



**Testimony in Support of S406  
Senate Judiciary Committee  
March 9, 2017**

The Economic Progress Institute supports Senator Lynch Prata's bill (S-206) which would allow the Office of Child Support Services (OCSS) to automate the process of initiating reviews of a child support orders for non-custodial parents at the ACI who will be incarcerated for 180 days or longer. The bill will improve the efficiency of the current child support modification process and help eliminate the accrual of arrears, making it more likely that the parent will meet his child support obligation when he is released from the ACI.

Federal law (42 USC 651, section 303.8) requires states to review, and if appropriate, adjust support orders when either parent has experienced a *substantial change in circumstances*. Rhode Island state law provides that "After a decree for support has been entered, the court may from time to time **upon petition of either party** review and alter" the order (15-5-16.2(c)(2)).

These policies are intended to ensure that support orders reflect the parent's current ability to pay support and avoid the accrual of arrears. Studies show that large arrears discourage the non-custodial parent from paying current support and may even force a parent to drop out of the child support system. Policies that help parents keep up with current support are policies that support the well-being of children. Large arrearages are also bad for the Child Support program because they make the program look inefficient and face possible loss of federal incentive payments for falling short of performance measures.

Since a prison term constitutes a "substantial change in circumstances", Rhode Island OCSS staff have been going to the ACI to offer prisoners the opportunity to request a motion to modify their current order. Once the parent signs the request, the court holds a hearing on the motion (utilizing video/skype technology) and based on a review of the circumstances (length of sentence, parent's assets or property, rental or other income, and the custodial parent's position) decides whether to suspend or modify the order.

This bill amends the law to allow OCSS, once it is notified through a data match with the ACI that a parent will be incarcerated for more than 180 days, to initiate the motion to modify the support order. The process for hearing and modification will remain the same. The change obviates the need for OCSS staff to go the ACI, freeing them up to perform other important child support services.

Allowing OCSS to initiate the motion for review for inmates incarcerated over 6 months will save the state staff time and resources and ensure that orders are right-sized before unaffordable arrearages accrue.