

**SA13-14**

HB6678

House	4392-4395	4
Judiciary	(3820), 3846-3854	10
Senate	4142-4144	3
		<b>17</b>

**H – 1162**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2013**

**VOL.56  
PART 13  
4177 – 4511**

The House of Representatives is voting by roll.

The House of Representative is voting by roll. Will members please return to the Chamber immediately?

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted?

Members please check the board to make sure your vote is properly cast.

If all the members have voted, the machine will be locked. And the Clerk will take a tally.

Will the Clerk please announce the tally?

THE CLERK:

Bill Number	6513.
Total Number Voting	133
Necessary for Passage	67
Those voting Yea	133
Those voting Nay	0
Absent and not voting	17

DEPUTY SPEAKER GODFREY:

The bill passes.

Will the Clerk please call Calendar 511?

THE CLERK:

On Page 24 of Calendar 511, Favorable Report of the Joint Standing Committee on Judiciary, Senate --

HB 6678

or, excuse me, Substitute House Bill 6678, AN ACT  
ESTABLISHING A TASK FORCE TO STUDY METHODS FOR  
IMPROVING THE COLLECTIVE -- COLLECTION OF PAST DUE  
CHILD SUPPORT.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

I move for the acceptance of the Joint  
Committee's favorable report and passage of the bill.

DEPUTY SPEAKER GODFREY:

The question is on acceptance of the Joint  
Committee's favorable report and passage of the bill.

Will you remark, sir?

REP. FOX (146th):

Thank you, Mr. Speaker.

This bill establishes a Task Force in an effort  
to improve the way in which we currently collect child  
support. It attempts to aim efficiencies that could  
be established, especially the potential use of  
officers in service of capias minimuses, which are the  
orders that are entered against those who fail to pay  
child support. And I would urge passage of the bill.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Do you care to remark further on the bill that's before us?

Representative Hoydick of the 120th. You have the floor, madam.

REP. HOYDICK (120th):

Thank you, Mr. Speaker.

I would like to thank the Cochairman of the Judiciary Committee, as well as the Ranking Members for facilitating this bill through passage through the Committee. It is a good bill, as Representative Fox has mentioned.

The bill will allow police officers, after this study, will allow police officers, if they are arresting someone to -- with an outstanding warrant for child support, to be able to arrest that person and -- and bring them to -- through the judiciary process for payment, so I urge my colleagues to pass it.

DEPUTY SPEAKER GODFREY:

Thank you, madam.

Do you care to remark? Do you care to remark further on the bill that's before us?

If not, staff and guests 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.

The House of Representative is voting by roll. Will the members please return to the Chamber immediately?

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted?

Members please check the board to make sure your vote is properly cast.

If all the members have voted, the machine will be locked. And the Clerk will take a tally.

Clerk please announce the tally.

THE CLERK:

Bill Number 6678.

Total Number Voting 133

Necessary for Passage 67

Those voting Yea 133

Those voting Nay 0

Absent and not voting 17

DEPUTY SPEAKER GODFREY:

The bill is passed.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 11  
3486 - 3845**

**2013**

JUDICIARY COMMITTEE

4/5/2013

HB 5666

(HB 6678)

Dear Judiciary Committee members, my name is Anthony Anton. I live in Stratford CT and I have a 9 year old son who I have had sole of custody of since 2009. As of this date I am owed over \$18,000 in child support and have not received one cent from my child's mother. The child support system in CT does not work especially for a single father. There was a capias warrant for my son's mother for over four years and they did nothing to get her. I saw her walking one day and I called the police and I was told that there's nothing they could do since it wasn't a criminal warrant. Recently, it took the child support officer 8 months to turn over a new address to the marshal's office as to where she was staying. Of course 8 months later she was gone. Well finally they caught her and set her bond at a \$3,000 which she could not post so she went to jail for one month. Then we go back to court. I couldn't make that court date and they let her out free. I think the laws in CT need to be changed. My son's mother was collecting state aid while she owed me child support. I am currently living on a disability retirement from the state of CT. My son's mother has not made any attempts to see her son in over 6 years now. The law looks at me like I'm the bad guy. I was told by a supervisor at child support services that I will never collect any of my money. My son's mother was ordered to pay me \$66.00 per week and \$ 13.00 a week on the back support. I think that it is a disgrace paying back \$13.00 a week. When my son was born, his mother was on state aid because I was out of work on workers comp with my back injury. She collected state aid for 8 months. When I went back to work child support took me to court and made me pay back the \$3,200.00 in total that she collected and the court would not allow me to pay \$13.00 a week. The court took my taxes and they attached my pay. I was told that if I couldn't afford to pay to get another job. So what I am asking is that all agencies are aware of child support and that we need laws to convict a person who does not pay their child support similar to New York laws where there is a minimum of 6 months imprisonment.

