

Deadbeat bill headed for the dust bin

Daniel Tepfer Published 8:30 pm, Wednesday, April 8, 2015

Thursday is contempt day in state **Superior Court** in Bridgeport -- and there's plenty to go around.

Family support court rotates between courtroom space the state rents on Lafayette Circle and the third-floor courtroom in the Bastille-like Golden Hill Street courthouse, an arena for human conflict since its construction in 1888.

On one gloomy day in March, the dark, wood-paneled courtroom is filled with mothers and fathers, many clutching young children as the magistrate, **Anthony Fusco**, recites the rules of the court.

When he is finished, the clerk turns on a large flat-screen TV to the right of the magistrate's bench in which a man repeats the instructions in Spanish.

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Total outstanding civil warrants for failure to appear issued by family support magistrates as of Jan. 1: 2,807

By Judicial District location:

Stamford: 129

Bridgeport: 595

Danbury: 67

Waterbury: 390

New Haven: 484

Middletown: 84

Norwich: 251

Putnam: 211

Hartford: 257

New Britain: 192

Litchfield: 84

A young chef has not paid child support in more than two years. He owes more than \$15,000, at least half of that to the state, which picked up the tab for him because its marshals didn't collect the money. The mother of his young daughter tells the magistrate she knows he has been working: He's been seen in the kitchens of two area restaurants.

The chef's public defender -- all deadbeat parents either in custody or facing custody get court-appointed lawyers if they don't hire their own -- insists to the magistrate that his client has not been able to find work.

"Maybe he was in those kitchens to make himself a sandwich," Fusco muses.

For a magistrate to jail someone for failing to pay support, he must find they willfully decided not to pay. In the case of the chef, the magistrate releases him with an order to make payments.

There may yet be a positive outcome in the case, and the mother and child may soon start receiving support payments. But Connecticut is last in New England and 38th in the country in collecting back child support, with a total of \$1.6 billion owed, according to a state legislative task force.

Rockville: 63

As of March, there were 2,700 deadbeat parents in Connecticut, according to the state **Judicial Branch**, and they aren't being forced to pay support for their sons or daughters because state marshals who are authorized to arrest deadbeat parents either don't have the ability to make the arrests or have decided it's not cost-effective for them to do so.

That means in one of the richest states in the nation, hundreds of children in single-parent households are having to do without basic necessities because a state system tasked with ensuring moms and dads pay court-ordered support is not working.

When families can't get the support, they are often forced onto state welfare rolls -- and taxpayers pick up the tab.

"The system is broken," said Shelton lawyer **William Neary**, who represents families. "People are getting away without paying child support, and the only ones suffering are the kids. The most important thing is for a kid not to have to go to school hungry because their mother or father is not paying support."

A bill designed to help by setting up a pilot program to allow off-duty Bridgeport cops to pick up deadbeat dads and moms appears dead on arrival in the **General Assembly**.

U.S. Sen. **Richard Blumenthal**, D-Conn., said he is concerned about the state's unraveling child-support system and pledged to work with state and federal officials to strengthen it. "Millions of dollars from taxpayers could be saved and children's lives could be improved if the state's child support laws are strengthened," he said.

Days in court

Another case comes before Fusco on contempt day in Superior Court -- this time, a Hartford musician.

The musician, who is in arrears for more than \$10,000, arrived with his new, well-coiffed girlfriend.

The situation struck a sour note with the magistrate and Fusco orders the man jailed until he can make the minimum payment of \$800. Two hours later, the man comes up with the money and is freed, at least until the next court date.

Magda Algea and Suehail Agrinoni, both of Bridgeport, come to court every week hoping to hear that their children's fathers have been picked up for not paying the thousands of dollars they owe in child support. But each day, they go home disappointed.

"The system isn't just broken, it sucks," said Agrinoni, whose 15-year-old son is so disabled he has to wear diapers.

"This has been going on for years. I've been coming to court since my son was 3 years old, but they say they are never able to find my son's father," she said. "The state makes up some of what his father should be paying, but not everything."

Algea has been coming to court since 2006 trying to get child support owed by her now-11-year-old daughter's father.

"I lost a job because I was coming to court so much, but I just keep hoping that one of these days the marshals will bring him in," she said. "I'll hear that he is at a place and tell the marshals. But by the time they get there, he is gone, and it just keeps going in circles."

If parents don't make court-ordered payments, they are ordered to come back to court where they can be put on a payment plan and even get help finding a job so they can make payments.

But if they don't show, a judge or magistrate will find them in contempt of court and issue a *capias*, or civil warrant, for their arrest. The deadbeat parents are then held in jail until they can make a minimum payment toward what they owe.

Under state law, the only ones who can arrest deadbeat parents are state marshals and a few special police officers with the state Department of **Social Services**. The DSS officers can only work 9 to 5, Monday through Friday.

Dangerous and costly

The marshals are independent contractors supervised by the state Department of **Administrative Services**. Many of them are politically connected and openly campaign for state officeholders.

