

DATE: March 10, 2021

BILL NUMBER: Senate Bill 898 **COMMITTEE:** Judicial Proceedings

BILL TITLE: Maryland Criminal Justice Debt Elimination and Prevention Act of 2021

DHS POSITION: Letter of Opposition

The Department of Human Services (DHS) respectfully offers this letter of opposition regarding Senate Bill 898 (SB898). House Bill 1331 would repeal the Child Support Administration's (CSA) authority to request that the Motor Vehicle Administration (MVA) fully suspend a delinquent child support obligor's driver's license under Family Law § 10-119(b).

DHS is committed to working with Non-Custodial Parents (NCPs), by providing essential support and assistance to these parents. For example, CSA's Noncustodial Parent Employment Program in Baltimore City allows NCPs to receive job training and employment opportunities, while simultaneously reducing state owed arrears. CSA remains steadfast in the commitment to maintain as well as increase noncustodial parent enrollment and successful completion of the Step Up! program. This continued effort will increase collections and simultaneously reduce state owed arrears.

The Driver's License Suspension Program is one of CSA's most effective enforcement tools and resulted in the collection of \$50 million for Maryland's children in 2019. As written, this bill would eliminate CSA's ability to request the full suspension of the drivers' licenses of delinquent child support obligors and instead provide that the delinquent obligors could still obtain work-restricted drivers' licenses.

By substantively eliminating CSA's ability to suspend a driver's license for non-payment of child support, passage of SB898 would have a negative impact on the children served by CSA and DHS. Nearly ten percent of all child support collections in Maryland each year result from the referral of delinquent child support obligors for drivers' license suspension.

If SB898 is enacted, the significant change to CSA's driver's license suspension program may impact federal funding for CSA, which receives 66% of its financial support from the federal government. Each state is required to have a statewide plan for child support, *see* 42 U.S.C. § 654, that includes laws giving the state child support agency the "authority to withhold or suspend, or to restrict the use of driver's licenses," 42 U.S.C. § 666(a)(16). If the passage of HB1331 caused Maryland to be out of compliance with this federal requirement, the federal government could rescind the entire federal grant provided to Maryland each year, currently \$91.2 million, for child support enforcement services under Title IV-D of the Social Security Act. If the federal government were to take such action, then the entire federal grant for Temporary Assistance to Needy Families (TANF), which totals about \$228.3 million plus \$27.2 million in contingency funding, would also be at risk. This is because, under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, a state must certify that it will operate a Child Support Enforcement Program under an approved Title IV-D plan as a condition of eligibility for a TANF block grant. If the State were to become ineligible for these grants, it could result in the loss of approximately \$346.7 million in federal funding.

The Department appreciates the opportunity to share these points of opposition regarding SB898 and respectfully requests the Department's opposition be taken into consideration during the Committee's deliberations.