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**COMMENTS IN SUPPORT OF 17-S-406- AN ACT RELATING TO DOMESTIC  
RELATIONS  
March 9, 2017**

The ACLU of Rhode Island strongly supports this legislation, and its efforts to ensure that incarcerated non-custodial parents will no longer have to be put through the burdensome process of child support modification, and that their incarceration will not be treated as “voluntary impoverishment” which puts them in further debt and continues the cycle of poverty and incarceration.

On December 20, 2016 the Office of Child Support Enforcement (OCSE) published final rules with updates regarding child support enforcement. The rule is intended to increase the effectiveness of the child support program for all families, and provide for more flexibility in state child support programs. The rule also helps remove barriers to outdated systems to improve efficiency and simplify the process of collecting and distributing child support.

According to the Marshall Project, it is estimated that of the 2.2 million people incarcerated in the United States, about half are parents, and at least 1 in 5 has a child support obligation. For most, the debt will keep piling up throughout their imprisonment since incarceration is considered a form of “voluntary” impoverishment either by law or practice – therefore not a valid excuse for missing child-support payments. The reality is that most jobs in state prisons pay a median wage of about 20 cents an hour, leaving incarcerated parents unable to pay the full amount of their child support obligation, which leaves them tens of thousands of dollars in debt by the time they get out.

The legislation proposed would address these barriers by ensuring that our state laws reflect the guidance of the final rule in stating that incarceration is not in fact a form of “voluntary impoverishment”, and provide a process for the Department of Human Services to effectively and efficiently serve the non-custodial parents with an automatic motion for relief.

Currently, if an incarcerated non-custodial parent wants to make a motion for relief or modification to their child support payments they must submit a form to DHS. The form asks the non-custodial parent to list reasons for modification, contact information, and the best time to reach them. Nevertheless, for non-custodial parents who are incarcerated, the luxury of having specific times in which *they* can be reached on the phone does not exist. The burden of proof is put onto an individual that does not have the access, and sometimes knowledge, of the possibility of a motion for relief or modification.

Guaranteeing that Rhode Island laws will support and follow the final rules addressing “voluntary impoverishment” as well as a more efficient system and process for modification or

relief for incarcerated parents will benefit our communities in the long run as we will not continue to push individuals into deeper debt and even longer incarceration time. We encourage this committee to support this important legislation.