

PA 11-219

SB1181

House	9950-9952	3
Judiciary	5150-5154, 5271, 5439, 5464- 5465, 5468	10
<u>Senate</u>	<u>7174, 7176-7178, 7182-7183</u>	<u>6</u>
		19

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 29
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pt/tj/lxe/gbr
HOUSE OF REPRESENTATIVES

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will be locked, Clerk will please take a tally. Clerk will announce the tally.

Representative Miller, do you wish to be recorded in the affirmative? Representative Miller in the affirmative. Phil Miller.

Clerk, please announce the tally.

THE CLERK:

Senate Bill Number 982, as amended by Senate "A", in concurrence with the Senate.

Total Number voting	146
Necessary for passage	74
Those voting Yea	146
Those voting Nay	0
Those absent and not voting	4

SPEAKER DONOVAN:

Bill is passed.

Representative Olson.

REP. OLSON (46th):

Mr. Speaker, I move for the suspension of our rules to take up Calendar Number 642.

SPEAKER DONOVAN:

Motion is suspension. Any objection? Please proceed -- rules are suspended.

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Clerk, please call Calendar 642.

THE CLERK:

Calendar 642, substitute for Senate Bill Number
1181, AN ACT CONCERNING CHILD SUPPORT ENFORCEMENT AND
EXPEDITED ESTABLISHMENT OF PATERNITY AND SUPPORT IN
TITLE IV-D CASES. SPEAKER DONOVAN:

Representative Tercyak.

REP. TERCYAK (26th):

Thank you very much. Very good bill, sir. I
move acceptance (inaudible).

SPEAKER DONOVAN:

Question is on acceptance and passage. Remark
further? Remark further? If not, staff and guests
please come to the Well of the House, members take
your seats, the machine will be open.

THE CLERK:

The House of Representatives is voting by roll
call. Members to the Chamber. Members to the
Chamber. The House is voting by roll.

SPEAKER DONOVAN:

Have all the members voted? If all the members
have voted, check the roll call board. The machine
will be locked. Clerk, please take a tally.

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Representative Sampson. Representative Sampson
in the affirmative? Representative Sampson in the
affirmative. Representative McCrory in the
affirmative. Representative McCrory in the
affirmative.

Clerk, please announce the tally.

THE CLERK:

Senate Bill Number 1181, in concurrence with the
Senate.

Total Number voting	147
Necessary for passage	74
Those voting Yea	147
Those voting Nay	0
Those absent and not voting	4

SPEAKER DONOVAN:

The bill as amended is passed. Clerk, please
call Calendar 546.

THE CLERK:

On page 22, Calendar 546, substitute for Senate
Bill Number 1039, AN ACT CONCERNING EDUCATION ISSUES.
Favorable report of the Committee on Public Health.

SPEAKER DONOVAN:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

**JOINT
STANDING
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First, we have Claudette Beaulieu. Oh, it's some Republicans.

Hi.

DEPUTY COMMISSIONER CLAUDETTE J. BEAULIEU: Good afternoon, Representative Fox, Senator Coleman, and members of the Judiciary Committee.

My name is Claudette Beaulieu; I'm the Deputy Commissioner for the Connecticut Department of Social Services. I'm here today to offer testimony on several bills, including two that were raised by your committee at the request of the department. I'm accompanied here today with Attorney David Mulligan, who is the Director of our Child Support Enforcement Division at DSS.

In the interest of time, I will limit my comments to the two bills that were raised at the question of the department, and I will try to summarize as quickly as possible. The first bill is Senate

Bill 1181, AN ACT CONCERNING CHILD SUPPORT ENFORCEMENT AND EXPEDITED ESTABLISHMENT OF PATERNITY AND SUPPORT IN TITLE IV-D CASES.

Thank you for raising this legislation. This bill makes a number of changes that will expedite the establishment of support and it will create efficiencies. It will establish fairness in the treatment of married and unmarried couples or parents, I should say, and it will improve information sharing. And all of these changes are designed to improve the ability of the state to get child support dollars to children in need.

Quickly, the -- one of the things the bill -- bill would do is it would authorize the immediate redirection of child support payments

to the state when a child begins receiving temporary family assistance or a Title IV-D foster care payments, and it would provide for subsequent notice to the obligee of the support order if that's other than the present custodial party.

