



**Office of Chief Public Defender
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**TESTIMONY OF CHRISTINE RAPILLO
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OFFICE OF CHIEF PUBLIC DEFENDER**

**Judiciary Committee Public Hearing
February 27, 2017**

**Raised Bill 7131
AN ACT EXPEDITING CHILD SUPPORT MODIFICATION ORDERS FOR INCARCERATED OR
INSTITUTIONALIZED OBLIGORS**

The Office of Chief Public Defender supports passage of ***Raised Bill 7131, 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. Typically the amount includes child support that accrued while the obligor was incarcerated.

Raised Bill 7131 also ensures that the support orders are based on an accurate assessment of the obligor's income. This is important, as it sets reasonable amounts of support that the obligor can pay and the custodial parent, or the State in the case of IV-D cases, can count on receiving. 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 this 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 significant costs associated with the filing of a modification of child support after the obligor is released from incarceration. Costs include housing an individual contemnor in a correctional facility, legal representation provided to indigent contemnors by the Office of Chief Public Defender and the cost to the Judicial Branch to process the cases. In addition, the custodial parent loses time at work or with the children in order to attend court. 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.