

CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 10

In Support of the Court Fee Intercept Legislation in the United States Congress

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators recognize that allowing court-ordered penalties, fines, fees, restitution and surcharges to be ignored diminishes public respect for the rule of law and that it is in the interest of the courts that their orders be honored; and

WHEREAS, significant amounts of court-imposed penalties, fines, fees, restitution and surcharges are not paid; and

WHEREAS, the United States Treasury Offset Program allows for the federal income tax refund interception of federal tax debt, Temporary Assistance to Needy Families (TANF) child support debt, federal agency non-tax debt, non-TANF child support debt and state tax debt (other than child support); and

WHEREAS, collection of court-imposed obligations through a tax refund intercept would be among the most accurate, least intrusive and least burdensome methods to satisfy these debts; and

WHEREAS, collection of such debts through a tax refund intercept mechanism would contribute to the public trust and confidence in the courts; and

WHEREAS, Reps. Davis (D-AL) and Paulsen (R-MN) have introduced legislation (H.R. 1956) in the United States Congress to allow for the interception of federal income tax refunds for payment of such debts; and

WHEREAS, the legislation has received support from a broad-based coalition of public interest groups such as the National Association for Court Management, National Association of Counties, Mothers Against Drunk Driving, Government Finance Officers Association, National Center for Victims of Crime and the American Probation and Parole Association;

NOW, THEREFORE, BE IT RESOLVED that the Conferences support legislation to add conforming language to federal statutes that will enable the states to intercept federal tax refunds for payment of obligations under legally enforceable court orders.

Adopted at the COSCA 2009 Annual Meeting on August 5, 2009.