Second, the bill would establish a process to notify the parties and docket, disapproved agreements to support for a hearing. Under present law, there's no standard procedure or provision when a family support magistrate disapproves an agreement to support. Usually what happens then is a support petition is necessary, and that creates a delay in the support establishment process, sometimes as much as three months' delay. What this will do is it will require that if a family support magistrate disapproves in the agreement to support, the reason will be stated in the record. The clerk will schedule a hearing and notify the -- all appearing parties appropriately of the hearing date. So basically what we're trying to do is expedite the process to allow for resolution without starting all over again with an adversarial support process all over again.

Third, the bill would limit retroactive arrears in establishment cases to the three years preceding the filing of the petition or the agreement to support. A number of years ago, you passed legislation that clarified that the three-year limitation applied to all cases in which the parents were not married. This would further extend that same provision to cases in which the parents are married. And it would also apply it uniformly to mothers as well as fathers, because the language in the bill right now is not gender neutral.

The bill would also eliminate the \$50

processing fee for amending a birth record on an acknowledgment of paternity. Right now state agencies, hospitals, what have you, are already exempt from that. This would exempt everyone else from the \$50 fee. The revenue loss of this is very, very minimal and it would really, we think, smooth the way for parents to be able to make these kinds of changes.

Lastly, this bill would authorize us to share information with agencies that are under cooperative agreement with us for child support purposes. Right now, the paternity registry information is limited to be shared under certain -- only accessible to certain people, the parents, the child -- the child, attorneys for the parents or the child, DSS, and agents of the state as appointed by DPH. What this would do is it would add Judicial, the Support Enforcement Division, Court Ops, the Family Support Magistrate Division, DCF, and the Office of Attorney General as well. They will have -- would have access to the paternity registry, and it would assist them in carrying out their duties.

The bill makes a number of changes to improve enforcement of -- of child support. In the interest of time, I will defer to my written testimony, and David and I would be happy to answer any questions that you may have.

REP. FOX: Thank you, very much.

Are there any questions?

Representative Baram.

REP. BARAM: Thank you, Mr. Chairman.

Could you just explain to me briefly the justification for limiting retroactive child

support to three years, that you're proposing?

DEPUTY COMMISSIONER CLAUDETTE J. BEAULIEU: David, would you like to address that?

DAVID MULLIGAN: Well, our -- our main interest is to treat out-of-wedlock, children born out of wedlock and married -- married situations the same and also to make it gender neutral. There -- there has been for -- for quite some time now a limitation in -- in the -- the three-year limitation in out-of-wedlock situations, and so there's a precedent for that. And we just want to make it uniform.

REP. BARAM: I -- I can better understand the out-of-wedlock limitation of three years, but, you know, if -- if there's a married situation, I mean, doesn't that hurt the mother and the child by limiting child support to three years? And if the state has funded the child in some way and the state could recoup those funds, doesn't -- doesn't this work to the detriment of trying to collect funds and go back a longer period of time?

DAVID MULLIGAN: Potentially, in some cases, I suppose it could. Normally three years is a sufficient period for the -- the Bureau of Child Support Enforcement to get to court and at least get an order for those, for the past-due support.

REP. BARAM: I mean I -- I just question the -- the limitation. I'm -- I'm certain the obligors would be -- are thrilled to have a limitation on it, but I'm -- I'm not sure I really understand the basis for creating this retroactive limitation. Especially if -- if the parties are -- are married, they obviously know or should know that the child is theirs and they have a responsibility to that child.

So unlike the, you know, the out-of-wedlock where perhaps there's an issue of paternity and so on, I just -- to me there's a distinction I'm having trouble reconciling.

REP. FOX: Are there any other questions? No.

Thank you, very much.

DEPUTY COMMISSIONER CLAUDETTE J. BEAULIEU: Thank you.

REP. FOX: Next is John Szewczyk; he's the Durham First Selectman.

JOHN T. SZEWCZYK: First, the First Selectwoman.

Thank you, Chairman Fox, Chairman Coleman, and all members of the Judiciary Committee. Also, I would like to specifically thank Representative Flexer for your hard work as Chairman of the Speaker's task force on domestic violence.

My name is John Szewczyk. I'm a nine-year veteran of the Hartford Police Department and a Selectman of the Town of Durham. I'm also the chairman and founding member of the Connecticut Coalition of Police Officers to Prevent Domestic Violence.

I am here today to testify in support of House Bill 6629. The coalition believes this bill is a good starting point for the needed improvements to Connecticut's domestic-violence laws. Specifically, in regard to the bail bond system, Section 18, we are encouraged that this bill will require a minimum down payment of 35 percent of the premium rate that will now be required. We hope that this is only a starting point, however, and that soon the full premium will be required.

