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TESTIMONY ON HOUSE BILL 3156 For the House Judiciary Committee March 16, 2015

Presented by:

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This testimony is presented in support of House Bill 3156 with the -1 amendments.

How This Bill Changes Current Law

House Bill 3156, with the -1 amendments, will expand the courts' and Child Support Program's authority to temporarily suspend enforcement where the children have begun residing with the parent ordered to pay support and the existing order is being modified or terminated. Minor technical amendments are necessary to more effectively accomplish the intent behind this bill.

Current law allows suspension of enforcement only when continued enforcement will result in a credit. The measure allows temporary suspension regardless of whether continued enforcement will result in a credit balance if all of the children are residing with the parent currently ordered to pay support. Suspending enforcement in these cases will enable the new custodial parent to stop paying support to the other parent and use the money instead to provide for the children that are now living in his or her home.

Key Points of Legislation

- Creates a basis for child support enforcement suspension based on the needs of the household in which all of the children currently reside.
- Allows the temporary suspension of enforcement while either an administrative or judicial action is pending to modify the support order.

- Allows the person currently receiving support to object to the suspension of enforcement if the basis is factually unsupported, including when:
 - The paying parent does not actually have possession of the children as claimed.
 - The paying parent has possession of the children without the consent of the person with legal custody under the current order.
 - The paying parent owes an arrears balance and can afford to both provide for the children and make payments while the case is pending.

Fiscal Impact

There is no fiscal impact from this bill.

Fiscal Benefits

This bill will reduce complaints from parents who are providing direct support to the children while also paying support to a person who no longer has possession of the children, thereby increasing the efficiency of the child support program.

Recommended Action

The Department of Justice recommends committee approval of House Bill 3156, as amended, because it will enable parents who have custody of the children to have full access to their own resources while an action to modify the order is in progress.