



Advocating better skills, jobs, and incomes

TESTIMONY IN SUPPORT OF HB0234:

**Child Support - Suspension of Payments and Arrears for Incarcerated Obligor -
Modifications**

TO: Delegate Luke Clippinger., Chair, and Members of the Judiciary Committee

FROM: Christopher Dews, Policy Advocate

DATE: January 30, 2020

The Job Opportunities Task Force (JOTF) is an independent, nonprofit organization that advocates for better jobs, skills training, and wages for low-income workers and job seekers in Maryland. JOTF supports House Bill 234 as a means to reduce the accrual of debt from a mostly impoverished incarcerated community.

Most inmates can't pay child support orders while incarcerated yet the current law allows for arrearages to accrue for at least 18 months into the incarceration. Many formerly incarcerated citizens, an increasing number of whom are women, that are paying child support have accumulated unpayable arrears during their incarceration. As such, obligors are facing crippling debt and have become disincentivized to make payments due to the massive 18-month backlog.

From available data, the 18-month timeline was chosen for the sake of technical complications regarding an incarcerated obligor's transference between detention centers and the Department of Corrections. Apparently, Corrections stated that suspension of arrears would be "an administrative nightmare" if processed before 18 months because of an inability to coordinate with various parties in the detention centers. While coordination and collaboration on administrative issues are viable to conversations around implementation and logistics, it cannot make for a solid excuse as to why thousands of people have to endure impenetrable debts.

Imagine if your child contracted a crippling disease that if not treated immediately could lead to full paralysis of their legs. Then imagine that the doctors had an antibiotic that could cure the disease easily but had to coordinate with the pharmacy department to have the medicine sent. Now imagine that the doctors inform you that having the medicine sent from the pharmacy would be "an administrative nightmare" so they couldn't cure your child. Would you settle for having your child crippled for life because of technical complications between departments? Most honest parents would say no, yet the current child support policy lobs hundreds of thousands of dollars of crippling debt on obligors who have *no ability* to pay while detained.

Debt can reach \$20,000 or \$30,000 in those 18 months depending on what the monthly obligatory payment is. This debt often leads to wage garnishments of up to 63% and a suspended driver's license which pushes returning citizens further away from mainstream work and into the underground economy. This also has the horrendous externality of negatively impacting the obligor's relationship with their

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children and reduces the possibility of collaborative parenting. Since arrears are not subject to retroactive modification, prevention is the most effective way to address this issue.

House Bill 234 would drop the arrears window down from 18 months to six months, tremendously reducing the amount of unpayable arrears owed to the state by the obligor. This is a solid move in the right direction, though JOTF acknowledges that the total negation of arrearage accrual at the time of sentencing should be the standard. Still, this legislation would work wonders in incentivizing compliance as it is more realistic and less irrationally punitive on the obligor. For these reasons, JOTF requests a favorable report.