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STANDING
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there are differences in the -- in the various GA's. There should also be some expectation of what you're going to get when you go to domestic violence docket. It shouldn't be so different in each court that you don't have any idea what to expect, whether it's the available programs or -- or what -- what's offered.

THE HONORABLE BARBARA M. QUINN: I wouldn't disagree. Uniformity is a goal we have. We struggle with it.

REP. FOX: Yeah, and like I said, I can understand you may not have exactly the same situation in the more rural of a court as opposed to a -- an urban court, but at least I think what's offered should be, and the goals should be -- should be similar. I'm not saying that they're not similar, but I don't think it should be something where you have to completely figure out the lay of the land every time you walk into one these -- domestic violence courts.

Thank you, Mr. Chairman.

SENATOR COLEMAN: Is there further comment or questions?

Recognized. Thank you very much, Your Honor.

THE HONORABLE BARBARA M. QUINN: If -- if you would indulge me a moment -- longer, I have just brief testimony on the child support enforcement bills. We have submitted it in writing.

We support the bulk of Senate Bill 1181, but oppose Senate Bill 1221 and 1093. The last two concern paternity and child support obligations in an act concerning the continuation of child support obligations after termination of parental rights.

ghla

Greater Hartford Legal Aid

Testimony before Judiciary Committee

March 30, 2011

Submitted by Lucy Potter

Greater Hartford Legal Aid

Raised Bill No. 1093, An Act Concerning the Continuation of Child Support Obligations after the Termination of Parental Rights due to Abuse or Neglect of the Child -- **OPPOSE**

Raised Bill No. 1181, "An Act Concerning Child Support Enforcement and Expedited Establishment of Paternity and support in Title IV-D Cases" -- **SUPPORT**

Raised Bill No. 1222 "An Act Concerning Parents with Child Support Obligations" -- **SUPPORT CONCEPT BUT NOT THIS BILL**

Raised Bill No. 6591 "An Act Concerning Minor and Technical Changes to the Child Support Statutes" -- **SUPPORT WITH CHANGE IN SECTION 20.**

I am an attorney at Greater Hartford Legal Aid. I have represented low income Hartford area residents for many years. I have also served on the Fatherhood Advisory Council and the present and previous four Child Support Guideline commissions. I submit this testimony on behalf of Greater Hartford Legal Aid's low income clients.

Bills 1181 and 6591 are similar to legislation proposed in the three past sessions, by the Bureau of Child Support Enforcement and Support Enforcement Services to makes changes to an array of child support statutes. These changes are needed, overall, and hopefully you will see to passing them this year. I have a concern, however, about Section 20 of H.B. 6591:

Bill 6591, section 20- This section governing the promulgation of child support guidelines, deletes specific language regarding the treatment of parents who have reunited with their children. The present statute recognizes that such parents should be afforded greater leniency in repaying arrearages owing to the state, so that more income is available for the support of the child. Section 20 deletes language requiring the commission to consider the uniform contribution scale from Connecticut General Statutes, which exempts income below 250% of median income. Last year legal services and BCSE agreed on compromise language, which tracks the child support guidelines, because BCSE believed that the ongoing reference to the uniform contribution scale was confusing. That compromise language should be reinserted in this bill to assure that this protection continues. The language agreed to last year was:

"The guidelines shall require the payment order to be no more than one dollar per week if the obligor's gross income is less than or equal to two hundred fifty per cent of the federal poverty

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STATE OF CONNECTICUT
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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Testimony of the Honorable Barbara M. Quinn
Chief Court Administrator
Judiciary Committee Public Hearing
March 30, 2011

**Senate Bill 1181, An Act Concerning Child Support Enforcement And Expedited
Establishment Of Paternity And Support In Title IV-D Cases**

Senate Bill 1221, An Act Concerning Paternity and Child Support Obligations

**Senate Bill 1093, An Act Concerning the Continuation of Child Support Obligations after
the Termination of Parental Rights due to Abuse or Neglect of the Child**

Thank you for the opportunity to testify, on behalf of the Judicial Branch, on three bills that concern child support. We support the bulk of **Senate Bill 1181, *An Act Concerning Child Support Enforcement and Expedited Establishment of Paternity and Support in Title IV-D Cases***, but are opposed to **Senate Bill 1221, *An Act Concerning Paternity and Child Support Obligations*** and **Senate Bill 1093, *An Act Concerning the Continuation of Child Support Obligations after the Termination of Parental Rights due to Abuse or Neglect of the Child***.

