY:

Opposed, nay.

The ayes have it. The amendment is adopted and ruled technical.

******

The following is House Amendment Schedule "A":

In lines 15, 134 and 166, after "89-203" insert the following: ", UNLESS THERE WAS A SPECIFIC FINDING ON THE RECORD THAT THE APPLICATION OF THE GUIDELINES WOULD BE INEQUITABLE OR INAPPROPRIATE"

In lines 59 and 196, after "89-203", insert the following: 'UNLESS THERE WAS A SPECIFIC FINDING ON THE RECORD THAT THE APPLICATION OF THE GUIDELINES WOULD BE INEQUITABLE OR INAPPROPRIATE"

******

DEPUTY SPEAKER POLINSKY:

Will you remark further on the bill as amended?

Will you remark further? If not, members please take

your seats. Staff and guests to the Well of the House, the machine will be opened.

CLERK:

The House of Representatives is voting by roll call, members report to the Chamber. Members to the Chamber please, the House is voting by roll.

The House of Representatives is voting by roll.

DEPUTY SPEAKER POLINSKY:

Have all members voted, and is your vote properly recorded? Have all members voted? If all members have voted, the machine will be locked and the Clerk will take a tally.

Clerk will announce the tally.

CLERK:

House Bill 5668, as amended by House "A".

Total number Voting	141
Necessary for Passage	71
Total voting Yea	141
Total voting Nay	0
Those absent and not voting	10.

DEPUTY SPEAKER POLINSKY:

The bill as amended is passed. (Gavel)

CLERK:

Page 18, Calendar 258. Substitute for House Bill 5851, AN ACT CONCERNING THE PROHIBITION OF CLOTH

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 2
378-722

1990

like to bring to the Committee's attention and ask that they be addressed if the Committee was to consider it any further.

REP. TULISANO: Your comments as I recall with this bill, we currently have legislation on the books dealing with houses of prostitution, which allow the (inaudible) injunctive relief for private citizens. Perhaps that language is archaic also, so when you get to checking it out in your free time, you can tell us how to straighten out that one, too.

FAITH MANDELL: Yes. Because it does, it's interesting because it talks about injunctive relief which is civil, and then you have the state's attorneys, you even have the court issuing a warrant without the state's attorney. These are just --

REP. TULISANO: And I think that comes out of older law that, and maybe we have to do something with that, also.

FAITH MANDELL: Okay.

REP. TULISANO: Including abolishing it.

FAITH MANDELL: And Anthony Salius, our Director of Family Division is here to testify in two bills concerning child support, three.

ANTHONY SALIUS: I will testify on three bills. The first is HB5670, AN ACT CONCERNING NOTIFICATION OF CONSUMER REPORTING AGENCIES OF CHILD SUPPORT DELINQUENCIES. We'd like to speak in general support of that bill. It has been demonstrated in other states to be an effective support enforcement tool.

There are some, however, procedural problems which I believe the attorney general will be addressing this evening.

The second bill is HB5668, AN ACT CONCERNING USE OF GUIDELINES FOR MODIFICATION OF SUPPORT ORDERS. If the Committee should favorably consider this bill, we would suggest the following technical amendments.

In line 16, the correct statutory citation would be 46d-86 rather than 46d-96. In line 24, the word party should not be deleted. And in line 47, the correct statute would be 52-57 as amended by PA89-195.

Also, and perhaps more importantly, it is the opinion of Judge Fred Freeman, the Chief Administrative Judge for family matters that the effect of the bill, consistent with some recent Supreme Court decisions, would be prospective and not retroactive. Effective only for those orders which would be entered following the effective date of the act.

If that's the intent, if it's the intention to apply to all existing support orders, perhaps language should be added specifying retroactivity.

REP. TULISANO: Well, can't we do it. Are you saying that recent court decisions say you can't do retroactive anyway?

FAITH MANDELL: No. My understanding --

REP. TULISANO: It must be specifically stated, is that it?

FAITH MANDELL: Yes. Yes.

REP. TULISANO: It must be stated.

ANTHONY SALIUS: And we add, we feel that it probably should be stated because there's a great number of existing cases.

Again, if the Committee should favorably consider SB280, we would suggest consideration of the following concerns. This is AN ACT CONCERNING THE MODIFICATION OF CHILD SUPPORT ORDERS, that directs family relations counselors to review upon the request of the parties, support orders for modification, if there is a substantial dedication from the child support guidelines.

Our first concern is that there is no limitation on

COMM. ELLIOT GINSBERG: I think we all have to sit down and discuss how, in fact, the workload will get done.

REP. TULISANO: Okay.

COMM. ELLIOT GINSBERG: I will tell you from the perspective of our Department, it would get done. I can't speak for Judge Ment and the Judicial Department. They've already spoken that they need positions. I would be here to tell you that to the extend that you would be involved in the transfer it would be able to get done within the numbers that we would have coming over. So it would not require additional personnel from that perspective.

Since we are sort of in the middle of discussion, I am here to support, obviously, Raised SB280 and Raised HB5668 and HB5670. As I said, both of those, SB280 and HB5668 are required by the federal law and there is a need to do that.

We have taken into consideration, I think, the comments by a number of you regarding the fact that these have to be limited. They are reflective of the fact that property is not going to be, is going to be considered, that is to say where there was property involved in the resulting settlement as well as the fact that we have made clear that these are not perspective, excuse me, not retroactive and they cannot be deemed to be.