Thank you Rep. Hoydick for bringing this forth.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 12  
3846 - 4199**

**2013**



STATE OF CONNECTICUT  
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

231 Capitol Avenue  
Hartford, Connecticut 06106  
(860) 757-2270 Fax (860) 757-2215

Testimony of Stephen N. Ment  
Judiciary Committee Public Hearing  
April 5, 2013

**House Bill 6678, An Act Concerning The Service Of A Capias Mittimus  
In A Child Support Enforcement Matter**

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch regarding House Bill 6678, An Act Concerning the Service of a Capias Mittimus in a Child Support Enforcement Matter.

The Judicial Branch supports sections 1-3 of the bill which expand the number of individuals who are authorized to serve capias orders. Currently, only state marshals, six (6) special police officers employed by the Department of Social Services (DSS), and judicial marshals, in a limited capacity, may serve these orders. More than 4200 capias orders remain unserved, to the detriment of families and children that depend on child support payments. This bill would add municipal police officers and state police officers to the list of those authorized to serve capias mittimus orders.

Section 4 of the bill directs the Chief Court Administrator to work with the DSS and Department of Emergency Services and Public Protection (DESPP) Commissioners to devise a method to enter these orders into the Connecticut Online Law Enforcement Communications Teleprocessing System (COLLECT). The Branch has several implementation concerns with this section.

At the outset, we would note that the Judicial Branch is not permitted to enter orders into COLLECT. Per DESPP policy, warrants, such as re-arrest warrants, may only be entered by law enforcement agencies. Barring a change in this policy, it is

unlikely that the Judicial Branch's Support Enforcement Services (SES) would be able to enter capias orders into COLLECT.

Even if DESPP policy was changed, the infrastructure does not exist to enable the Branch's Civil/Family computer system - a capias mittimus is a civil court order - to communicate with COLLECT. This new interface would not only need to ensure that the capias order is properly transmitted, but would also need to ensure that any court order vacating the capias is also transmitted.

Moreover, state and municipal police officers would need a copy of the capias order, or a digital image of the order, to execute the capias, unless the entire process is re-engineered or replaced by paperless capias warrants.

While the Judicial Branch supports the concept reflected in this bill, we would respectfully request that it be referred to the Appropriations Committee if it is viewed favorably for a review of the resources that would be needed to implement it.

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



## State of Connecticut

HOUSE OF REPRESENTATIVES  
STATE CAPITOL  
HARTFORD, CONNECTICUT 06106-1591

**REPRESENTATIVE LAURA R. HOYDICK**  
ONE HUNDRED TWENTIETH DISTRICT

LEGISLATIVE OFFICE BUILDING, ROOM 4200  
HARTFORD, CONNECTICUT 06106-1591

HOME (203) 378-9476  
CAPITOL (860) 240-8700  
IN STATE TOLL FREE 1-800-842-1423  
FAX (860) 240-0207  
Laura Hoydick@housegop.ct.gov

**RANKING MEMBER**  
ENERGY & TECHNOLOGY COMMITTEE

**MEMBER**  
BANKS COMMITTEE  
COMMITTEE ON CHILDREN

*Testimony by Representative Laura Hoydick  
Before the Judiciary Committee  
House Bill 6678  
April 5, 2013*

Good Morning Chairmen Coleman and Fox, Ranking Members Kissel and Rebimbas, and members of the Judiciary Committee. Thank you for allowing me the opportunity today to testify in favor of HB 6678, AN ACT CONCERNING THE SERVICE OF A CAPIAS MITTIMUS IN A CHILD SUPPORT ENFORCEMENT.