Senate Bill 1181, *An Act Concerning Child Support Enforcement and Expedited Establishment of Paternity and Support in Title IV-D Cases*

The Judicial Branch largely supports **Senate Bill 1181, *An Act Concerning Child Support Enforcement and Expedited Establishment of Paternity and Support in Title IV-D Cases***. This bill, which was proposed by the Department of Social Services (DSS), would make several beneficial changes to our child support statutes.

As members of the Committee may be aware, in IV-D child support cases the Judicial Branch's Support Enforcement Services unit is responsible for monitoring child support awards for compliance with court orders and for initiating court-based enforcement actions such as

income withholdings and contempt applications when appropriate. These cases are heard by Family Support Magistrates.

I would like to draw your attention to sections 9, 10, 11, and 18, which are fully supported by the Judicial Branch. Sections 9 and 10 authorize electronic service of process of income withholding orders on employers, if the employer has agreed to accept electronic service. The Branch strongly supports this section because it will expedite delivery of the income withholding order to the employer, which, in turn, will expedite child support payments to the family. Electronic service will also be more cost-effective. Currently, most income withholding orders are served on employers by first class mail; if the employer fails to respond, the notice must be served by certified mail, incurring more costs and adding delay.

Section 11 authorizes the Commissioner of DSS to share information about noncustodial parents with the Department of Correction and the Judicial Branch. This proposal, which facilitates the implementation of a recommendation made by the Branch's Problem Solving in Family Matters Committee, would assist in identifying individuals who could benefit from services – such as educational, training, or rehabilitation programming – that are ultimately designed to increase their ability to pay child support.

The Judicial Branch also supports section 18, which provides our judicial marshals with the narrow authority to serve a *capias mittimus* on a child support obligor who is in the custody of the marshal or in the court facility where the judicial marshal is working. This section does not in any way diminish the jurisdiction of state marshals, who serve the majority of *capias* orders. Rather, it allows for the timely service of a *capias mittimus* if an obligor is in the presence of a judicial marshal; it also eliminates the possibility that a defendant could leave a courthouse before a state marshal or other proper officer could arrive to execute the *capias*.

I must note however, the Judicial Branch's opposition to sections 2 and 6. These two sections appear to be designed to equalize treatment between married and unwed parents. However, the proposal does not acknowledge that our law recognizes that married and unwed parents are not similarly situated. This is true even within the realm of child support. In fact, the Child Support Guidelines instruct that certain grounds for deviation occur only for couples who have been married, due to responsibilities and obligations incurred during the life of the marriage. In the litigious climate of family court, this proposal is likely to result in a surge in litigation on this issue.

In conclusion, I urge the Committee to act favorably on this proposal, with the exception of sections 2 and 6, which I ask to be stricken from the proposal.



*Testimony of Claudette J. Beaulieu,
Deputy Commissioner of Programs
Before the Judiciary Committee
March 30, 2011*

Good afternoon, Senator Coleman, Representative Fox, and members of the Judiciary Committee. My name is Claudette Beaulieu and I am Deputy Commissioner of Programs for the Department of Social Services. I am here today to offer testimony on several bills, including two raised at the request of the department. I am accompanied by David Mulligan, Director of the Bureau of Child Support Enforcement within the Department of Social Services.

Bills Raised at the Request of the Department:

S.B. No. 1181 AN ACT CONCERNING CHILD SUPPORT ENFORCEMENT AND EXPEDITED ESTABLISHMENT OF PATERNITY AND SUPPORT IN TITLE IV-D CASES

Thank you for raising this legislation at the request of the department. The bill makes a number of changes in the areas of child support enforcement and establishment of paternity and support. These changes would accomplish several goals including, enhancing efficiencies in child support processes, establishing fairness in the treatment of married and unmarried parents, and improving information sharing. All of these changes would ultimately serve families and children better through the process of establishment of paternity and support and enforcement of child support orders.

The bill would improve the **establishment** of support orders in the following ways:

First, the bill would authorize immediate redirection of support payments to the state when a child begins receiving temporary family assistance or Title IV-E foster care payments, provided subsequent notice is given to the obligee of the support order, if other than the present custodial party. Public Act 06-149 amended various support statutes to authorize administrative change of payee in IV-D cases. The amendments required prior notice to the support order obligee and an opportunity to object. This provision would change the requirement to subsequent notice when a new custodial party is receiving state assistance for the child or children.