Again, we believe that in passing the bills last year, these in some ways are technical bills to the extent that we know we need to do them. As some of you may know, we are in the process of having a commission to study the guidelines in order to make sure that those guidelines are in fact most current and reflect the current trends in which House support should be.

That is why the legislation is required. Because if in fact there is substantial deviation from those guidelines which a cross panel of a number of people from the Legislature, from our department, from the attorney general's office, the courts, consumers, and advocates, are all getting together to look at it, if in fact we come up, when in fact

we come up with some guideline to the extent that those are current trends and where we ought to be, there is a sense that we ought to be sure that the orders that are outstanding are in compliance, or that they're not substantially deviated from that.

The last bill is HB5670, which is a consumer reporting agency support delinquencies. We do support this bill. We have in fact been dealing with credit reporting agencies over the years. Let me just say that in line 66 we believe, however, that the verification and request for certified mailings to obligor would be costly and in some cases administratively unworkable and we believe actually unnecessary.

As far as lines 62 to 64, we believe that we would be able to provide the kind of information that's required in the statute without incurring any additional cost so that there certainly would not be a fiscal note from that respect.

Finally, as I think Mr. Salius mentioned, in line 74 to 78, it is our belief, as well as the attorney general's office who I think will speak to it, that the language contained in subsection b is probably in violation of the fair credit reporting act and needs to be either deleted or substantially changed. This section relates to the liability for damages in lines 76 to 75 and 78.

In closing, we as the courts, have indicate, I suspect and know as the attorney general's office will testify, are all in support of trying to make sure that we provide any opportunity there is within legal means to provide the child support necessary for families and children and I would urge your support of all three of these bills. Thank you.

REP. TULISANO: Linda Dow.

LINDA DOW: Senator Avallone, members of the Committee, good evening. My name is Linda Dow. I'm here to speak on two bills. I will keep my comments brief. I have submitted written testimony.

owed to another. The credit worthiness of individuals is based on how well people pay their debts.

Therefore, if people are not paying child support, they're not honoring their legal obligations to pay a debt and the credit agencies should be notified of this fact when the amount of the overdue debt increases to over $500.

What this bill would do is require the Department of Human Resources to notify reporting agencies of all persons who owe more than $500 in overdue child support and if they wish to protect their credit, the non-custodial parents must stay current on their child support obligations, we believe a very powerful incentive to do just that.

The bill also has two provisions regulating consumer credit reporting agencies. It requires those agencies to record any corrections with ten days of receipt of such notification and the second provision provides that a company be liable for any damages suffered by the obligor if a company fails to record that the obligor no longer owes such child support.

It was mentioned earlier, there is the federal fair credit reporting act which does limit actions a consumer may bring against an agency to neglect full or wilful disclosure of such information. In my testimony I've cited those various provisions.

There's no question that certain portions of the fair credit reporting act do pre-empt certain State laws. However, there's a good question that there may be some area that still is preserved here, but I just wanted the Committee to be on notice that there is specific pre-emption in the federal credit reporting act.

This bill would provide a very important tool to insure enforcement and collection of child support, so I urge your support for that legislation.

And finally, SB280, AN ACT CONCERNING MODIFICATION OF CHILD SUPPORT ORDERS AND HB5668, AN ACT CONCERNING USE OF GUIDELINES FOR MODIFICATION OF SUPPORT ORDERS. As has already been mentioned, the

federal law, the Federal Family Support Act requires that each state enact two laws which I strongly support.

One needs to be in effect by October 1, 1990, the State must allow people to modify an existing order based on the fact that child support amount is substantially different from what the amount would be if the child support guidelines were used to calculate the child support amount.

And two, by October 1, 1993, the State must review all child support orders on a periodic basis and apply for modifications of those orders which are substantially different from the child support guidelines.

I support these bills and I also support the amendment offered by the Judiciary with respect to retroactivity. I think it's very important that we be able to go back and amend prior orders. I think clearly, the intent is there. We have so many such prior orders and I would hate to think that they would not be covered by these proposed amendments.

Again, because I do have my testimony already submitted, I'd just like to point out that at the bottom of my testimony there are just some technical amendments to the bill. There are some cites that I think have just been mistyped in the bill. So with that, I support those two bills and urge your passage. Yes?

The last one on the modifications? Good question. That is, you know, the Thomas Commission, one of the aspects of the Thomas Commission addresses recognition, especially for these modifications, to be able to do all of that work we would need some increased personnel.

So this is a part of the Thomas Commission, and the Thomas Commission does include staff and requirements for that.

REP. WOLLENBERG: Elliot doesn't need money for that, but you do, right? Elliot said he could absorb that, I think. It doesn't make any difference, but.

ATTY. GEN. CLARINE NARDI-RIDDLE: Well, we're the ones that have to actually go in court to modify that, so I mean, yes, he has to do some of the backup work but I'd like to ask Joe Dumont if he'd like to elaborate on that a little further, if you'd like. If that's satisfactory.

REP. WOLLENBERG: No, that's okay.

SEN. AVALLONE: I have one question.

ATTY. GEN. CLARINE NARDI-RIDDLE: Yes, Senator.

SEN. AVALLONE: Are there any of the proposals at the attorney general's office that goes into court?

ATTY. GEN. CLARINE NARDI-RIDDLE: I'm sorry, Senator?

