

Kansas Department of

Social and Rehabilitation Services

Janet Schalansky, Secretary

House Judiciary Committee
Wednesday, February 19, 2003

H.B. 2331: Child support and dormancy

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Mr. Chairman and members of the committee, I am pleased to appear before you today to speak in support of HB 2331.

Protecting unpaid installments of child support from the effects of dormancy is good public policy. Several states, including our neighbor Oklahoma, already have reached that conclusion and have enacted measures similar to the bill before you.

The primary purpose of dormancy is to clear the title to real estate whenever a judgment lien is no longer needed by the creditor. By its nature, however, an order for child support does not fit the mold of a typical money judgment. Current support orders normally run more than five years. It simply does not make sense for support orders older than five years to become dormant while new installments of child support for the same order are still accruing.

Rarely do custodial parents truly abandon an order for child support — they may become discouraged and wonder if it will ever be collected, but they rarely abandon their children's claims completely. This bill insures that custodial parents and public offices alike will have the maximum opportunity to collect unpaid child support without incurring expenses that are unnecessary to demonstrate their interest in collecting the unpaid installments.

Existing law compels the Child Support Enforcement program to incur expenses for renewal affidavits to protect the enforceability of past due child support. This bill is expected to save CSE \$10,000 per year (all funds) by eliminating the need to print, mail, and file with the court clerks more than 13,000 renewal affidavits annually.

Every year CSE must forego as much as \$100,000 in child support collections because dormancy and related laws have made Kansas child support judgments unenforceable. The lion's share of that money would have gone to families who could have used it to pay off debts, save for college, or otherwise invest in their children's future. Please help us to help these families.

I encourage you to support House Bill 2331.