

SB 682 -2 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Whitney Perez, Counsel

Meeting Dates: 4/10

WHAT THE MEASURE DOES:

Allows obligors who are incarcerated to suspend or modify child support orders.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Replaces measure. Establishes that an obligor incarcerated for 180 consecutive days or more is presumed unable to pay child support, and obligations do not accrue during incarceration. Requires Department of Justice and Department of Corrections to agree to conduct data matches to identify incarcerated obligors. Outlines notice process to obligee when payments are suspended due to incarceration, when administrator is providing services, including process for obligee to object and provide evidence to rebut the presumption. Reinstates prior court obligation at 50 percent on the 121st day after release, and requires administrator to review the order for modification within 60 days of reinstatement, if not already modified. Establishes that an obligor's incarceration for 180 consecutive days or more and release from such incarceration are considered a substantial change of circumstances for the purpose of modification. Allows administrator or court to apply a credit to months support did not accrue if order was not suspended. Applies changes to child support obligations of incarcerated obligors that accrue on or after effective date of Act.

No revenue impact

May have fiscal impact, but no statement yet issued

BACKGROUND:

According to the Governor's Reentry Council, incarcerated individuals who owe child support and accumulate debt from being unable to pay support while incarcerated creates challenges for many of the 93 percent of inmates who will someday be released. This issue was addressed during the 2015-16 interim by the Joint Interim Task Force on Reentry, Employment and Housing (Senate Bill 969, 2015). According to the task force's report, "A person's preexisting, ordinary debt obligations prior to conviction – such as credit cards, lease agreements, child support obligations, civil judgments – are not automatically suspended or modified during incarceration. If not addressed prior to incarceration, such obligations may accrue, or go into collection or be written-off. In addition, things like federal veterans benefits must be suspended or modified during periods of incarceration, or overages may be owed upon release." (page 23) Senate Bill 682 is one of several legislative concepts sponsored by members of the task force and introduced this session.