SEN. AVALLONE: The attorney general's office that would be going into court on any one of the proposals? (inaudible-not speaking into mike)

ATTY. GEN. CLARINE NARDI-RIDDLE: Oh, that's the Thomas Commission is talking about moving some of the family relations duties over to the Department of Human Resources and the question has to be addressed as do the same powers that Family Relations has, do they also go with Human Relations? And the Thomas Commission makes an assumption that if they can have the same powers, which means that they'd be able to go in court, then this is what --

SEN. AVALLONE: If they're not attorneys, how can they go into court?

ATTY. GEN. CLARINE NARDI-RIDDLE: That's right.

SEN. AVALLONE: There's been some suggestion that there's an opinion out of your office that says that they can.

ATTY. GEN. CLARINE NARDI-RIDDLE: I'm not aware of any such opinion and I would know such a thing. You know, an official opinion.

REP. WOLLENBERG: Couple of things. If this goes on line, any idea of how many cases? A review of all of them, I assume, but --

ATTY. GEN. CLARINE NARDI-RIDDLE: Yeah, a review of all of them. Let me ask Joe Dumont if he has a ballpark figure here.

REP. WOLLENBERG: That's all I wanted.

ATTY. JOSEPH DUMONT: I would say probably --

ATTY. GEN. CLARINE NARDI-RIDDLE: Joe Dumont, Assistant Attorney General in Child Support.

ATTY. JOSEPH DUMONT: There are about 23,000 non AFDC 4 D cases in the system and if they were reviewed, it would depend upon the number of people that wanted a modification. It could be in the thousands. Doing the AFDC reviews, we might have to review as many as 40,000 cases. This would be done on a staggered basis.

Presently, we probably do 200 or 300 modifications a month in our office, so we can be talking about considerable impact on our operation.

REP. WOLLENBERG: Five times the (inaudible)

SEN. AVALLONE: Why are we doing this? I just don't see how we're affecting anything.

ATTY. GEN. CLARINE NARDI-RIDDLE: Why are we doing?

SEN. AVALLONE: We have these many cases to review, are they going to be reviewed, 40,000 cases? 23,000 cases? 300 are reviewed every month.

ATTY. GEN. CLARINE NARDI-RIDDLE: Yeah.

SEN. AVALLONE: Will someone tell me how the math makes sense? Please?

REP. WOLLENBERG: You're doing 200 now.

ATTY. GEN. CLARINE NARDI-RIDDLE: 200 or 300, what we're doing now. That's what we're doing now.

REP. WOLLENBERG: This would be in addition?

ATTY. GEN. CLARINE NARDI-RIDDLE: This would be in addition. No question about it.

ATTY. JOSEPH DUMONT: Of course, every case that would be reviewed wouldn't be modified. Maybe a third would be modified.

SEN. AVALLONE: I can now sense the frustration in the (inaudible) here, which I've only begun to experience.

ATTY. GEN. CLARINE NARDI-RIDDLE: I'm sorry.

SEN. AVALLONE: How are you going to review these. Who is going to do it?

ATTY. GEN. CLARINE NARDI-RIDDLE: Well, that's --

ATTY. JOSEPH DUMONT: The Department of Human Resources will do the initial review and determine if a child support order does not comply with the guidelines, or there's been a substantial change in financial circumstances, they made a determination based upon a specific criteria. Then they would presumably refer it to our office for a modification.

REP. TULISANO: You see, that's the problem, we've been bounced around by three departments. Who's got the money in the budget to do the job? That's all I want to know. If you tell me the money's in the budget to do the job it all fits in place. To keep playing games and telling people we're doing something and do nothing again? It's gotten to me.

ATTY. JOSEPH DUMONT: This is the recommendation of the Thomas Commission.

REP. TULISANO: I understand that. But where's the money to implement it?

ATTY. GEN. CLARINE NARDI-RIDDLE: They're working on a budget option right now to implement the Thomas Commission.

REP. TULISANO: Who is?

ATTY. GEN. CLARINE NARDI-RIDDLE: Tim Bannon of the Governor's office.

REP. TULISANO: Oh. I'll let Harper and the rest know about that. That's exactly the issue I raised on the last speaker that was here.

REP. WOLLENBERG: Any idea how much?

REP. TULISANO: Somebody else has got a grand design, not the Legislature.

REP. WOLLENBERG: Any idea how much?

ATTY. GEN. CLARINE NARDI-RIDDLE: It's in the maximum report and I'd be happy to submit it to you, Representative Wollenberg. Again, the Thomas Report came out after the budgets were all submitted, before it went to the printer, as you probably all know. That came out afterwards. So now it's back coming in now.

REP. TULISANO: As I know of, some of them weren't even passed as of yesterday morning. Some of the Thomas Commission reports weren't even acted on until yesterday morning.

ATTY. GEN. CLARINE NARDI-RIDDLE: Right.

REP. TULISANO: And we're supposed to be a good Legislature and know what we're doing when we do it? By acting that way. Okay, if everybody thinks that's the right way to legislate, fine, go ahead.

ATTY. GEN. CLARINE NARDI-RIDDLE: Representative Wollenberg.

REP. WOLLENBERG: I have another question. On the reporting, how many, to the credit bureaus, about how many, it may be unfair, are there who you would be reporting, say you started it tomorrow?

ATTY. GEN. CLARINE NARDI-RIDDLE: This would be DHR, but --

ATTY. JOSEPH DUMONT: DHR would report it and there is about a 40%, 40% of cases in AFDC are paid. There's a 60% delinquency.