The marshals are paid \$240 for each deadbeat they bring in. When they work in pairs, as they most often do, they are each paid \$240 for one deadbeat. Two-thirds of that fee is reimbursed to the state by the federal government.

Last year, the marshals brought in 600 deadbeat dads and moms around the state, but many of those were repeat offenders, not new cases.

Of the 400 state marshals, 31 have gone through a training program and are qualified to make civil arrests. However, several of them have told Hearst Connecticut Media they are no longer doing it because of the dangers in finding someone who doesn't want to be found -- and the tremendous costs associated with making civil arrests.

According to the legislative task force, in 2014, only 13 percent of the marshals made civil arrests.

"I'm not sticking my neck out anymore for \$240," said one marshal. He spoke with Hearst on the condition his name was withheld. "It's just not worth it. I can make three times the money serving papers in a quarter of the time it takes to find and pick up one of the deadbeats."

State **Marshal Harry Ackley**, president of the **State Marshals Association**, said he makes civil arrests, but it is getting tougher to do.

"It's not cost-effective and it can be extremely dangerous. Often we are looking for people who have violent backgrounds and because we don't have all the information on them, we are going in blind," Ackley said.

Marshals are peace officers and not police officers, so they don't have the same powers as cops.

"We can only knock on the doors. We can't go into a home unless we are invited in. We also can't stop people in their vehicles. We have to be very cognitive and respectful of people's Fourth Amendment rights," he said.

In addition to paying about \$2,000 a year in extra insurance to make civil arrests, Ackley said marshals have to pay for their own training, their own car and gas and, if they want them, their own bullet-resistant vest and gun.

Ackley, who goes all over the state looking for deadbeats, said they often get outdated information from the courts on a parent's location and spend fruitless hours looking for them. That takes him away from more fruitful duties, like serving legal papers and conducting evictions.

"Yes, it's costing me money, but I will continue to make arrests because I made a commitment," he said.

Charisse Hutton, director of Support Enforcement Administration, admitted there is a problem with bringing in deadbeat parents.

"The money is not getting collected and is not going to children, and until we bring the case back to court, there is no other court enforcement we can do," she said.

State Rep. **Laura Hoydick**, R-Stratford, has a constituent not receiving support from the father of her child.

Hoydick supported a bill to revise the state's child-support-enforcement law, which includes a pilot program to allow off-duty Bridgeport police officers to make civil arrests of deadbeat parents.

"The father was arrested on an unrelated criminal charge, but the arresting officer couldn't access the civil file, so he didn't know the man was wanted for owing child support," she said.

They would get paid the same \$240 a head marshals get, with two-thirds of the money reimbursed by the federal government.

"This is not a poverty issue. There are also many professionals who are not paying child support," Hoydick said.

"A much more effective program would be to allow off-duty police officers to serve capiases," said Neary. "It would not cost taxpayers any extra, and police officers would be more effective because they have the training and resources to bring these people in."

Avoiding arrests

Court insiders say the figure of outstanding civil warrants Hutton is touting -- 2,703 -- is far less than the "real" number, and say magistrates have been ordered to vacate or dismiss cases older than three years.

An internal Judicial Branch memo obtained by Hearst appears to support this.

"SES (the Judicial Branch's support enforcement office) currently has a policy of pursuing capias arrests on warrants less than five years old," the memo states.

But Hutton denied this.

"We know from experience if an arrest warrant has been outstanding for a period of time, the information we have about that defendant may not be current," she said. "We try to review outstanding capias and try to update the information when we can."

"Something outstanding for five or eight years we take back to court to be updated. If we haven't found them in eight years, we can be sure they are no longer living at the address we have in the case. There are instances where arrest warrants can be outstanding for three years, but then we get new information and we give that new information to the state marshal."

The memo says the problem in Danbury, which has 66 outstanding capias warrants, is that support court only meets one day a week.

"The capias pickups certainly are handled in the larger districts more easily because there is an FSM (family support magistrate) available on some or all days of the week," the memo states. "When a capias arrest is ordered in court by a FSM, in almost all cases the arrest order is not given to the capias officer or marshal immediately. SES will mail to the non-appearing party a capias turn-in letter inviting the respondent as a second chance to appear in court on a specific future date."

Judges and magistrates don't have authority to order state marshals to make arrests because the marshals don't work for the Judicial Branch.

Hoydick's bill to create a pilot program to permit off-duty Bridgeport cops to arrest deadbeats received a thumbs up from city officials and Charles Paris, head of the police union. But it apparently ran into a wall.

Last month in hearings before the General Assembly's Judiciary Committee, the state Department of Social Services opposed the pilot program on the basis it would be "problematic."

Mark D'Angelis, president of the state marshal union, testified serving the civil warrants "is best left in the hands of the state marshals."

It now appears the bill, which awaits a committee vote, is going to fail, along with all the potential money for children and families that police officers might collect.

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