I thank you for drafting this concept as a committee bill and holding a public hearing on the service of capias warrants with regard to child support payments. The intent behind the original proposed bill 5271 was to increase the collection of past due child support by permitting a state or municipal 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. As I became more aware of how our civil and criminal systems communicate I was surprised to learn that police officers are unable to view outstanding warrants issued through the civil court system. This inability would not allow an arresting officer to know that the suspect in custody for criminal violation might also be a deadbeat parent long overdue in their child support obligation(s). In this age of technology it is inexcusable that we could allow children to suffer a lack of support, possibly resulting in their having to be supported by the taxpayers, simply by failing to communicate information known to the Judicial branch to our law enforcement personnel. This restriction in the current law needs to be corrected for the good of our children, single parents and to enforce the burden for supporting children on the parent instead of the taxpayer.

The Office of Legislative Research provided additional information on this topic in report 2012-R-0480. A copy is attached for your convenience. It was never my intent to supplement the serving of warrants currently executed by marshals or constables with state or municipal police offers. In the report Rhode Island gives law enforcement officials the authority to arrest and bring to court child support obligors who have failed to appear in court in response to a witness

---

subpoena. In that state, the court issues a "writ of body attachment," which immediately gets transmitted into the Rhode Island warrant system. Law enforcement has access to this information when responding to potential criminal offenses and officers will arrest these individuals on the basis of the writs.

With the continuous financial pressure on our social service system, it would behoove us to utilize technology to facilitate the collection of outstanding child support. Thank you for allowing me to testify in support of HB 6678.

Sincerely,

Rep. Laura Hoydick



# OLR RESEARCH REPORT

November 16, 2012

2012-R-0480

## **CRIMINAL RECORD CHECKS AND CHILD SUPPORT DELINQUENCY**

For: Honorable Laura R. Hoydick

By: Katherine Dwyer, Legislative Analyst II  
Robin K. Cohen, Principal Analyst

You asked (1) why Connecticut law enforcement officials do not have the authority to arrest and bring to court delinquent child support obligors, (2) for policy options to address this issue, and (3) if surrounding states give law enforcement officials such authority.

### **SUMMARY**

When a person fails to appear in court for a child support matter, the court often issues a capias warrant to compel the person to appear in court. The law does not explicitly prohibit law enforcement officers from serving a capias but it appears that a capias is considered civil process and law enforcement officers are only authorized to serve criminal process, such as criminal arrest warrants. Child support enforcement officials believe that it is the law enforcement community's interpretation of the law that they cannot serve capias warrants and in practice they do not do so.

The legislature could consider a number of options to address this situation. It could explicitly authorize law enforcement officers to serve a capias or allow them to detain someone until another authorized official arrives. To do so, officers would need capias information in their criminal database. It could also hire and authorize more officials to serve capias warrants. Each of these options has limitations, including budget constraints.

We contacted officials in Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont. Rhode Island appears to be the only state of those we contacted that gives law enforcement officials the authority to arrest and bring to court child support obligors who have failed to appear in court in response to a witness subpoena. In that state, the court issues a "writ of body attachment," which immediately gets transmitted into the Rhode Island warrant system. Law enforcement has access to this information when responding to potential criminal offenses and officers will arrest these individuals on the basis of the writs.

According to officials from Maine, Massachusetts, New Hampshire, and New York, law enforcement officers do not currently have the power to arrest someone on the basis of a capias arrest warrant. However, the Massachusetts Department of Revenue Services Child Support Enforcement Division has proposed legislation to authorize the child support agency and family courts to identify appropriate capias warrants for entry into the criminal database. Law enforcement officers would then know that the family court has ordered apprehension of the delinquent parent. It is unclear if officers would have the authority to arrest delinquent parents.