REP. WOLLENBERG: 500 doesn't sound like very much to me. That could be a week.

ATTY. JOSEPH DUMONT: Not in most AFDC cases.

REP. WOLLENBERG: Okay, a month.

ATTY. JOSEPH DUMONT: This also would apply of course, to non-AFDC cases and we don't have a good figure on that because they're not in our automated system.

REP. WOLLENBERG: But thousands.

ATTY. JOSEPH DUMONT: It will be thousands, right.

REP. WOLLENBERG: 25,000.

ATTY. JOSEPH DUMONT: That could be pretty close.

REP. WOLLENBERG: People who owe $500 or more, are in arrears.

ATTY. GEN. CLARINE NARDI-RIDDLE: Yeah.

REP. WOLLENBERG: It's a lot.

ATTY. GEN. CLARINE NARDI-RIDDLE: It's a lot.

REP. WOLLENBERG: And it's a lot of work.

ATTY. JOSEPH DUMONT: They have computer printouts. DHR has an automated system that prints out on a weekly basis, or it can be printed out on a weekly or a monthly basis.

REP. WOLLENBERG: I think you can send these easy, but that's the first part of the job. You send them and a guy sets a, and says, whoever it is is behind, I'm going to clear that up and he does. Something has to be done again.

ATTY. GEN. CLARINE NARDI-RIDDLE: Right.

REP.WOLLENBERG: That what's done again doesn't work many times when we do it on purpose. So, you know, it seems unwielding to me. There's the other side of the coin. Fine, we get them out there and we'll

just say, shame this shows up on his credit report. He's looking for a loan so he can pay off his support, I can see that too, so he doesn't get that so he doesn't pay off his support. Then you've got to take it off and that's very difficult sometimes.

ATTY. GEN. CLARINE NARDI-RIDDLE: I hear you. I agree with you, too.

REP. TULISANO: I presume DHS will go back. I've been inundated about my leadership telling me about the money problems they have right now. Does DHR have in its budget money to do this initial review that you just indicated?

ATTY. GEN. CLARINE NARDI-RIDDLE: I'm sorry, I would really rather DHR answer that.

REP. TULISANO: Elliot is shaking. May the record show that Mr. Ginsberg says the money is in the budget to do that part of it.

COMM. ELLIOT GINSBERG: The money is in the budget in the sense that it is part of our ongoing budget (inaudible).

REP. TULISANO: Thank you. We don't need additional people. That's fine.

COMM. ELLIOT GINSBERG: As we testified, to the extent that we would send letters out, there is a problem. To the extent that we continue to do it, do a tape mechanism we could do it. We have the capacity to show the amount owed and send that through tape, and we have the capacity to show it cleared through a tape, which it would show a same name a zero, which would be able to be sent out the same way, that we have the capacity to do.

What we have testified against was the ability to send certified letters out to everybody to the actual (inaudible) to say that you've been cleared up. But to the extent we could do it through the tape mechanism, yes, we have the capacity within the current budget.

REP. WOLLENBERG: Thank you.

PATRICIA CAPUTO: No, I don't.

REP. WOLLENBERG: Is it $10 or something like that?

PATRICIA CAPUTO: I don't think it's that high. I think it's a real nominal kind of fee. I'm sure Tony Dinallo would have that kind of information.

REP. WOLLENBERG: That's okay. I'm wondering if it's $3,000 or $4,000 if we've got 40 cases at $10 a piece. Forty cases at $10 apiece.

PATRICIA CAPUTO: No, it's a very nominal kind of thing, and I think that, again, the monies that are being generated, that at least from the two states that I spoke with and I only spoke with two. I know there are three or four others that are already doing it and they feel it's more than cost-effective.

REP. WOLLENBERG: How many are doing it?

PATRICIA CAPUTO: I know Nebraska and Vermont because I spoke with them. Massachusetts is doing it. New York and California are doing it.

REP. WOLLENBERG: Five or six.

PATRICIA CAPUTO: Yeah, at least.

REP. WOLLENBERG: Thank you.

SEN. AVALLONE: Ann Menard, Menard? It looks like M-c or M-e-n-a-r-d. Gail Hamm.

GAIL HAMM: Good evening, for the record, my name is Gail Hamm. I'm legislative coordinator with the Commission on the Status of Women.

I'm here to support all three of the child support bills that are before you this evening. SB280 and HB5668 which are the modification bills, which apparently has uncovered some fiscal consequences, which I will leave to your good judgment.

The bill that we are primarily concerned with at PCSW, is the credit bureau consumer reporting bill, HB5670. This Committee has a great deal of

Session, than perhaps in the next. certain matters we found during the course of our work that we think deserve your attention.

Finally, the effort by many lawyers and judges to bring the recodification this far I think is a shining example of voluntary work in the public interest. The experienced probate professionals who have contributed so much to the project, can and do manage well with the present codification.

The inexperienced and the untrained citizens who attempt to use our probate system unaided, are the targeted principal beneficiaries of this legislation. We think that the bill represents the pro bono spirit which you are trying to encourage and which the Judiciary are trying to encourage amongst the bar and the Judiciary, and we urge your support of the bill.

JUDGE GLENN KNIEREM: Members of the Committee, my name is Glenn Knierem, I'm judge of probate for the District of Simsbury, and proud to be a member of Attorney Johnson's committee that did this work.

