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**Testimony of the Office of Chief Public Defender  
Attorney Christine Perra Rapillo  
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**Committee on Human Services  
February 23, 2016**

**Raised Bill 5256  
*AN ACT EXPEDITING CHILD SUPPORT MODIFICATION ORDERS FOR  
INCARCERATED OR INSTITUTIONALIZED OBLIGORS***

The Office of Chief Public Defender supports passage of **Raised Bill 5256, An Act Expediting Child Support Modification Orders for Incarcerated or Institutionalized Obligors**. This proposal would modify a child support order in IV-D cases to zero when an obligor is incarcerated for more than 90 days. IV-D cases involve obligors with children whose custodial guardians are receiving state benefits for their support. The state seeks support from the non custodial parent to ease the burden on state resources and to ensure that biological parents are providing a minimal amount of financial support to their children. Incarcerated individuals are unable to provide this support.

Under current law, Family Magistrate courts will reduce a weekly obligation to zero if an obligor files a Motion to Modify Child Support while they are incarcerated. Unfortunately, many incarcerated individuals do not make such a motion. They assume that they are not liable for court ordered support while in a correctional facility or do not think of it in the crush of issues that come from incarceration. The Department of Corrections and Support Enforcement Services make an effort to provide information to inmates but the reality is that many individuals finish serving their time on a criminal case only to return to jail a short time later after being found in contempt for not paying a child support arrearage that includes amount incurred while they were locked up. Typically, when an obligor files a motion to modify child support, Support Enforcement Services will use their current income to determine what the payments should be.

Under the proposal, since incarcerated individuals have no source of income in most cases, this will result in the individuals being entitled to have their orders modified to zero while incarcerated. This proposal would save the cost of the court process associated with a modification of child support after the fact which currently creates a significant financial cost to the State. In addition to the cost of housing an individual in a correctional facility, there are costs associated with the court process including the cost of legal representation provided to indigent contemnors by the Office of Chief Public Defender. This proposal streamlines the process, preventing unnecessary court appearances for the obligors and the custodial parent alike. Therefore, the Office of Chief Public Defender urges this Committee to report favorably on this proposal.