We are still awaiting responses from Pennsylvania and Vermont officials and will follow up once we hear back from them.

#### **WHY LAW ENFORCEMENT OFFICERS DO NOT ARREST DELINQUENT OBLIGORS IN CONNECTICUT**

It appears that a capias is considered civil process as opposed to a criminal arrest. A court issues a capias to compel a person to appear in court. An arrest is based on probable cause that a person committed an offense. The attorney general has stated that the law distinguishes between the two and it "seems clear" that "a capias is a civil process." (Attorney General Opinion, February 2, 2007).

State and local police officers are authorized to serve criminal process, such as arrest warrants (CGS §§ 7-281 and 29-7). They are not explicitly authorized to serve civil process. The law allows state marshals, constables, and other proper officers authorized by statute to serve civil process. In limited circumstances, an "indifferent person" can serve civil process. Department of Social Services (DSS) and Judicial Branch investigators and support enforcement officers may serve certain types of process in child support matters (CGS § 52-50). The emergency services and public protection commissioner can appoint up to six people nominated by the DSS commissioner to serve warrants or a capias in child support matters (CGS § 29-1g).

Because the law does not explicitly authorize police officers to serve civil process and a *capias* appears to be civil process, it appears that police are not authorized to serve a *capias* in a child support matter. One law does authorize a "proper officer or state police officer" to take someone into custody when the Superior Court issues a *capias* order. But this statute is part of the criminal procedure law, which suggests that it is limited to *capias* warrants in criminal cases as opposed to child support cases (CGS § 54-64d).

### **POLICY OPTIONS**

There are a few things the state could consider doing, but each has limitations.

#### ***Capias Officers, Marshals, And Law Enforcement***

Legislation could attempt to increase the number of *capias*es served by (1) hiring more *capias* officers, (2) requiring state marshals to serve more *capias* warrants, and (3) authorizing law enforcement officers to serve *capias* warrants. The first two options would require additional funding and the third option would require a statutory change.

If law enforcement officers had access to the Connecticut On-Line Law Enforcement Communications Teleprocessing System (COLLECT) but not the authority to serve the *capias*, they could be required to contact one of the *capias* officers or a state marshal. Without the ability to hold the individual, the child support officer might not be able to get to him or her before local or state law enforcement releases him or her.

Budget constraints are also an issue. Only four of the six *capias* officers have been hired and the marshal would charge a fee for this service. Additionally, law enforcement may be limited as to distances they might be allowed to transport the subject of the warrant, depending on where the court (or jail if the arrest is made on the weekend) is located.

### **COLLECT**

When law enforcement officers respond to potential criminal activity (e.g., motor vehicle violation, domestic dispute), they typically run a background check via the COLLECT system. Connecticut law enforcement and criminal justice agencies have exclusive access to COLLECT. A COLLECT user can run a criminal background check on an individual that will include information from national and statewide databases.

---

COLLECT provides national criminal information from the National Crime Information Center (NCIC) and the International Justice and Public Safety Information Sharing Network (NLETS). These two databases also include criminal information from Canada.

COLLECT provides access to the following state systems and files from, among others, the:

1. Department of Motor Vehicles,
2. Sex Offender Registry,
3. Protective Order Registry,
4. Department of Correction,
5. State Police Criminal History,
6. Offender Based Tracking System, and
7. Paperless Re-Arrest Warrant Network.

One policy option would be to make the Connecticut Child Support Enforcement System (CCSES) information, which would include the capias arrest warrant, part of a law enforcement background check of COLLECT. According to DSS child support enforcement officials, additional programming might be required for such an interface.

Since it appears that local or state police do not have authority to make these arrests under a capias, having the CCSES information alone would not make a difference unless this authority was made explicit.

#### **RHODE ISLAND**

In Rhode Island, if a family court judge orders a child support obligor to appear based on unpaid child support and the obligor fails to appear, the judge issues a writ of body attachment. This is a court order to arrest a person, not for failure to pay child support but failure to appear. A copy is sent to the obligor, with a warning that he or she can be detained for a potential criminal offense. It is different from a capias warrant (Rhode Island General Laws, Chapter 9-5).