As Attorney Johnson said, the bill before you, HB5666 is step one in the process. If you used Title 45 as I have for some 30 years, I don't have to give you a sales talk. If you haven't, take a half hour tomorrow and you'll know what we mean when we say that it needs to be reorganized.

I think you know that Connecticut has one of the best sets of probate laws in the country, if you can find them, and that is the problem. You have a bill before you allowing you to do many people a great service without spending any money and I have submitted to you, written testimony, which I would refer you to and close with urging you to take this good first step and give this bill your joint and favorable approval. Thank you.

SEN. AVALLONE: Thank you. Lucy Potter.

LUCY POTTER: Good evening members of the Committee. I'm Lucy Potter. I'm an attorney with the legal aid society of Hartford. I represent both men and women custodial and non-custodial parents in child

support actions. I was one of the lead counsel in Walters v Ginsberg and I'm also on the child support guidelines commission.

I'm here in my capacity as a lawyer for Legal Aid and on behalf of the clients that I represent, and I'd like to address some numbers HB5668, SB280, and HB5670.

I'd like to address some of the concerns that were raised earlier by the testimony of Anthony Selius, Clarine Nardi-Riddle and Elliot Ginsberg. There was some discussion of whether or not HB5668, which has to do with modifying a child support order when it deviates from the child support guidelines.

There was concern about whether or not that would be applied retroactively. I think that was the wrong term people were using. It's clear that this law is not meant to change any order prior to the date that a modification request is filed, but it is clearly the purpose of Section 103 which the act is trying to implement, to bring orders which were entered before the enactment of the child support guidelines, or before they were made mandatory in October of 1989, to give an opportunity for all those prior orders to be brought into line with the guidelines.

So if this present provision does not already include a requirement that the previous orders are affected, it really ought to, because its intent is to implement Section 103. And I don't believe there would be any legal impediment to doing that. It's not like retroactively modifying an order.

Secondly, --

REP. MINTZ: On that one, it's not a proposal that anyone would have an automatic arrearage, because the order is modified now.

LUCY POTTER: Right. I guess that would be maybe the concern some people have.

The second bill, SB280 is the one about beefing up the support enforcement workers in order to implement mandatory modifications. Everybody's been referring to the Thomas Commission Report which

There are two bills that are related dealing with modification of child support orders, that's SB280 and HB5668. There are two changes that we would suggest you make in the wording of those bills.

First, the bills refer to payment orders that substantially deviate from the guidelines. Our understanding of the federal law that's relevant to this is that it should be phrased, as are not in accordance with the guidelines, rather than substantially deviated from, to match it to the language of federal law.

The second change is --

REP. TULISANO: Do we have to have exactly what the federal law says?

RAPHAEL PODOLSKY: Well, you have to be in compliance with federal law.

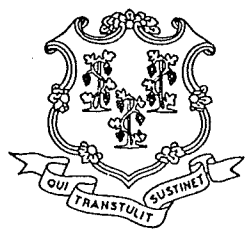
REP. TULISANO: (inaudible) whatever that word means under federal regulation. To substantially deviate seems to me to mean something more than compliance.

RAPHAEL PODOLSKY: I don't want to make a big issue out of it. It would seem like you ought to follow the language of the federal law. I don't know to what extent you can vary without being considered so far away from it that it's not acceptable. Possibly, that would be acceptable. I'm not certain.

The other change I would suggest is that rather than referring specifically to taking into consideration a property settlement, you should use more general language that says essentially, the court shall consider the reasons for variation from the schedule of support of such guidelines which were stated on the record at the time the order was entered.

That's to say, the court should consider whatever it was that was the reason at the time for not using the usual support schedule. That's all the bills I have to say anything on.

REP. MINTZ: Any questions? Thank you very much.



Testimony of

Commissioner Elliot A. Ginsberg
Department of Human Resources

before the

Judiciary Committee

Public Hearing
February 28, 1990

Senate Bill 280, House Bills 5668 and 5670

GOOD EVENING, SENATOR AVALLONE, REPRESENTATIVE TULISANO AND MEMBERS OF THE JUDICIARY COMMITTEE. MY NAME IS ELLIOT GINSBERG, COMMISSIONER OF THE DEPARTMENT OF HUMAN RESOURCES, AND I THANK YOU FOR THIS OPPORTUNITY TO COMMENT ON THREE BILLS BEFORE YOU TODAY, RAISED BILL 280, RAISED BILL 5668 AND RAISED BILL 5670.

THE FIRST TWO BILLS WERE PROPOSED BY THE DEPARTMENT, NAMELY RAISED BILL 280, AN ACT CONCERNING MODIFICATION OF CHILD SUPPORT ORDERS AND RAISED BILL 5668, AN ACT CONCERNING USE OF GUIDELINES FOR MODIFICATION OF SUPPORT ORDERS. BOTH BILLS ARE NEEDED IN ORDER FOR CONNECTICUT TO COMPLY WITH CERTAIN PROVISIONS OF THE FEDERAL FAMILY SUPPORT ACT OF 1988, REGARDING REQUIREMENTS FOR PERIODIC REVIEW AND MODIFICATION OF SUPPORT ORDERS BASED ON ESTABLISHED STATE GUIDELINES. SPECIFICALLY, THIS FEDERAL LEGISLATION REQUIRES THAT BY OCTOBER 13, 1990, CONNECTICUT MUST HAVE A PLAN TO PERIODICALLY REVIEW AND ADJUST CHILD SUPPORT ORDERS.

