



SPONSOR: Sen. Henry & Rep. Bennett
Sens. Ennis, Marshall; Reps. Briggs King, Dukes

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE CONCURRENT RESOLUTION NO. 71

SUPPORTING THE AD HOC COMMITTEE FOR CHILD SUPPORT FORMULA REVIEW'S PROPOSED REVISION
TO FAMILY COURT RULE OF CIVIL PROCEDURE 506.

1 WHEREAS, according to the National Conference of State Legislatures, on average, an incarcerated parent with a
2 child support order has the potential to leave prison with nearly \$20,000 in child support debt, having entered the system
3 with around half that amount owed; and

4 WHEREAS, Delaware is consistent with this national statistic because the average child support debt for those
5 currently incarcerated in Delaware is \$10,000; and

6 WHEREAS, failing to recognize the inability to pay while incarcerated undermines the obligor's ability to make a
7 successful transition and meet their obligations post-release, including the ability to pay child support; and

8 WHEREAS, in December 2016, the federal government promulgated a regulation in 45 CFR § 303.8 permitting
9 states to initiate a review of a child support order without a specific request when a noncustodial parent will be incarcerated
10 for more than 180 calendar days; and

11 WHEREAS, Senate Bill No. 81 was introduced on May 10, 2017 to require the automatic suspension of child
12 support orders when a noncustodial parent is incarcerated for 180 consecutive days or more; and

13 WHEREAS, Family Court Rule of Civil Procedure 506 governs minimum child support orders, including
14 minimum obligations of an incarcerated parent; and

15 WHEREAS, the Ad Hoc Committee for Child Support Formula Review began meeting in January 2018 and has
16 proposed a revision to Family Court Rule of Civil Procedure 506 that would automatically decrease a child support order to
17 one half of the monthly minimum order after an obligor is incarcerated for 180 continuous days.

18 NOW, THEREFORE:

19 BE IT RESOLVED by the Senate of the 149th General Assembly of the State of Delaware, the House of
20 Representatives concurring therein, that the Ad Hoc Committee for Child Support Formula Review's recommended
21 revision to Family Court Rule of Civil Procedure 506 is good public policy and expresses support for this recommended
22 revision to Rule 506; and

23 BE IT FURTHER RESOLVED that the Secretary of the Senate shall send a suitable copy of this resolution to the
24 Chief Judge of the Family Court.

SYNOPSIS

This Senate Concurrent Resolution supports the Ad Hoc Committee for Child Support Formula Review's proposed revision to Family Court Rule of Civil Procedure 506.

Author: Senator Henry