---

Once issued, the writ is entered into the state's automated warrant system. This means that if a defendant is stopped for a traffic violation or other offense, a sheriff, police officer, or constable can apprehend the individual based on his or her failure to appear and detain him or her. If this occurs during the week, the law enforcement officer will bring him or her to the family court. On weekends when the court is closed, the individual will be held at a correctional facility until the family court's next session.

KD:ts

**S - 665**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2013**

**VOL. 56  
PART 14  
4130 - 4472**

SENATORS:

Aye.

THE CHAIR:

Opposed.

Senate B has been adopted.

This time, Senator Leone.

SENATOR LEONE:

If there are no objections, I would put to move this on the Consent Calendar.

THE CHAIR:

Are there -- seeing no objections, so ordered.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, before calling for a vote on the first Consent Calendar, I have some additional items to add to that Consent Calendar. Appreciate the cooperation, the bipartisan cooperation of the membership in preparing this Consent Calendar. First item to add, Madam President, is on Calendar page 6, Calendar 349, House Bill Number 5513.

Next item, Madam President, Calendar page 9, Calendar 450, 450, Senate Bill Number 921. Next one, Madam President, is on Calendar page 16, Calendar 559, House Bill Number 6508. Next, Madam President, is on Calendar page 23, Calendar 614, House Bill Number 6587 and also on Calendar page 23, Calendar 616, substitute for House Bill Number 6678.

Moving, Madam President, to Calendar page 25, Calendar 629, substitute for House Bill Number 6662. And, Madam President, Calendar page 28, Calendar 650, substitute for House Bill Number 6659. And on

Calendar page 29, Calendar 653, substitute for House Bill Number 6699. And, finally, Madam President, on Calendar page 31, Calendar 664, substitute for House Bill Number 6689.

I would like to add those items to our Consent Calendar and, and now call for a, I would ask the Clerk to list all of the items on the Consent Calendar and then proceed to a vote on that first Consent Calendar.

Thank you, Madam President.

THE CHAIR:

Thank you.

Mr. Clerk.

THE CLERK:

Today's first Consent Calendar, on page 5, Calendar 341, House Bill 6364; Calendar 343, House Bill 5425; Calendar 346, House Bill 6322; Calendar 347, House Bill 6547; and on page 6, Calendar 349, House Bill 5513; page 9, Calendar 450, Senate Bill 921; on page 13, Calendar 506, House Bill 6491; Calendar 515, House Bill 6235.

On page 14, Calendar 524, House Bill 6380; on page 16, Calendar 559, House Bill 6508; page 17, Calendar 563, House Bill 5617; Calendar 569, House Bill 6485; and on page 19, Calendar 588, House Bill 6549; on page 23, Calendar 614, House Bill 6587; Calendar 616, House Bill 6678; page 25, Calendar 629, House Bill 6662; on page 26, Calendar 633, House Bill 6576; and on page 27, Calendar 640, House Bill 6550; on page 28, Calendar 650, House Bill 6659.

And on Page 29, Calendar 653, House Bill 6699; Calendar 655, House Bill 6339; page 31, Calendar 664, House Bill 6689; Calendar 665, House Bill 6355; page 34, Calendar 201, Senate Bill 911; and on page 40, Calendar 514, House Bill 5725.

THE CHAIR:

Mr. Clerk, will you call for a roll call vote on the first Consent Calendar. And the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Senators please return to the Chamber. Immediate roll call in the Senate on the first Consent Calendar of the day.

THE CHAIR:

Yeah, thank you. Good. There we go.

If all members have voted, all members have voted, the machine will be closed.

Mr. Clerk, will you please call the tally.

THE CLERK:

On the first Consent Calendar,

Total Number Voting 34

Necessary for Adoption 18

Those voting Yea 34

Those voting Nay 0

Those absent and not voting 2

THE CHAIR:

Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Madam President.

THE CHAIR:

Senator Looney.