RAISED BILL 5669

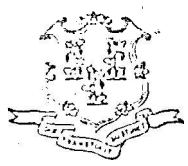
RAISED BILL 5668, AN ACT CONCERNING USE OF GUIDELINES FOR MODIFICATION OF SUPPORT ORDERS, ALSO PROVIDES FOR MODIFICATION OF CHILD SUPPORT ORDERS IF THE AMOUNT OF THE ORIGINAL ORDER DEVIATES SUBSTANTIALLY OR IS BELOW THE STATE'S ESTABLISHED GUIDELINES; NO SUCH ORDER, HOWEVER, WOULD BE SUBJECT TO RETROACTIVE MODIFICATION.

THIS BILL FURTHER REQUIRES, IN COMPLIANCE WITH THE FEDERAL FAMILY SUPPORT ACT, THAT EFFECTIVE OCTOBER 13, 1993, THE STATE MUST REVIEW CHILD SUPPORT ORDERS IN IV-D CASES, AT LEAST EVERY THREE YEARS AND ADJUST SUCH ORDERS ACCORDINGLY, UNLESS, IN AFDC CASES, IT IS NOT IN THE BEST INTEREST OF THE CHILD, AND, IN NON-AFDC CASES, IT IS NOT REQUESTED BY EITHER PARENT.

I WOULD APPRECIATE THE SUPPORT OF THE COMMITTEE FOR THESE TWO BILLS.

COMMISSION OFFICERS:
Alice Liebson
Chairperson
Connie Dice
Vice Chairperson
Ruth L. Pulda
Secretary
E n Girar au
Treasurer
Fredrica Gray
Executive Director

State of Connecticut



PERMANENT COMMISSION ON
THE STATUS OF WOMEN
90 Washington Street
Hartford, Connecticut 06106
566-5702

COMMISSONERS:
Madelyn Colon
Patricia Hendel
Mary Carol MacKenzie
Sarah McGirr
Geraldine A. Roberts
Patricia Russo
Carolyn Stewart
Mar Moers Wenig
LEGISLATIVE MEMBERS:
Senator Anthony Avallone
Senator Thomas Upson
Representative Richard Tulisano
Representative William Wollenberg

TESTIMONY BY THE PERMANENT COMMISSION ON THE

STATUS OF WOMEN BEFORE THE

JUDICIARY COMMITTEE

WEDNESDAY, FEBRUARY 28, 1990, 5:00PM

ROOM 2C, LOB

TESTIMONY IN SUPPORT OF:

SB# 280 (RAISED)-"An Act Concerning Modification of Child Support Orders;"

HB# 5668 (RAISED)-"An Act Concerning Use of Guidelines For Modification of Support Orders;"

HB# 5670 (RAISED)-"An Act Concerning Notification of Consumer Reporting Agencies of Child Support Delinquencies."

GOOD EVENING, MY NAME IS GAIL K. HAMM. I AM THE LEGISLATIVE COORDINATOR FOR THE CONNECTICUT PERMANENT COMMISSION ON THE STATUS OF WOMEN.

NON-PAYMENT OR IRREGULAR PAYMENT OF CHILD SUPPORT ORDERS BY ABSENT PARENTS CONTINUES TO BE A MAJOR CONTRIBUTING FACTOR TO THE "FEMINIZATION OF POVERTY" IN AMERICA. ALTHOUGH, AT ANY ONE TIME, THE MAJORITY OF CHILDREN RESIDE IN TWO-PARENT FAMILIES, A GROWING NUMBER OF CHILDREN ARE LIVING, OR WILL AT SOME POINT LIVE, WITH ONLY ONE PARENT, GENERALLY THE MOTHER.

ACCORDING TO THE BUREAU OF THE CENSUS, (CURRENT POPULATION REPORTS, SERIES P-23, NO. 152, 1987), IN 1985, 8.8 MILLION WOMEN (1.7 MORE THAN IN 1978) WERE RESPONSIBLE FOR CHILDREN WHOSE FATHERS DID NOT LIVE WITH THEM. OF THESE WOMEN, ONLY 61 PERCENT

OF DIVORCED, SEPARATED OR NEVER MARRIED WOMEN RAISING CHILDREN UNDER THE AGE OF 21 HAD BEEN AWARDED CHILD SUPPORT PAYMENTS. OF THOSE ENTITLED TO SUCH PAYMENTS, MORE THAN HALF (52 PERCENT) FAILED TO RECEIVE THE FULL AMOUNT. MORE THAN A QUARTER WHO SHOULD HAVE RECEIVED PAYMENTS GOT NOTHING. THE AVERAGE AMOUNT OF CHILD SUPPORT RECEIVED IN 1985 WAS ABOUT $2,300.