HB 6591

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Calendar page 33, Calendar 390, Senate Bill 1181;
Madam President, move to place this item on the
Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Calendar page 34, Calendar 426, House Bill 6306;
Madam President, move to place this item on the
Consent Calendar.

A VOICE:

Which; what was that one? What --

THE CHAIR:

Excuse me.

SENATOR LOONEY:

Oh, was that --

THE CHAIR:

Excuse me.

SENATOR LOONEY:

That may have been acted on previously.

A VOICE:

What -- what is it?

THE CHAIR:

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.

Madam President, the items placed on the first Consent Calendar begin on Calendar page 10, Calendar Number 478, House Bill 6488; Calendar 480, House Bill 5256.

Calendar page 11, Calendar 513, substitute for House Bill 6557.

Calendar page 12, Calendar Number 535, substitute for House Bill 6226; Calendar 555, House Bill 6259.

Calendar page 13, Calendar 560, substitute for House Bill 5368; Calendar 567, substitute for House Bill 6157.

Calendar page 14, Calendar 574, substitute for House Bill 6410; Calendar 578, House Bill 6156.

Calendar page 15, Calendar 591, House Bill 6263; Calendar 594, substitute for House Bill 5508; Calendar 595, substitute for House Bill 62 -- 5263.

Calendar page 16, Calendar Number 606, substitute for House Bill 6581; Calendar 609, substitute for House Bill 6501.

Calendar page 17, Calendar 610, substitute for House Bill 6224; Calendar 613, substitute for House Bill 6453.

Calendar page 18, Calendar 614, substitute for House Bill 5068; Calendar 628, substitute for House Bill 5008; Calendars 633, House Bill 6489.

Calendar page 19, Calendar 635, substitute for House Bill 6351; Calendar 640, House Bills, 6559.

Calendar page 20, Calendar 642; House Bill 6595.

Calendar page 21, Calendar 645, substitute for House Bill 6267; Calendar 648, substitute for House Bill 5326; Calendar 650, substitute for House Bill 6344.

Calendar page 22, Calendar 651, substitute for House Bill 6540.

Calendar page 23, Calendar Number 655, substitute for House Bill 6497; Calendar 657, substitute for House Bill 6262; Calendar 658, House Bill 6364; Calendar 659, House Bill 5489.

Calendar page 24, Calendar 660, substitute for House Bill 6449.

Calendar page 36 -- correction -- Calendar page 33, Calendar Number 390, substitute for Senate Bill 1181.

Calendar page 36, Calendar Number 481, House Bill 5472.

Calendar page 37, Calendar Number 584, substitute for House Joint Resolution Number 34; Calendar 585, substitute for House Joint Resolution Number 54; Calendar 586, House Joint Resolution Number 65, Calendar 587, House Joint Resolution Number 66.

Calendar page 38, Calendar 588, House Joint Resolution Number 80; Calendar 589, House Joint Resolution Number 63; Calendar 590, House Joint Resolution Number 35; Calendar 620, substitute for House Joint Resolution Number 45.

Calendar page 39, Calendar Number 621, substitute for House Joint Resolution Number 47; Calendar 622, House Joint Resolution Number 68; Calendar 623, substitute for House Joint Resolution Number 69; Calendar 624, substitute for House Joint Resolution Number 73.

Calendar page 40, Calendar 625, substitute for House Joint Resolution Number 81; Calendar 626, House Joint Resolution Number 84.

Madam President, I believe that completes the items placed on Consent Calendar Number 1.

THE CHAIR:

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Thank you.

SENATOR LOONEY:

Thank you, Madam President.

THE CHAIR:

Mr. Clerk, please call for a roll call vote, and the machine will be open.

THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber. The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Senator Gomes?

If all members have voted; all members have voted? The machine shall be locked.

And, Mr. Clerk, will you please call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar
Number 1.

Total number voting	36
Those voting Yea	36
Those voting Nay	0

Those absent and not voting 0

THE CHAIR:

Consent Calendar passes.

The Senate will stand at ease for a moment.

(Chamber at ease.)

SENATOR LOONEY:

Madam President?

THE CHAIR:

Yes, Senator.

The Senate will come to order.

SENATOR LOONEY:

Yes. Madam President, the Clerk is in possession of Senate Agenda Number 5 for today's session.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Madam President, the Clerk is in possession of Senate Agenda Number 5, dated Wednesday, June 8, 2011.

Copies have been made available.

THE CHAIR:

Senator Looney.