STUDIES HAVE PROVEN THAT DEFAULT ON CHILD SUPPORT PAYMENTS EXCEEDS 66 PERCENT OF ALL CASES. THE CONTINUING REFUSAL OF SOME MEN TO SUPPORT THEIR CHILDREN MEANS THAT THE NEWLY FORMED FEMALE-HEADED FAMILIES OFTEN HAVE TROUBLE SUPPORTING THEMSELVES. FOR MANY SINGLE-PARENT FAMILIES, CHILD SUPPORT PAYMENTS OFTEN MEANS THE DIFFERENCE BETWEEN ECONOMIC SELF-SUFFICIENCY AND WELFARE. IT IS OFTEN DIFFICULT FOR THESE WOMEN TO GO OUT AND EARN ENOUGH TO PROVIDE A LIVING FOR HERSELF AND HER CHILDREN ABOVE THE POVERTY LEVEL BECAUSE WAGES ARE SO LOW. IT IS CLEAR THAT IF THE WAGES CAN BE SUPPLEMENTED WITH CONSISTENT CHILD SUPPORT PAYMENTS, THAT MAY BE ENOUGH TO KEEP HER OFF OF WELFARE.

CONNECTICUT HAS MADE GREAT STRIDES RECENTLY IN OUR EFFORTS TO IMPROVE THE ENFORCEMNT OF CHILD SUPPORT ORDERS. FAMILY DIVISION OF THE JUDICIAL DEPARTMENT ESTIMATES THAT THERE ARE ABOUT 87,000 OPEN CASES IN OUR STATE, AND THAT ANOTHER 15,000 CHILD SUPPORT COMPLAINTS ARE RECEIVED EVERY YEAR. ANTHONY DINALLO, DIRECTOR OF THE BUREAU OF CHILD SUPPORT ENFORCEMENT IN THE DEPARTMENT OF HUMAN RESOURCES ESTIMATES THAT THERE MAY BE CLOSE TO 100,000 PARENTS IN THE STATE WHO ARE RENEGING ON CHILD SUPPORT PAYMENTS. AS OF DECEMBER 31, 1989, THE AMOUNT OF CHILD SUPPORT OWED TO CUSTODIAL PARENTS IN THIS STATE (THOSE ACTUALLY USING THE SERVICES OF THE IV-D SYSTEM), WAS $692,984,064.58. OF THAT AMOUNT, ONLY 10 PERCENT OF THE CASES, OR $66,100, 705.11 REPRESENTED NON-AFDC CASES. ONE CAN ONLY WONDER WHAT THE TOTAL AMOUNT OF CHILD SUPPORT OWED WOULD BE WHEN THE PERCENTAGE OF NON-AFDC CASES IS INCREASED BY 30-40 PERCENT.

PCSW STRONGLY SUPPORTS EVERY EFFORT TO STRENGTHEN OUR CHILD SUPPORT ENFORCEMENT SYSTEM. WE BELIEVE THAT A CHILD SUPPORT OBLIGATION IS THE SAME AS ANY OTHER LEGAL OBLIGATION SUCH AS A CREDIT CARD OR CAR LOAN DEBT AND MUST BE ENFORCED. WE, THEREFORE, ENDORSE PASSAGE OF SB# 280, HB# 5668, AND MOST IMPORTANTLY, HB# 5670. A BRIEF SUPPORTING STATEMENT IS SHOWN BELOW AFTER EACH BILL.

SB# 280- (RAISED), "An Act Concerning Modification of Child Support Orders."

THE FAMILY SUPPORT ACT OF 1988 REQUIRES THAT CHILD SUPPORT ORDERS MUST BE REVIEWED PERIODICALLY AND MODIFIED IN AN EFFORT TO BRING THE AMOUNT OF THE ORDERS INTO COMPLIANCE WITH CHILD SUPPORT GUIDELINES. PCSW SUPPORTS SB# 280. THIS BILL WOULD AFFECT NON-AFDC CASES AND WOULD NOT PERMIT ANY RETROACTIVE MODIFICATION. WE ESPECIALLY LIKE GRANTING THE AUTHORITY TO BRING A MODIFICATION ACTION TO THE BUREAU OF SUPPORT ENFORCEMENT.

WE ARE MINDFUL THAT THE EVIDENTIARY TEST FOR BRINGING THE REVIEW AND APPARENTLY FOR BEING SUCCESSFUL IN A MODIFICATION DEPENDS UPON THE LEGAL INTERPRETATION OF "SUBSTANTIAL DEVIATION" FROM THE CHILD SUPPORT GUIDELINES. IF THIS STANDARD IS DETERMINED TO MEAN A SUBSTANTIAL DISPARITY BETWEEN THE CHILD SUPPORT AMOUNT ORDERED AND THE CHILD SUPPORT GUIDELINE AMOUNT, BUT THERE IS NO SUBSTANTIAL CHANGE IN THE FINANCIAL CIRCUMSTANCES OF THE PARTIES, THERE WOULD APPEAR TO BE A CONFLICT BETWEEN OUR LEGAL STANDARD FOR MODIFICATION AND THE FAMILY SUPPORT ACT. HOWEVER, IT IS QUITE LIKELY THAT, IN THOSE CASES WHERE A PERIOD OF TIME HAS PASSED, A SUBSTANTIAL CHANGE IN CIRCUMSTANCES COULD BE SHOWN AND THE CHILD SUPPORT ORDER COULD BE MODIFIED WITHOUT THE EXPENSE OF HIRING PRIVATE ATTORNEYS. THIS BILL WOULD PERMIT THE MAGISTRATES TO REVIEW THE CASES IN ORDER TO DETERMINE WHETHER THERE HAD BEEN A SUBSTANTIAL CHANGE IN CIRCUMSTANCES. THE REVIEW PROCESS ITSELF WILL BE OF GREAT BENEFIT TO MANY PARENTS--ESPECIALLY CUSTODIAL PARENTS.

HB# 5668 (RAISED), "An Act Concerning Use Of Guidelines For Modification Of Support Orders."

PCSW STRONGLY SUPPORTS HB # 5668 FOR THE SAME REASONS WE SUPPORT SB# 280. CHILD SUPPORT ORDERS THAT ARE VERY OLD AND STILL IN THE IV-D SYSTEM SHOULD BE REVIEWED PERIODICALLY IN AN EFFORT TO ASSURE THAT THE AMOUNT OF CHILD SUPPORT ORDERED CONFORMS WITH THE GUIDELINES. SO LONG AS THE CHILD SUPPORT GUIDELINES ARE REVIEWED EVERY FOUR YEARS, THE AMOUNT OF THE CHILD SUPPORT GUIDELINES SHOULD BE ABLE TO KEEP PACE WITH THE COST OF LIVING.

CHILD SUPPORT ORDERS REMAIN TOO LOW, BUT THE AMOUNT OF THE ORDERS ARE INCREASING SLOWLY. THE AVERAGE CHILD SUPPORT ORDER PER CHILD IN CONNECTICUT IS APPROXIMATELY $50.

LEGAL AID SOCIETY of Hartford County, Inc.

FEBRUARY 28, 1990

JUDICIARY COMMITTEE PUBLIC HEARING

Testimony Submitted by Lucy Potter

Re: H.B. N. 5668
AN ACT CONCERNING USE OF GUIDELINES
FOR MODIFICATION OF SUPPORT ORDERS

This amendment implements a requirement of the Family Support Act of 1988 that the child support guidelines be applied in all original orders and modifications. Basically, this amendment requires the court upon a motion to modify to measure the existing order against what the child support guidelines would require. The Family Support Act requires the states to initiate reviews and "adjust such order, as appropriate, in accordance with the guidelines". Family Support Act section 103. Obviously this will significantly benefit children, especially those with unrealistically low orders, entered before the guidelines became mandatory.

STEPHEN F. FRAZZINI
EXECUTIVE DIRECTOR
JILL M. DAVIES
DEPUTY DIRECTOR
JUDITH I. SOLOMON
LITIGATION DIRECTOR

LAW OFFICES
Hartford Offices
525 MAIN STREET
HARTFORD, CONN. 06103
ADMINISTRATIVE OFFICES
CIVIL LAW DIVISION
DISABILITY RIGHTS DIVISION
ENTITLEMENT DIVISION
CHILDRENS RIGHTS DIVISION
TDD (203) 722-8090
DOMESTIC VIOLENCE AND
FAMILY LAW DIVISION
487 MAIN STREET
HARTFORD, CONN. 06103
(203) 547-0790
HOUSING LAW DIVISION
32 ELM STREET
HARTFORD, CONN. 06106
(203) 293-2356
Enfield Office
47 NORTH MAIN STREET
ENFIELD, CONN. 06082
(203) 745-0606

HARTFORD FAX 722-8100

A PARTNER IN UNITED WAY

The language regarding property division is not necessary. In applying the child support guidelines, there is already a proviso that the guidelines do not apply where special circumstances justify deviation so long as that reason is stated on the record. This existing proviso addresses many situations including properly settlements. Singling out property settlements as the sole criteria for not applying the guidelines, incorrectly suggest that other grounds for deviation, such as the needs of other dependents or the special needs of the children, need not be considered. For this reason and to conform with the standard in section 103, referred to above, I endorse the amended language proposed by Raphael Podolsky.

FEBRUARY 28, 1990

JUDICIARY COMMITTEE PUBLIC HEARING

Testimony Submitted by Lucy Potter

Re: S.B. NO. 280
AN ACT CONCERNING
MODIFICATION OF CHILD SUPPORT ORDERS

This bill dovetails H.B. No. 5668, requiring support enforcement workers to take steps to modify orders for non-AFDC cases if the criteria for modification are met. Federal law does require this. I support the bill with the same language changes recommended for H.B. No. 5668.

CONNECTICUT LEGAL SERVICES, Inc.
104 BEACON STREET
HARTFORD, CONNECTICUT 06105
(203) 232-7748

WILLIAM HESCOCK
Chairman

NORMAN K. JAMES
Executive Director

•

DOUGLAS M., CROCKETT
DENNIS J. O'BRIEN
Deputy Directors

RAPHAEL L. PODOLSKY
Attorney at Law

February 28, 1990

H.B. 5668 — Modification of child support orders

Recommended Committee action: AMENDMENT OF THE BILL

This bill, which should be combined with S.B. 280, requires modification of child support orders which "substantially deviate" from the state's child support guidelines. The language of the bill should be modified in two ways:

1. The federal standard is that an order is to be reviewed if it is not "in accordance with" the guidelines:

   a. In l. 25-26, l. 59, l. 116, l. 141-142, and l. 164, "substantially deviates from" should be changed to "is not in accordance with".
   b. In l. 28, "based on a substantial deviation from" should be changed to "because it is not in accordance with".

2. The guidelines themselves permit deviation from the periodic support schedule for a number of reasons, and not only the division of property. Lines 29-32 are worded too narrowly. They should be changed to read:

   ...THE COURT SHALL CONSIDER THE REASONS FOR VARIATION FROM THE SCHEDULE OF SUPPORT OF SUCH GUIDELINES WHICH WERE STATED ON THE RECORD AT THE TIME THE ORDER WAS ENTERED.

-- Prepared by Raphael L. Podolsky